



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 14 JULY 2020

CONTENTS

PAPERS LAID

MOTION

BILLS (*Public*)

MOTION OF NO CONFIDENCE

ADJOURNMENT

THE CABINET

(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. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnood	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. 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 Energy and Public Utilities
Hon. Maneesh Gobin	Attorney General, Minister of Agro-Industry and Food Security
Hon. Yogida Sawmynaden	Minister of Commerce and Consumer

	Protection
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

PRINCIPAL OFFICERS AND OFFICIALS

Mr Speaker	Hon. Sooroojdev Phokeer, GOSK
Deputy Speaker	Hon. Mohammad Zahid Nazurally
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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 25 of 2020

Sitting of Tuesday 14 July 2020

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

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Office of the President

The Public Service Commission (Amendment No. 2) Regulations 2020. (Government Notice No.154 of 2020)

B. 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 Criminal Code (Amendment) Bill (No VIII of 2020);
- (ii) The Mon Choisy-Cap Malheureux Road Overhead Pedestrian Bridge (Authorized Construction) Bill (No. IX of 2020)
- (iii) The Courts (Amendment) Bill (No. X of 2020).

C. Ministry of Local Government and Disaster Risk Management

The District Council of Savanne (Fees for Classified Trades) (Revocation) Regulations 2019. (Government Notice No. 153 of 2020)

D. Ministry of Finance, Economic Planning and Development

- (a) The Income Tax (Amendment No. 3) Regulations 2020. (Government Notice No. 150 of 2020)
- (b) The Financial Statements of the Lotto Fund for the 21-month period ended 30 June 2018.

E. Ministry of Commerce and Consumer Protection

- (a) The Annual Report of the State Trading Corporation for the Financial Year ended 30 June 2018.
- (b) The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) (Amendment No. 2) Regulations 2020. (Government Notice No. 148 of 2020)
- (c) The Consumer Protection (Scrap Metal) (Amendment) Regulations 2020. (Government Notice No. 149 of 2020)
- (d) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 16) Regulations 2020. (Government Notice No.151 of 2020)

F. Ministry of Information Technology, Communication and Innovation

- (a) The Data Protection (Fees) Regulations 2020. (Government Notice No.152 of 2020)
- (b) The Annual Report 2019 of the Data Protection Office.

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.

Mr Bodha 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 Criminal Code (Amendment) Bill (No. VIII of 2020);*
- (ii) *The Mon Choisy-Cap Malheureux Road Overhead Pedestrian Bridge (Authorised Construction) Bill (No. IX of 2020)*
- (iii) *The Courts (Amendment) Bill (No. X of 2020)*

Mr Speaker: Hon. Members, I have the following announcement. I wish to draw your attention that debate on the Bill must be confined to the reasons as to why the extra money is being sought in regard to the three Votes of Expenditure specified in the schedule and for the period specified therein.

Hon. Members should, therefore, stand governed accordingly and I request Dr. the hon. Minister of Finance, Economic Planning and Development not to open the debate on extraneous matters.

*Second Reading***THE SUPPLEMENTARY APPROPRIATION (2017-2018) (No. 2) BILL****(NO. VI OF 2020)**

Order for Second Reading read.

(11.36 a.m.)

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): Mr Speaker, Sir, I move that the Supplementary Appropriation (2017-2018) (No.2) Bill (No. VI of 2020) be read a second time.

The Bill makes provision for a supplementary appropriation of fifty-seven million and one hundred thousand rupees (Rs57,100,000) in respect of services of Government for financial year 2017-2018 under three Votes of Expenditure.

Mr Speaker Sir, the National Assembly, through the Appropriation (2017-2018) Act 2017, had voted a sum of Rs116.2 billion for financial year 2017-2018.

A further amount of Rs2.0 billion was voted for that financial year through the Supplementary Appropriation (2017-2018) Act 2018 as transfer to the National Environment Fund for implementing various projects to better protect our environment and mitigate the risks associated with climate change.

Thus, the total authorised spending limit for financial year 2017-18 was Rs118.2 billion.

The sum actually spent in that financial year amounted to Rs105.6 billion. This is Rs12.6 billion below the total sum appropriated for that financial year.

However, actual expenditure under three Votes of Expenditure exceeded their appropriations by a total amount of Rs57.1 m.

This excess amount was met through reallocation of funds during that financial year from other Votes that had savings and underspending.

Mr Speaker Sir, however, section 105 (3)(b) of the Constitution stipulates that, where in any financial year, it is found that any money has been expended on any head of expenditure in excess of the amount appropriated for the purposes included in that head by the appropriation law, or for a purpose for which no amount has been appropriated by the appropriation law, then a Supplementary Appropriation Bill need to be introduced in the National Assembly to provide for the appropriation of those sums.

Thus, although total actual spending in financial year 2017-18 is below the total appropriated amount, a Supplementary Appropriation Bill is required in respect of the three Votes for which expenditure in the year have exceeded their voted provisions.

These three Votes, which are listed in the Schedule to the Bill together with the respective sums, are the following -

- (i) First, a net amount of Rs29.1 m. under Vote 1-3: National Assembly, mainly for the Live Broadcasting Project.

In fact, the total excess expenditure in the different items under this Vote amounted to Rs40.1 m. This excess was partly offset by underspending of Rs11.0 m. in other items of the same Vote.

An additional sum of Rs34.9 m. was required for payment of claims in connection with the procurement of IT equipment and other related services for the completion of the Live Broadcasting Project.

The House will note that a total amount of Rs137.2 m. has been spent on this landmark project over two financial years.

- (ii) Second, a net amount of Rs1.2 m. under Vote 1-4: Electoral Supervisory Commission and Electoral Boundaries Commission mainly for payment of legal fees in connection with court cases lodged against the Commission and renewal of contract of two Advisors, and
- (iii) Finally, a net amount of Rs26.8 m. under Vote 1-5: Office of the Electoral Commissioner essentially in connection with the holding of the National Assembly By-Election in Constituency No. 18 - Belle Rose and Quatre Bornes in December 2017.

The total excess expenditure under this vote amounted to Rs32.9 m., of which, Rs30.5 m. was for the By-Election that was not foreseen at the time of the budget preparation. This excess was partly offset by underspending in other items.

The bulk of this supplementary appropriation is, therefore, due to the holding of the By-Election in December 2017 and the completion of the Live Broadcasting Project of the National Assembly.

Details on the items of expenditure concerned as well as explanatory notes are set out in the Estimates of Supplementary Expenditure (ESE) that has already been tabled in the National Assembly.

I wish to inform the House that, despite the supplementary appropriation, the actual budget deficit for financial year 2017-18 was 2.9% of GDP against the budget estimates of 3.2%.

Mr Speaker Sir, I now commend the Bill to the House.

The Prime Minister seconded.

(11.43 a.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, we are being called upon to approve supplementary appropriation for financial year 2017/2018, almost three years after the expenditure has been incurred. On 20 June 2018, two years ago, we had already voted a supplementary appropriation for this very same financial year 2017/2018, in an amount of Rs2 billion. Accounts are prepared every year. So, every year, we know already how much have been overspent under all heads of expenditure. So, why wait three years to get the National Assembly to ratify those expenditures? In the meantime, there may be a change in Government and maybe the new Government may not be agreeable to what has been spent under the previous Government. So, why were we not called upon, two years ago, on 20 June 2018, also to vote those Estimates of Supplementary Expenditure that are before this House today? Is this good stewardship? Is that sound management? And why put this Supplementary Appropriation Bill on the Order Paper on a Tuesday, today? Is it because according to Standing Orders 24 –

“(3) Notice of questions, including private notice questions, shall not be entertained on the following sitting days –

(c) on any day fixed for the consideration of an Appropriation Bill or a Supplementary Appropriation Bill.”

So that MPs today are not allowed to ask PQs and the Leader of the Opposition is not allowed to ask a PNQ? Everybody knows, under Standing Order 22, Members can only ask PQs on Tuesdays. For the Leader of the Opposition it is different, but for Members, we can only ask PQs on a Tuesday and since this election ...

(Interruptions)

Mr Speaker: I will interrupt you here. I think you are going outside the debate, come to the debate.

Mr Uteem: Yes, but I am asking why today, why not on another day. This is very relevant. Why is it on Tuesday because this Government is afraid of us asking PQs? This is my point.

(Interruptions)

Mr Speaker: Continue!

Mr Uteem: Turning to the Vote of Expenditure, Mr Speaker, Sir, we have absolutely no issues approving the compensation payable to employees of the National Assembly who, I must say, do a wonderful job and work under tremendous pressure, especially when National Assembly is sitting. But instead of paying double the amount of overtime that was budgeted, should not the Government consider recruiting more personnel and establish a shift system, especially when we have long sitting at night so that the employees are allowed to go home early and a different batch of people come?

There is also a substantial amount of nearly Rs35 m. for the Live Broadcasting Project. The hon. Minister did not explain the reason for this increase in the budgeted amount. I am sure, it has all been properly spent but we need to get more indication as to why is it that we had budgeted Rs20 m. and we ended up spending Rs54 m. instead.

The second vote, Mr Speaker, Sir, relates to the Electoral Supervisory Commission and the Electoral Boundaries Commission. We are asked to vote an additional amount for the renewal of contract of two Advisers for a further period of six months. So, an additional amount of Rs435,000. Have these Advisers been working on the report with regard to the boundaries of the constituency? As hon. Members are aware, according to Article 39 (2) of the Constitution, the Electoral Boundaries Commission must review our boundaries every ten years and come up with a report which is tabled before the National Assembly and then the National Assembly, upon a Motion, can either accept it or reject it *in toto*.

Last time the report was prepared was in 2009, but was never tabled before this House. So, it was never voted. So, the boundaries that we have are based on what was proposed as far back as 1999, more than 20 years ago. So, I would like to know from the hon. Minister whether these two gentlemen have been working with the Electoral Boundary Commission to prepare a report to table before the National Assembly with regard to redefining boundaries. This report was due last year, 2019, and we are now in the middle of 2020. So, we would like to know whether there is any progress on that report and whether it would be tabled during this session of the National Assembly.

The third vote item, Mr Speaker, Sir, concerns the Office of the Electoral Commissioner and relates mainly to fees paid to officers who worked during the by-election held in Constituency No. 18 in December 2017; we have no issue approving same.

Thank you.

Mr Speaker: Hon. Prime Minister!

(11.48 a.m.)

The Prime Minister: Mr Speaker, Sir, I am intervening on the Supplementary Appropriation (2017-2018) (No. 2) Bill (No. VI of 2020), as this Bill is related to one of the landmarks in our parliamentary democracy.

I am referring to the live broadcast of the proceedings of this august Assembly. I shall, indeed, dwell on the Vote of Expenditure concerning the completion of the Live Broadcasting Project of the National Assembly and also on the Vote related to expenses incurred for the by-election in December 2017. These two Votes, in fact, account for the bulk of the Supplementary Appropriation.

Mr Speaker, Sir, it is a matter of pride for this House and the nation at large to acknowledge the successful implementation of the project that led to the live broadcasting of the proceedings of the National Assembly. Many were sceptical about the project, particularly in the ranks of the parliamentary and extra-parliamentary Opposition. We walk the talk and history will recall that live broadcasting of the proceedings of the National Assembly has become a reality under our stewardship of the country. As Prime Minister, I am proud of this achievement which consolidates our democratic traditions and allows our citizens to see for themselves the performance of their representatives in the National Assembly.

The project was spearheaded by Government as part of its mandate and its vision of a modern and vibrant democracy. With live broadcast at the National Assembly, Mauritius has significantly raised its standards of parliamentary democracy. It shows the maturity of our political culture, at least for this side of the House, and demonstrates our commitment to transparency and openness.

Mr Speaker, Sir, just to reply to what hon. Uteem has said earlier, that we are putting a supplementary appropriation on the agenda of the National Assembly today. I think he should be reminded to go back to history and see on how many occasions, through different Governments, including MSM/MMM Government, supplementary appropriation had been fixed on a Tuesday. The agenda of the National Assembly is a matter for Government to decide on, and not for the Opposition to decide on. When, hopefully, one day you are on this side, then you will decide on the agenda, as we did from 2000 to 2005. So, do not make as if it is the first time that we are having Supplementary Appropriation on a Tuesday.

Mr Speaker, Sir, on this side of the House, we see live broadcasting of the proceedings of the House as an opportunity to really share with the population our vision and decisions for the betterment of the lives of one and all. We are living up to this expectation with all the seriousness it requires, and people see how we value debates that contribute to nation building and to the improvement of the quality of life of our fellow citizens.

Unfortunately, Mr Speaker, Sir, for the Opposition, live broadcasting of the proceedings of the House has been an opportunity to stage despicable shows and walkouts *ad nauseam*, to make gratuitous allegations under the cover of parliamentary immunity, and to systematically attack the Chair of the House and the values the National Assembly represents. We have witnessed their provocations and other usual attempts...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: ...just as now, they want to disrupt again...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: ...the smooth-running of the House. Week after week, Mr Speaker, Sir, the Opposition is discrediting itself by adopting an attitude that is condemned by the vast majority of Mauritians. They have made of live broadcasting a tool for demagoguery, confrontation and insult, and they dare say they are defenders of democracy. I believe the Opposition Parties can no longer pull crowds at their rallies and meetings anymore. So, they use live broadcast of the proceedings of the House, instead, to try to reach out to their ever waning electoral base. It does not need a political strategist's mind to uncover their game. This game is now known to everybody, and it will definitely not serve them long.

As I said earlier, Mr Speaker, Sir, we made history by successfully introducing live broadcasting of the proceedings of this House. This is another concrete action in our resolve to consolidate our democratic set-up, but, in contrast, I believe the population should be reminded of the conspiracy in 2014 that led to the closure of the National Assembly for more than nine months during the notorious discussions between the Labour Party in Government and the MMM as the main Opposition Party to concoct an alliance behind the back of the people. Never before, since independence, had we seen a Government colluding with the Opposition to close the temple of democracy which the National Assembly represents. They

made a mockery of democracy. They stabbed democracy in their greed for power. And, today, they dare say that, under this Government, democracy is in danger!

Out there, hon. Leader of the Opposition, our citizens in their vast majority, are saying, as you are used to saying, loud and clear, to the Opposition: stop taking people for fools!

Mr Speaker, Sir, we, on this side of the House, are satisfied that the nation appreciates our constant endeavours to consolidate democracy and create better conditions for the progress of the country and the advancement of each and every individual of our rainbow nation. We have taken the right decision to invest in the Live Broadcast Project for our National Assembly. The IT infrastructure and systems have cost Rs34.9 m. more than expected, but the results speak for themselves.

Mr Speaker, Sir, this House has a duty to sustain the democratic fabric of the Mauritian society and allow vital institutions to effectively fulfil their roles and perform their duties under the Constitution. As a responsible and duly elected democratic Government, we have to make sure that the necessary resources are provided to enhance the different systems and platforms that make of democracy a means for better dissemination of information, socio-economic upliftment, and social justice.

Mr Speaker Sir, let me briefly talk about the National Assembly by-election in Constituency No. 18, Belle Rose & Quatre Bornes in December 2017, of which a net amount of Rs26.8 m. is being provided under the Office of the Electoral Commissioner, mostly, of course, in connection with the organisation of that by-election.

As we know, the by-election in the Constituency of Belle Rose/Quatre Bornes was triggered by the resignation from the National Assembly of one Member on 23 June 2017. The by-election was held on 17 December 2017. The MSM/ML alliance did not participate in this election, as I have stated earlier, as our priority was to focus on fulfilling our mandate for the well-being of the population.

The current Leader of the Opposition was elected with a total of 7,990 votes on a total of 42,052 registered voters, that is, by 19% of the electorate.

Mr Speaker, Sir, we in the then Government alliance, we took note of the verdict of the electorate. In fact, not only me, but we all congratulated the present Leader of the Opposition on his election. We never campaigned on the fact that Dr. Boolell was elected by

only 19% of the electorate. We showed respect for the electorate. Unlike what the Opposition Parties have been doing since the results of the last General Elections!

(Interruptions)

Well, now maybe they think 1 plus 1 plus 1 will make 10. But we shall see, and that reminds me of the computer of a famous former Minister of Finance, where the input was such that the output was very disappointing after the General Elections. But, anyway, we shall see. It is only time that will tell, Mr Speaker, Sir.

Democracy, Mr Speaker, Sir, should be respected both in times of victory or of defeat. That is the greatest tribute we can pay to all those who have strived over the years to make of our democratic traditions a pillar of societal progress.

To conclude, Mr Speaker, Sir, let me reiterate the commitment of this Government to improve the functioning of the various spheres and institutions of democracy. It takes strong leadership to deliver simultaneously both on open Government and effective policies to improve the well-being of the population.

Thank you.

(12.01 p.m.)

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): Mr Speaker, Sir, let me first of all...

Mr Mohamed: Mr Speaker...

Dr. Padayachy: Let me first of all thank the hon. Prime Minister and hon. Uteem who have intervened on this Bill.

Mr Mohamed: Mr Speaker...

Mr Padayachy: The hon. Prime Minister has already clarified a number of the points raised by hon. Uteem.

(Interruptions)

Hon. Members: Shame! Shame!

Dr. Padayachy Mr Speaker, Sir, it is only after the accounts of Government for a financial year have been audited by the Director of Audit that we get the final position of

expenditure and the Votes on which there have been excess expenditure over their appropriations. It is thus...

Mr Mohamed: Mr Speaker, on a point of order!

Mr Speaker: Do you have a point of order?

Mr Mohamed: That's a point of order!

Mr Speaker: Do you have a point of order?

Mr Mohamed: Yes, I do! So, do you mind, first of all, one, do not threaten me with your finger, and secondly, do not come and ask me the question two times. I heard you!

Mr Speaker: Is that your point of order?

Mr Mohamed: Yes, I felt threatened!

Mr Speaker: Is that your point of order?

Mr Mohamed: No, that's not my point of order! If you show some patience...

Mr Speaker: So, go ahead with your point of order!

Mr Mohamed: Why do you refuse the right to hon. Khushal Lobine to speak?

Mr Speaker: Because...

Mr Mohamed: Because what?

(Interruptions)

Mr Speaker: You don't shout at me!

Mr Mohamed: What?

Mr Speaker: You don't shout at me!

Mr Mohamed: You asked for the list! You asked for the list!

(Interruptions)

Mr Speaker: You don't shout at me!

Mr Mohamed: You asked for the list!

Mr Speaker: You don't shout at me!

Mr Mohamed: The list is with you and, in spite of that, you did not let him speak!

Why?

Mr Speaker: You don't shout at me and you don't ask questions!

Mr Mohamed: I don't! So, I keep quiet and I let you do something wrong!

Mr Speaker: I am going by the Standing Orders!

Mr Mohamed: Standing Orders say what? You asked for the list to the Leader of the Opposition! You asked him for the list!

Mr Speaker: The list came after the Prime Minister took the floor.

Mr Mohamed: Yes! But it came before...

(Interruptions)

Mr Speaker: After the Prime Minister took the floor!

Mr Mohamed: So?

(Interruptions)

An hon. Member: Shame!

Mr Speaker: My ruling is that the hon. Minister of Finance continues with his speech.

(Interruptions)

Hon. Members: *La honte! La honte !*

Dr. Padayachy: Mr Speaker, Sir, it is only after the accounts of Government for a financial year have been audited by the Director of Audit...

An hon. Member: Shame!

Dr. Padayachy: ... that we get the final position of expenditure and the Votes on which there have been excess expenditure over their appropriations.

(Interruptions)

It is, thus, a normal practice for Government to introduce an Estimates of Supplementary Expenditure thereafter to seek the approval of the National Assembly on such excess expenditure to be in line with Section 105 (3)(b) of the Constitution.

(Interruptions)

As I stated in my speech, only three Votes have exceeded...

Mr Speaker: Hon. Shakeel Mohamed, if you continue to interrupt, then you will have to withdraw!

(Interruptions)

This is my ruling! If you continue to interrupt, then you will have to withdraw from the Chamber!

(Interruptions)

Hon. Minister, continue!

Dr. Padayachy: As I stated in my speech, only three Votes have exceeded their initial appropriations in Financial Year 2017-2018. These excess expenditures were mainly due to unforeseen circumstances such as the holding of the by-elections and additional equipment for the live broadcasting project.

I wish to inform the House that the Director of Audit submitted the Audited Accounts for Financial Year 2017-2018 in March 2019. However, it was not possible to introduce this Supplementary Appropriation Bill in year 2019 in view of the tight Budget schedule for the 2019-2020 Budget, Parliamentary recess in August/September 2019, and the dissolution of Parliament in October 2019.

Mr Speaker, Sir, in the three items where there has been over-expenditure, there has systematically been under-spending in other items. In fact, had there not been savings in other items of expenditure, today's supplementary expenditure would have been Rs74.5 m. instead of Rs57.1 m.

It is the ability of this Government to ensure sound management of public finances that has enabled a saving in expenditure and thus making today's supplementary expenditure at a lower level.

I now commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE OF SUPPLY

(Mr Speaker in the Chair)

THE SUPPLEMENTARY APPROPRIATION (2017-2018) (NO. 2) BILL

(No. VI of 2020)

&

**ESTIMATES OF SUPPLEMENTARY EXPENDITURE (2017-2018) (NO. 2)
OF 2020**

(12.07 p.m.)

Vote 1-3 National Assembly was called.

Mr Uteem: I have a question with regard to the Capital Expenditure under item 31122.824 *Live Broadcasting Project*. May I know from the hon. Prime Minister the reason for the increase from Rs20 m. to Rs34 m.?

The Prime Minister: The Capital Expenditure is for the acquisition of printing equipment and the upgrading of the e-Government Projects, and these are the two items.

Mr Uteem: But my question was: why the increase? Were there new things that were not budgeted? Is it an increase in the cost of the same supplier, was it more equipment? This is my question. It is item 31122.824.

The Prime Minister: There was the payment to Harel Mallac Technologies Ltd of an amount of Rs20.7 m., and then the payment to one company called Bolah-Jeetun Co. Ltd. for certificates, I see number 1 and 2, amounting to Rs14.3 m.

The Chairperson: Hon. Lobine!

Mr Lobine: I will intervene on vote 1-4, we are still on vote 1-3, I understand. I will intervene on vote 1-4.

Vote 1-3 National Assembly (Rs29,100,000) was, on question put, agreed to.

(12.10 p.m.)

Vote 1-4 Electoral Supervisory Commission and Electoral Boundaries Commission was called.

Mr Lobine: May I ask why the Electoral Boundaries Report has not yet been brought to this House and when will it be brought to this House? It was due in 2019, as hon. Uteem stated earlier on. Can we have some clarification on this, please?

The Prime Minister: The hon. Member does not realise we are voting for Supplementary Appropriation for 2017-2018. 2019 will be for another appropriation, if need be.

Mr Lobine: We are renewing the contract of two Advisors who are working on the Report.

The Prime Minister: Yes, but they were not due in 2017 and 2018.

The Chairperson: Next question!

The Prime Minister: But, anyway, I can give the information to the hon. Member. The Report was due in 2019 but because of the COVID, there were also some delays.

(Interruptions)

What is it to laugh at? I am informed that they are currently finalising the Report which will be submitted shortly.

Mr Uteem: Under item 22120 *Fees - Additional provision required in respect of legal fees*, Rs995,000. So, may I know from the hon. Prime Minister to whom these legal fees were paid and for what purpose?

The Prime Minister: This is additional provision required for payment of legal fees. An amount of Rs690,000, inclusive of VAT, was paid to Sir Hamid Moollan QC, GOSK for the following four cases –

1. Haroon Rashid Duffaydar & Ors vs Chief Executive of District Council of Pamplemousses & Ors;
2. Neerunjun Rampersad vs Chief Executive of District Council of Flacq & Ors;
3. Deepak Purgus vs District Council of Grand Port & Ors, and
4. Éric Joseph Raoul Guimbeau vs RO, I suppose.

And there were also fees for Attorney. You want the details of the fees for Attorney?

Vote 1-4 Electoral Supervisory Commission and Electoral Boundaries Commission (Rs1,200,000) was, on question put, agreed to.

Vote 1-5 Office of the Electoral Commissioner (Rs26,800,000) was called and agreed to.

**ESTIMATES OF SUPPLEMENTARY EXPENDITURE (2017-2018) (No. 2) of
2020**

&

**THE SUPPLEMENTARY APPROPRIATION (2017-2018) (No. 2) BILL
(No. VI of 2020)**

The Schedule was agreed to.

Clauses 1 and 2 were called and agreed to.

The title and enacting clause were agreed to.

The Bill was agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Mr Speaker: Hon. Members, I wish to draw your attention that this Bill provides for the implementation of the measures announced in the Budget Speech and for matters connected, consequential and incidental thereto. Consequently, hon. Members are requested to kindly restrict their observations to the provisions contained in the Bill and not to open the debate as these measures were fully debated during the debate on the Budget Speech.

(12.16 p.m.)

Second Reading

**THE FINANCE (MISCELLANEOUS PROVISIONS) BILL
(No. VII of 2020)**

Order for Second Reading read.

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): Mr Speaker, Sir, I move that the Finance (Miscellaneous Provisions) Bill (No. VII of 2020) be read a second time.

The Bill provides for the implementation of measures announced in the Budget Speech and its annex and for matters connected, consequential or incidental thereto.

The Budget which I presented last month has introduced a significantly large number of measures, policies and fundamental reforms affecting most sectors of our economy and society.

The implementation of many of them requires amendments to existing laws and regulations.

Accordingly, this Finance Bill brings amendments to 70 enactments.

Mr Speaker Sir, I will highlight the main features of the Bill.

Section 1: Banking and Financial Services

Banking Act and Bank of Mauritius Act

I will start with legislations in the banking and financial services sector.

Amendments are made to the Banking Act and the Bank of Mauritius Act mainly to promote digital banking, develop credit scoring services and strengthen the supervisory and regulatory powers of the Bank of Mauritius.

Thus, Clause 2 amends the Banking Act as follows –

- (a) in sections 2 and 5 to foster the development of digital banking;
- (b) section 14D is repealed to transfer the responsibility for supervision of moneylenders from the Bank of Mauritius to the Financial Services Commission;
- (c) in section 20 to enable the Central Bank to vary the capital adequacy ratio to a lower level should the need arise or in exceptional circumstances;
- (d) amendments are also made in section 64 to allow exchange of information with the Credit Scoring Services Agency, and
- (e) in sections 66 to 69 to vest the conservator with the powers to execute any instrument in the name of the financial institution, and to establish a time limit restricting the duration of conservatorship.

Clause 3 amends the Bank of Mauritius Act as follows –

- (a) in sections 2, and 35 to 37 to provide for the definition of “digital currency” and cater for the issuance of Central Bank Digital Currency;
- (b) in section 6 to cater for the issue of green bonds and blue bonds;
- (c) in section 46 to allow for any amount invested by the Central Bank in a corporation or company not to be included in the computation of the official foreign reserves of the country;

- (d) in section 52(2A) and new section 52B to provide for the establishment of a Credit Scoring Services Agency; and
- (e) in section 52A to enable the BOM to disclose information collected in the Central KYC Registry.

Economic and Financial Measures (Miscellaneous Provisions) Act 2013

Clause 15 amends the Economic and Financial Measures (Miscellaneous Provisions) Act 2013 in section 3 to empower the Bank of Mauritius to issue directives in addition to instructions and guidelines.

Mauritius Deposit Insurance Scheme Act 2019

Clause 38 amends the Mauritius Deposit Insurance Scheme Act –

- (i) to allow for investment of the Deposit Insurance Fund to be outsourced to the Bank of Mauritius;
- (ii) to provide for payment of insured deposit by Mauritius Deposit Insurance Company (MDIC) to apply only when the conservatorship has failed and the financial institution is in compulsory liquidation, and
- (iii) to provide for indemnity of employees of the MDIC.

Financial Services Act

As regards financial services, Clause 21 amends the Financial Services Act as follows

–

- (a) to provide for the definition of "moneylender" and "peer to peer lending", and the licensing of moneylenders;
- (b) to empower the FSC to collect information on a conglomerate group, including unregulated entities, which would impact on the safety and soundness of the financial group;
- (c) to provide that in the absence of an appointed Chief Executive, the Board may appoint such employee to exercise the powers set out under Part VIII relating to powers of the FSC;

- (d) to provide for prior notice to be given when a licensee wishes to surrender its licence and to provide a timeframe to licensees for a proper transfer of business operations to the transferee;
- (e) to give a flexibility regarding the filing of annual financial statements during a curfew period or situation of emergency or natural disasters;
- (f) to cater for exemptions for filing of annual financial statements where the FSC is of the opinion that it is not applicable;
- (g) to provide for the duties of auditors of all licensees of the FSC to include the reporting of irregularities to the FSC, and
- (h) to provide that the Enforcement Committee shall consist of not more than 4 employees designated by the Board.

Ombudsperson for Financial Services Act

Clause 47 amends the Ombudsperson for Financial Services Act to improve the administration of the office of the Ombudsperson for Financial Services.

Securities Act

Clause 59 amends the Securities Act to create an obligation on “corporate finance advisory” to keep and maintain records of debts they have raised on behalf of issuers.

Section 2: Corporate Governance

I now turn to some important amendments relating to corporate governance.

Companies Act

Clause 10 amends the Companies Act to –

- (a) define, amongst others, “independent director”;
- (b) provide that the Board of Directors of public companies include at least two independent directors who are non-executive directors in line with the requirement of the Corporate Governance Code;
- (c) define conducts deemed unfairly prejudicial to shareholders and engage Director’s liability for prejudicial conduct;

- (d) provide for the Registrar of Companies to give notice in the Gazette and by any other electronic means before the Registrar restores a company to the Registrar, and
- (e) repeal Section 20A to reverse to the original position prior to COVID-19.

Financial Reporting Act

Clause 20 amends the Financial Reporting Act to make the National Committee on Corporate Governance a body corporate.

Statutory Bodies (Accounts and Audit) Act

Clause 63, Mr Speaker, Sir, amends the definition of “financial statements” and provides for every statutory body specified in the First Schedule of the Statutory Bodies (Accounts and Audit) Act, except for the Financial Services Commission to prepare its financial statements in compliance with the International Public Sector Accounting Standards (IPSAS).

Section 3: BOT/PPP and Procurement

Mr Speaker, Sir, amendments are also being made to facilitate and improve project implementation and public procurement.

Build Operate Transfer Projects Act

Thus, Clause 5 amends the Build Operate Transfer Projects Act to –

- (a) define “procurement rules”;
- (b) make it easier for Mauritius to benefit from the expertise of foreign countries;
- (c) allow for the appointment of technical advisory firms or short-term consultants in the preparation of BOT projects, and
- (d) provide for a threshold value for BOT Projects to be referred to the Central Procurement Board (CPB), and
- (e) empower the CPB to authorise, approve and carry out pre-selection exercises for a BOT project above a prescribed amount.

Public-Private Partnership Act

In the same vein, Clause 54 adds a new section in the Public-Private Partnership Act to allow the BOT Projects Unit and Contracting Authorities to appoint technical advisory firms or short-term consultants in the preparation of BOT projects.

It also provides for a threshold value for contracts to be referred to the Central Procurement Board.

Public Procurement Act

Clause 55 repeals Section 11A of the Public Procurement Act relating to award of public-private partnership project which is already provided for in the Build, Operate and Transfer Projects Act and the Public Private Partnership Act.

It also provides for –

- (a) procurement of consultancy services under emergency situations;
- (b) Sandbox for innovative technologies to facilitate development of proof of concepts or prototypes;
- (c) reservation of specific types of goods and other services for micro-enterprises, small enterprises and medium enterprises;
- (d) the extension of the validity period of a bid with the agreement of the bidder concerned for such period as may be prescribed, and
- (e) a Public Body to cancel a bidding process where the bidding document requires substantial modification, and where defects or gaps in the specifications have been revealed.

Construction Industry Development Board Act

Clause 11 amends the Construction Industry Development Board Act to review the grade designation for values of contracts that a contractor is allowed to undertake.

Mr Speaker, Sir, I now turn to the amendments relating mostly to fiscal measures and tax administration.

The Customs Act, Customs Tariff Act, Excise Act and VAT Act are being amended for a vast number of objectives.

I will highlight some of them, starting with our tax policies –

- (a) duty-free shops and shops operating under the Deferred Duty and Tax Scheme will be allowed to sell goods on the local market without any limit on quantity but with payment of duties and taxes for the period starting 05 June 2020 and ending on 31 December 2021;
- (b) the First Resolution passed in the National Assembly to increase in the rate of customs duty on import of sugar from 80 percent to 100 percent with effect from 05 June 2020 is being validated;
- (c) the customs duty and VAT exemption threshold of a good imported by post or courier services is being lowered from the first Rs3,000 of the value of the good to the first Rs1,000;
- (d) customs duty on equipment for use in an inland aquaculture project under the Inland Aquaculture Scheme is being exempted;
- (e) local retreading of tyres will benefit from a refund of Rs25 on each retreaded tyre;
- (f) the Second Resolution passed in the National Assembly to increase the existing sugar tax on sugar sweetened beverages from 3 cents to 6 cents per gram of sugar with effect from 05 June 2020 is being validated;
- (g) in addition, the sugar tax of 6 cents per gram of sugar will be extended as from 01 November 2020 to specified locally manufactured and imported non-staple sweetened products;
- (h) an excise licence is being introduced at a fee of Rs500 for importers and manufacturers of sugar sweetened products;
- (i) VAT will be charged on prescribed digital or electronic services provided by a foreign supplier;
- (j) the following goods will be made zero-rated for VAT purposes instead of exempt –
 - a) unprocessed agricultural and horticultural produce;
 - b) live animals of a kind generally used as, or yielding or producing, food for human consumption other than live poultry;

- c) transport of passengers by public service vehicles excluding contract buses for the transport of tourists and contract cars, and
- d) medical, hospital and dental services;
- (k) the following will be exempted from VAT –
 - a) construction of purpose-built building, plant and equipment for medical research and development centres;
 - b) equipment for projects under the Inland Aquaculture Scheme;
 - c) IT and IT related materials and equipment for the purpose of online education for a tertiary institution ranked among the top 500 institutions worldwide, and
 - d) construction of purpose-built building, plant, machinery, equipment and materials with respect to a Smart and Innovative Mauritius Development Certificate issued by the Economic Development Board under the Smart and Innovative Mauritius Development Scheme.

Income Tax Act

As regards income tax, a number of amendments are made to implement the policy changes announced in the Budget.

The amendments are made at clause 28 of the Bill. I will highlight the main ones –

- (a) the income exemption thresholds are being raised with effect from 01 July 2020.

These changes will range between Rs15,000 and Rs80,000;

- (b) a taxpayer will be allowed to claim as dependent a bedridden next of kin who is in his care and is eligible to the carer's allowance.

A next of kin will include an eligible taxpayer's or his spouse's father, mother, grandfather, grandmother, brother or sister;

- (c) As from the income year 2020-2021, the Solidarity Levy will be applied on the chargeable income plus dividends in excess of Rs3 m. of a resident citizen at the rate of 25%.

The levy is capped at 10% of the sum of the net income of an individual and dividends;

- (d) Specified lump sum income received by a person is excluded from the computation of the Solidarity Levy.

The Pay As You Earn (PAYE) system will apply to the Solidarity Levy;

- (e) A company carrying on life insurance business will be taxed based on the existing system or under an alternative minimum tax, whichever is the higher.

The alternative minimum tax is computed at the rate of 10% of profit attributable to shareholders adjusted for capital gains or losses;

- (f) The solidarity levy on telephony service providers, which is applicable at the rate of 5% of accounting profit and 1.5% of turnover, is being made permanent.

A company which has not made profits will not be subject to the Solidarity Levy;

- (g) A manufacturing company will benefit from 15% investment tax credit over 3 years in respect of capital expenditure incurred during the period 01 July 2020 to 30 June 2023 on new plant and machinery excluding motor cars;
- (h) The definition of manufacture is being extended to cover retreading of used tyres and recycling of waste to enable such activities to benefit from incentives granted to manufacturing companies;
- (i) Capital expenditure incurred on electronic, high precision or automated machinery or equipment on or after 01 July 2020 will be tax deductible instead of being amortised over more than two years;
- (j) Expenditure incurred on medical research and development if carried out in Mauritius will be granted a double deduction;
- (k) Patents and franchises costs as well as the cost of compliance with international quality standards and norms will also be granted a double deduction;
- (l) Companies adversely affected by COVID-19, will benefit from an additional investment allowance of 100% on cost of plant and machinery, excluding motor cars, acquired during the period 01 March 2020 to 30 June 2020;

- (m) An 8-year income tax holiday is granted to an inland aquaculture project, a branch campus of an institution that ranks among the first 500 tertiary institutions worldwide, and a company manufacturing nutraceutical products, and
- (n) The income tax liability is being deferred for companies in the tourism industry having accounting year ending during the period September 2019 to June 2020.

Half of the tax will be payable in December 2020 and the remainder in June 2021.

A similar facility is granted for tax payable by those companies in the calendar year 2020 under the Advance Payment Scheme.

Land (Duties and Taxes) Act, Notaries Act, Registration Duty Act, and Transcription and Mortgage Act

Amendments relating to property taxation and registration of deeds are at clauses 32, 46, 56 and 69.

- (a) The Construction of Housing Estate Scheme is being reinstated and will operate for two additional years until June 2022;
- (b) No registration duty and land transfer tax will be payable on the transfer of freehold bare land for the construction of a housing estate project provided the land is transferred by 31 December 2020 and the construction is completed before 31 December 2021;
- (c) No land transfer tax is payable on the sale of a residential unit under the Scheme provided it is made to a Mauritian before 30 June 2022 and the price does not exceed Rs7 m.;
- (d) A person, who is a first-time buyer, will benefit from registration duty exemption even if he or his spouse is or was owner or co-owner of an immovable property received by inheritance.

The land area of the inherited property must be less than 20 perches.

- (e) A person acquiring a social housing unit under the National Empowerment Foundation will be exempted from payment of registration duty;

- (f) A company will be exempted from payment of registration duty on the acquisition of an immovable property to be used as Life Science Research Centre;
- (g) Securities traded on the new Venture Capital Market of the Stock Exchange of Mauritius will not be required to be registered with the Registrar General.

As a result, the trading of these securities will not be subject to registration duty;
- (h) A subsidiary of the Bank of Mauritius will be exempted from the payment of registration duty, land transfer tax, tax on transfer of leasehold right and fees under the Transcription and Mortgage Act.

In addition, the subsidiary will be exempted from VAT and income tax.

As regards tax administration, amendments are being made with a view to further leveraging the use of electronic technologies and strengthening enforcement.

Clause 40 amends the Mauritius Revenue Authority Act to provide for the following –

- (a) A case can be struck out if an aggrieved party or his representative is absent at 2 consecutive sittings of the Assessment Review Committee unless the absences were due to illness or other reasonable cause.
- (b) An enhanced e-services platform is being set up to improve efficiency and transparency in service delivery to taxpayers. Every taxpayer will be allocated an interactive E-tax account.
- (c) A master, owner or duly authorised agent of an aircraft or ship will be able to lodge an objection at the Assessment Review Committee against a penalty imposed by the Director-General for failure to submit a cargo report in respect of his aircraft or ship.

Furthermore, there are amendments in other revenue laws relating to tax administration as follows:

- (a) First, there will be a clear demarcation between a passenger, a crew member and a master of an aircraft or ship for risk management purposes at Customs;
- (b) Second, goods imported in multiple consignments or shipments for assembly into a complete finished good to have the same tariff classification as the finished good;

- (c) Third, MRA Customs will neither suspend the clearance of imported goods nor detain goods from the local market on grounds of suspected infringement of industrial property rights. This will apply where the rights holder does not initiate any action for two consecutive cases of suspensions or detainment during a period of 6 months;
- (d) Fourth, MRA will be empowered to regulate fees and charges leviable by a freight forwarding agent in respect of import and export of consolidated cargo;
- (e) Fifth, for the purpose of VAT, the market value of goods and services supplied will be taken as the taxable value where a transaction is not at arm's length;
- (f) Sixth, an application for VAT registration can be done electronically at the time of business registration and company incorporation at the Corporate and Business Registration Department; and
- (g) Seventh, a VAT E-licensing system will be introduced on specified businesses.
- (h) Eighth, electronic submission of personal income tax return and payment of tax are being made mandatory. Consequently, the due date for submission of income tax return for all taxpayers will be 15 October of each year;
- (i) Ninth, the time limit for MRA to effect personal income tax refunds is being reduced to 60 days;
- (j) Tenth, it is being made mandatory for notaries, banks, insurance companies, leasing companies and dealers in new and imported second hand motor vehicles to submit their deeds for registration electronically;

Mr Speaker Sir, I will now elaborate on amendments relating to pension.

Clause 42 amends the National Pensions Fund Act as follows –

- (a) enlarge the definition of “surcharge”;
 - (i) no contribution shall be payable in respect of the National Pension Fund (NPF) by a person or by the employer of that person in respect of any period following the end of the month of August 2020;
 - (ii) where a person has become an insured person prior to 01 September 2020, that person shall remain an insured person on or after 01

September 2020 until he ceases to be an insured person under this Act,
and

(iii) benefit payable to an insured person other than the benefit payable
under the *Contribution Sociale Généralisée (CSG)* shall be calculated

—

- a. in accordance with this Act, and
 - b. on the amount of the contribution paid by him.
- (b) by repealing section 17 as it will no longer apply to those who will contribute to the *CSG*;
- (c) the privilege in respect of contributions in favour of Government to be also applicable to those who will contribute to the *CSG*;
- (d) define the *Contribution Sociale Généralisée* and those who will be liable to pay the *CSG* as from 01 September 2020;
- (e) provide for payment of *CSG*, at the rate to be prescribed, the submission of annual return or monthly return and the period for the payment of the *CSG*;
- (f) the Director-General of the MRA to raise assessments on employers and participants to claim the amount of *CSG* due;
- (g) provide for the payment of penalty and interest on unpaid *CSG*;
- (h) allow that the benefit payable in respect of *CSG* may be prescribed by way of regulations on such terms and conditions and to be paid out of the Consolidated Fund, and
- (i) provide that Regulations can be made for anything connected, consequential or incidental to the *CSG*.

Clause 49 provides, in the Pensions Act, for officers proceeding on Early Voluntary Retirement to be able to choose between a hypothetically one additional increment for the purpose of determining their pensionable emoluments for pension purposes and a one-off payment equivalent to 2% of their annual pensionable emoluments for each completed year of pensionable service beyond 33¹/₃ years of pensionable. It also reviews the role, functions and the composition of the Public Pensions Advisory Committee.

Clause 52 amends the Private Pensions Scheme Act to establish a procedure for unclaimed funds to be transferred to a special fund to be set up by the FSC.

Clause 64 amends the Statutory Bodies Pension Funds Act to include the Central Electricity Board so that it can create a defined contribution pension scheme for its employees who have joined service as from 01 September 2016.

Sugar Industry Pension Fund Act

Clause 66 brings changes to the Sugar Industry Pension Fund Act to allow for the introduction of a defined contribution fund for employees joining service as from 01 July 2020.

Mauritius Ex-Services Trust Fund Act

Clause 39 repeals the Mauritius Ex-Services Trust Fund Act. Payment of pensions to Ex-servicemen and widows will be effected by the Ministry of Social Integration, Social Security and National Solidarity. Consequential amendments have been made at Clause 74 (Savings).

National Savings Fund Act

Clause 43 amends the National Savings Fund Act to -

- (a) exempt a Non-Citizen employed by a Non-Citizen Contractor from payment of contributions to the National Savings Fund;
- (b) delete the term “recycling fee” since recycling fee is no more payable with the introduction of the PRGF in the Workers’ Rights Act;
- (c) remove entitlement to the Transitional Unemployment Benefit as it is no more linked to any scheme set up under the SEHDA with the coming into force of the Workers’ Rights Act;
- (d) replace the Employment Rights Act by the Workers’ Rights Act;
- (e) align the provisions regarding the establishment of the Workfare Programme Fund to that of the Workers’ Rights Act;
- (f) provide for the Ministry of Labour to notify the Ministry of Social Security regarding payment of Transition Unemployment Benefit (TUB); and

- (g) provide in the Fourth Schedule for a higher rate of TUB payable for period 01 April 2020 to 31 March 2021, that is, 90 % of basic wage up to NPF ceiling for the first 6 months and 60 % of basic wage up to NPF ceiling for the remaining 6 months for a more comfortable income security to workers in this difficult economic period; and for the rate of TUB payable for period prior to 01 April 2020 and after 31 March 2021, that is, the current rate (90% of basic wage for first 3 months, 60% from 4th to 6th months and 30% from 7th to 12th months).

Civil Service Family Protection Scheme Act

Amendment is also being made at Clause 7 to the Civil Service Family Protection Scheme Act to -

- (a) clarify the definition of Basic Unreduced Pension for Members of the National Assembly;
- (b) preserve the pension rights of all Members of the National Assembly, who have served prior to 01 July 2008 and not only those who were in post as at 30 June 2008, and
- (c) clarify that refund of contribution to a Member of the National Assembly can also be made after the age of 65 years.

Section 6: Investment Promotion

Economic Development Board Act

Clause 16 amends the Economic Development Board Act as follows -

- (a) to, amongst others, define “Smart and Innovative Mauritius Development Certificate” and “Smart and Innovative Mauritius Development Scheme”;
- (b) to introduce the Yacht Promotion Scheme;
- (c) to authorise Economic Development Board (EDB) to register smart and innovative-driven projects under the Smart and Innovative Mauritius Development Scheme;
- (d) to introduce a Business Obstacle Alert Mechanism to enable an enterprise to alert the EDB of any delays faced when applying for a licence which will

enable the EDB to enquire about the issue, make recommendations and publish remedial action; and

- (e) in the schedule to -
 - (i) review and harmonise the minimum investment criteria for registration of Investor from USD 100,000 to USD 50,000;
 - (ii) remove the investment criteria for Investor for innovative start-ups;
 - (iii) reduce the salary criteria to Rs30,000 for Professionals in the pharmaceutical manufacturing and food processing sectors; and
 - (iv) review the criteria for Permanent Residence Permit for Investors from USD 500,000 to USD 375,000.

Section 7: Environment Protection

Environment Protection Act

Mr Speaker, Sir, to strengthen the legal framework for protecting and enhancing our environment, the Environment Protection Act is being amended at Clause 18 to -

- (a) introduce producer and importer responsibility on manufacturers, assemblers or importers of polluting goods once their economic life has been exhausted; and
- (b) allow that a person who has submitted a statement of concern further to a public notice of an EIA Report may appeal against the decision of the Minister of Environment to issue an EIA.

Environment and Land Use Appeal Tribunal Act

In the same vein, the Environment and Land Use Appeal Tribunal Act is being amended at Clause 17 to introduce a time frame for the Environment and Land Use Appeal Tribunal to examine whether an appeal is trivial, frivolous or vexatious.

Section 8: COVID-19

Mr Speaker, Sir, during the COVID-19 period a number of temporary measures have been taken that need to be revisited.

Foundations Act

In this context, Clause 23 amends the Foundations Act to repeal the temporary measures implemented during COVID-19 period.

Freeport Act

Clause 24 amends the Freeport Act to clarify that goods stored in a Freeport Warehouse provided by a Private Freeport Developer, during the COVID-19 period and such further period as may be prescribed after the COVID-19 period lapses, will be cleared under normal customs procedures.

Tourism Authority Act

Clause 68 provides for operators holding permits issued by the Tourism Authority to be exempted from payment of licence fees, those having already paid the fees to be refunded, and ensures that every operator, including those for whom it is their only income earning activity, to benefit from two years' remission.

State Lands Act

Clause 62 amends the State Lands Act to allow for cancellation of lease as a consequence of amendments brought to the Co-operatives Act. It also provides for –

- (a) the increase of the rebate on rental of State lands from 50% to 100% for hotels under the Hotel Reconstruction and Renovation Scheme, and the extension of the Scheme for two years up to 30 June 2022; and
- (b) the exemption of a hotel from the payment of rental of State lands in respect of the period 01 July 2020 to 30 June 2021.

Insolvency Act

Clause 30 amends the Insolvency Act to repeal the temporary measures implemented during COVID-19 period, to allow any creditor to request for information from the insolvency representative and to grant power to the Court to cram down.

Limited Liability Partnerships Act

Clause 33 amends the Limited Liability Partnerships Act to reverse to the original position prior to COVID-19.

Limited Partnerships Act

Clause 34 amends the Limited Partnerships Act to reverse to the original position prior to COVID-19.

Section 9: Gambling

Gambling Regulatory Authority Act

Mr Speaker, Sir, I will now elaborate on amendments being made to the legal framework governing the gambling sector in Mauritius. The rules are being made more stringent.

To this end, Clause 25 amends the Gambling Regulatory Authority Act to -

- (a) specify, in the definition of “limited payout machine”, that it also includes a virtual, multiplayer station or stand-alone roulette machine. In addition, the maximum pay-out will be increased from Rs5,000 to Rs10,000;
- (b) restrict the definition of “sporting event” to a horse race or football league taking place outside Mauritius;
- (c) introduce a new definition for “bet related services” and make it an offence for a person to offer bet related services without a valid licence;
- (d) empower the GRA to set up an Appeal Committee in such manner as may be prescribed;
- (e) make it mandatory for gaming machines and the jackpot system of any gaming machine to be tested by approved gaming laboratories. In addition, GRA inspectors are being empowered to seal the mechanical meters, game box, jackpot and logic area of a gaming machine to prevent tampering;
- (f) address repetitions and correct omissions with regard to limited payout machine in respect of compliance with technical standards as well as displacement of such machine from one site to another;
- (g) exempt the premises of a limited payout machine operator from the requirement to obtain police clearance prior to the issue of a licence;
- (h) correct an omission whereby betting tax will not be applicable during a period where an operator of amusement machine is not authorised to operate, as is the case for an operator of a gaming machine and limited payout machine;

- (i) provide for a bookmaker to accept bets on football matches taking place outside Mauritius if the football matches meet the rules of fixed odds betting approved by GRA;
- (j) streamline the information to be furnished to GRA at the time of submission of an application for registration of a sweepstake retailer, pool promoter or lottery retailer;
- (k) empower the GRA to approve new specified events for which an *ad hoc* licence to carry out gaming activities may be granted;
- (l) allow a licensee to sponsor activities for charitable, benevolent and social purposes;
- (m) change the period of payment of Bookmaker licence for conducting fixed odds betting on foreign football matches from 12 months' basis to a "yearly or part thereof" basis;
- (n) increase the rates of duties and taxes to 12% of gross stakes for the following categories -
 - (a) a Bookmaker conducting betting on local race at racecourse inside and outside stand;
 - (b) a Bookmaker conducting fixed odds bet on local horserace through remote communication;
 - (c) a Totalisator conducting bets on horseracing;
 - (d) a Bookmaker conducting fixed odds betting on foreign football matches;
 - (e) a Sweepstake organizer, and
- (o) similarly, duties and taxes are being increased for the Limited pay out machine operator to 12% of gross takings or Rs1 m., whichever is higher and for the Amusement machine operator from Rs5,000 per month to Rs500 per machine.

Section 10: Human Resources and Immigration

Human Resource Development Act

Clause 26 amends the Human Resource Development Act to provide that -

- (a) during the period 01 April 2020 to 30 June 2020, employers in the tourism sector shall pay a rate of 1% as training levy of which 0.5% will be transferred to the National Training Fund and the remaining 0.5% to the Workfare Programme Fund, and

- (b) during the period 01 July 2020 to 30 June 2021, employers shall pay a rate of 1% as training levy of which 0.5% will be transferred to the National Training Fund and the remaining 0.5% to the Workfare Programme Fund.

Workers' Rights Act

Clause 71 brings changes to the Workers' Rights Act to, amongst others -

- (a) protect a worker against potential abuse regarding a shift from full time to part time work by limiting the period of part time work to a maximum of 3 months, requiring the approval of the Supervising Officer of the Ministry of Labour where the employer makes the request for part time work; and providing that, in case of termination, the indemnity payable to a worker be calculated on the basis of the last remuneration earned by that worker on a full pay basis;
- (b) avoid double payment in respect of Portable Retirement Gratuity Fund where severance allowance is paid;
- (c) provide for the payment of remuneration where owing to climatic conditions an order is issued by the National Crisis Committee requiring a person to remain indoors;
- (d) extend the provision of the protective order to the ruling of the Redundancy Board;
- (e) provide for the entitlement to an end of year bonus under the Workers' Rights Act only to workers earning up to Rs100,000 a month;
- (f) ensure that an employer is not allowed to reduce his workforce where he has availed himself from the financial assistance schemes;
- (g) give the worker the option to claim severance allowance to the Redundancy Board instead of going to the Industrial Court;
- (h) empower the Minister to make regulations for the financing of a social plan under the Workfare Programme Fund;
- (i) extend the payment of the Transition Unemployment Benefit to workers reckoning less than 6 months of employment ending 31 December 2020;

- (j) provide for the payment of the contribution in the Portable Retirement Gratuity Fund in respect of workers reckoning less than 12 months of employment on a pro-rata basis;
- (k) reinforce the provisions against violence at work in line with International Labour Office Convention, which Government intends to ratify;
- (l) provide that an employer shall commit an offence where he has failed to prevent or stop any violence at work, and
- (m) pay to workers reckoning more than 6 months' employment a Transition Unemployment Benefit (TUB) of 90% for the first 6 months i.e. 01 April 2020 to 30 September 2020 and 60% for the next 6 months ending 31 March 2021.

Immigration Act

Clause 27 amends the Immigration Act to -

- (a) review the eligibility criteria for a residence permit when acquiring an immovable property under the Integrated Resort Scheme, Real Estate Scheme, Invest Hotel Scheme, Property Development Scheme or Smart City Scheme to USD 375,000;
- (b) allow a holder of an Occupation Permit to bring his parents to live in Mauritius as his dependents;
- (c) review the minimum investment amount for an Investor to be eligible for a Permanent Residence Permit to USD 375,000;
- (d) allow a non-citizen who has been a holder of an Occupation Permit or a Residence Permit as retired non-citizen for 3 years to qualify for a Permanent Residence Permit provided that the eligibility criteria are met;
- (e) allow non-citizens who have held an Occupation Permit or a Residence Permit for at least 3 years before 01 September 2020 to be granted a Permanent Residence Permit;
- (f) extend the validity of a Permanent Residence Permit from 10 to 20 years;
- (g) extend the validity of an Occupation Permit from 3 to 10 years, and
- (h) allow a holder of an Occupation Permit as a Professional and a holder of a Residence Permit as a Retired non-citizen to invest in any business provided that they do not manage or work in the business.

Non-Citizens (Employment Restriction) Act

Clause 44 amends the Non-Citizen (Employment Restriction) Act to provide that a non-citizen holder of a residence permit by virtue of an acquisition of property may take up employment without the need to apply separately for a work permit.

Non-Citizens (Property Restriction) Act

Clause 45 amends the Non-Citizens (Property Restriction) Act to -

- (a) allow non-citizens holding a Residence Permit, an Occupation Permit or a Permanent Residence Permit to acquire one plot of serviced land for residential purposes in Smart Cities, empower the Prime Minister to give his covering approval and validate the acquisition of a property by a non-citizen after the transfer has been made if he is satisfied of the credentials of the non-citizen and that omission to seek prior authorisation for the transaction was due to a mistake or oversight, and
- (b) to provide for a fine and an imprisonment term to a non-citizen who is in breach of the provisions of the Act.

Civil Status Act

Clause 8 amends the Civil Status Act to -

- (a) introduce checks and balances with a view to minimising the risk of fake marriages, to enable the Registrar to report suspicious marriage applications to the Commissioner of Police, and to prevent the existing discrimination and infringement of the right of citizen to get married in a place of his/her choice;
- (b) change the compulsory registration of death from within 24 hours to 48 hours as declarants or funeral undertakers face difficulties to declare the death within this short time period, and
- (c) require the consent of both the father and the mother for the acknowledgement of a natural child that is being declared by the mother or the father only.

Code Civil Mauricien

Clause 9 amends the Code Civil Mauricien in relation to Copropriété des Immeubles et Les Ensembles Immobiliers to give more flexibility in appointing a proxy for an annual general meeting of a syndic, clarify the determination of majority of votes of co-owners, and provide for the definition of an “*administrateur*”.

Section 11: Agriculture and Food Security

Food and Agricultural Research and Extension Institute Act

Clause 22 amends the Food and Agricultural Research and Extension Institute Act to, amongst others, provide for officers of the institute to have access to any other production system including fields, farms, agro-processing enterprises and sheltered farms to carry out research activities.

Mauritius Agricultural Marketing Act

Clause 36 amends the Mauritius Agricultural Marketing Act by deleting the definition of “prescribed area”, allowing the Agricultural Marketing Board to look into the operations of the National Wholesale Market, providing for the functions of the National Wholesale Market, and to provide for the declaration of controlled products.

Mauritius Cane Industry Authority Act

Clause 37 amends the Mauritius Cane Industry Authority Act to allow -

- (i) the Control and Arbitration Committee of the MCIA to process application for the manufacture of another type of sugar, i.e., Integral Sugar, and
- (ii) a miller to deliver cane juice or any other intermediate product in sugar processing to a person engaged in the production of products other than sugar, subject to approval of the Board.

Plant Protection Act

Clause 51 brings changes to the Plant Protection Act to provide for -

- (a) the setting up of a Plant Biosecurity Technical Committee;
- (b) the introduction of a Plant Import Permit to allow the importation of plant, plant product and any regulated article;
- (c) transit of consignments of plant, plant products or other regulated articles through free port capable of harbouring and spreading pests and diseases within our territory;
- (d) identification of imported commodities to be utilised only for the purpose stipulated in the Plant Import Permits, and
- (e) penalties in case of offences committed by an airline or cruise ship passenger.

Small Farmers Welfare Fund Act

Clause 60 amends the Small Farmers Welfare Fund to -

- (i) broaden the definition of “small planters” and small farmers”, to enable the collection of data from small planters regarding their cultivation or breeding activities;
- (ii) Register small farmers and to allow officers of the Fund to have access to fields/farms/agro-processing enterprises of small farmers in the discharge of their duties;
- (iii) The maximum number of poultry heads that a small poultry breeder can breed is being increased to 25,000.

Sugar Industry Efficiency Act

Clause 65 amends the Sugar Industry Efficiency Act to allow the Sugar Investment Trust to publish the notice for annual meeting in newspapers instead of sending written notice of time and place of annual general meeting to every shareholder.

The Clause also provides for the conversion of land, upon the approval of Landscape (Mauritius) Ltd, of an extent not exceeding 10 per cent of the land in the aggregate for residential or commercial purposes.

Sugar Insurance Fund Act

Clause 67 amends the Sugar Insurance Fund Act to -

- (i) Provide for the prolongation of cane harvest period, in any crop year, up to 30 April so as to align with the deadline for finalization of general premium, and
- (ii) The extension of the financial support given to small planters for Crop 2018 to a miller or a planter having total sugar accrued exceeding 60 tonnes.

Section 12: Miscellaneous

Mr Speaker, Sir, I will now highlight some other legislative amendments in the Bill.

Co-operatives Act

Clause 12 amends the Co-operatives Act to -

- (a) Provide for retrieval of a state land leased to an Agricultural Cooperative Society for non-compliance to the Cooperatives Act, and

- (b) To empower the Registrar of Cooperative Societies to issue such guidelines consistent with Government General Policy in the context of national emergency situations, natural disasters or force majeure.

Information and Communication Technologies Act

Clause 29 amends the Information and Communication Technologies Act to -

- (a) enlarge the scope of “charging principles” to also include principles that the Authority may specify, from time to time, under such determinations, directives and guidelines;
- (b) emphasise that a “universal service” means an information and communication service including a telecommunication service, determined by the Authority, as being a service of a defined nature and quality, of which the availability, accessibility or affordability to end-users is not adequate and has to be improved through a designated public operator;
- (c) enable the Board of the Information and Communication Technologies Authority (ICTA) to delegate its powers to a Committee for the purpose of granting licence for the operation of a radio-communication service on the basis that the allocation of frequency has already been approved by the Board;
- (d) fine-tune existing provisions on the licensing and regulatory functions of the ICTA; provide for the ICTA to establish and monitor the filing of reports, including financial and costing report, by licensees in line with guidelines, directives and determinations;
- (e) empower the ICTA to invite for applications for a licence, and to use a competitive process for granting same;
- (f) introduce a ‘class licence’ whereby every person, on meeting the prescribed eligibility criteria and on being registered with the Authority, will be allowed to carry out activities covered under that ‘class licence’;
- (g) make it mandatory for an applicant to submit a complete application for a licence to enable the ICTA to convey its decision within a period of 30 days, and

- (h) require a prospective licensee to submit a bank guarantee and to empower the ICTA to forfeit the bank guarantee provided by licensees in case of breach of the terms or conditions of their relevant licences.

Local Government Act

Clause 35 amends the Local Government Act to -

- (a) provide for mandatory online application for a Building and Land Use Permit (BLUP) for all construction types and sizes other than if the application is for a division of land;
- (b) waive the fee for the application of a BLUP;
- (c) waive fees payable for the issue of a BLUP for the construction of a pharmaceutical manufacturing factory, food processing plant and warehouse, and
- (d) introduce a definition of a ‘person aggrieved’ being an applicant whose application for an Outline Planning Permission has been turned down by a Local Authority as well as a definition for “National Electronic Licensing System”.

Medical Council Act

Clause 41 amends the Medical Council Act to -

- (a) provide for the registration of a general practitioner with the Medical Council only if he has successfully undergone examinations conducted by a medical examination body of international repute approved by the Minister of Health after consultation with the Medical Council, and
- (b) remove the mandatory entry examination before being registered as a pre-registration trainee.

Pharmacy Act

Clause 50 amends the Pharmacy Act to provide for the inclusion of Indian Pharmacopoeia in the definition of “specified standards”.

Outer Islands Development Corporation Act

Clause 48 brings changes to the Outer Islands Development Corporation Act to allow for a Committee or the General Manager of the Corporation to enter into a transaction in respect of a capital expenditure of up to Rs200,000 instead of Rs100,000. The Corporation can also incur expenditure without the approval of the Minister to whom responsibility for the Outer Islands is assigned.

Public Collections Act

Clause 53 relates to changes in the Public Collections Act to allow alternative collection mechanisms including, amongst others, online collections and collections by enterprises for NGOs.

Roads Act

Clause 57 amends the Roads Act to allow the private sector to operate and maintain footbridges along main roads and motorways and use the footbridges for controlled advertising.

Road Traffic Act

Clause 58 provides in the Road Traffic Act for holders of B carriers vehicles to lease their vehicles, including the carriage of goods, to eligible holders of trade licensees.

Insurance Act

Clause 31 amends the Insurance Act to allow the Insurance Industry Compensation Fund to effect payment, other than compensation to victims, in line with the objectives of the Hit and Run Sub-Fund.

Special Education Needs Authority Act

Clause 61 brings revision to the Special Education Needs Authority Act to extend the transitional period for the registration of Special Education Needs Institutions until December 2020.

Mr Speaker, Sir, I am proposing minor technical amendments at Committee Stage which are being circulated in the House.

I am confident that the Bill will consolidate the legal framework supporting the development of our country's economy, in line with the proposals made in my Budget Speech.

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

The Prime Minister seconded.

At 1.23 p.m. the sitting was suspended.

On resuming at 3.02 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated! Hon. Leader of the Opposition!

The Leader of the Opposition (Dr. A. Boolell): Thank you very much, Mr Speaker, Sir. Without much ado, although I must say that in his concluding remarks, the Minister of Finance did open the debate, so, I hope you will give us some latitude, as we say. We won't go beyond certain limits, but I think we have the freedom to express ourselves in respect of specific amendments and we have to be given the latitude to highlight what we want to convey.

Let me comment on the Bank of Mauritius Act. The proposed amendment is in order, as official foreign reserves should be under the control of Central Bank and available for use in the event of need, for example, to support the rupee. Our monetary policy is to control inflation and keep interest rate relatively low. As such, any official foreign reserves invested in any corporation or company cannot be reckoned as part of official foreign reserves, and I expect there will be strict compliance to section 3 (f).

Now, this is largely due to the pressure being borne by the IMF, which made it clear that there is an adequate level of reserves but, if not built upon, the risk of a crisis is likely. Now, what was the level of foreign reserves six months ago? 7.4 billion USD in January 2020 and over a period of five months loss foregone is 400 million USD. And if it were not for the special inflow from the African Development Bank, it would have been higher by another 200 million USD. At this rate, it looks like Mauritius will register a balance of payment deficit higher than the estimate of 1 billion dollar, as announced by the Minister in reply to my PNQ on 15 May this year. Now, the amendments to the Bank of Mauritius Act, section 45 (6) makes it clear that the transfer of 2 billion USD to the Mauritius Investment Corporation will no longer form part of official reserves. Should the country face a major capital outflow arising from global financial instability, our reserves situation may prove to be inadequate. Mauritius would be placed in a dangerous situation as regards external financing of its widening current account deficit, potentially leading to a financial crisis and a collapse of the rupee.

Now, despite reassurances of Government and the Bank of Mauritius regarding adequacy of our reserves, there is a persistent shortage of foreign currency on the market,

which is a source of growing concern for the business sector. There are worrying signs building up, which I would advise the Minister of Finance to take careful note with appropriate actions.

Section (b) (2A), the proposed amendment suffers from the lack of transparency and parliamentary scrutiny that have characterised the setting up and operation of the Mauritius Investment Corporation. The Mauritius Investment Corporation will basically bail out the already broke large operators who have been moving dividends offshore for years and have a highly leverage business model, that is, more debt than equity. Now, MCB, whose money is tied up to these operators is worried about its credit rating.

Let me look at the governance structure of the MIC, and the governance structure as it stands is a disaster. The team is yet to be set up, and we need people who can neutrally be financial, operational and legal due diligence and make sure that money goes to companies which should be kept alive. We cannot stop people asking whether the two gentlemen, beyond representing the private sector and having obvious conflict of interest, have experience in private equity, let alone distressed investing, which is very complicated.

Now, what the Bank of Mauritius should have done is to transfer some money to Government, which then brings equity into the Mauritius Investment Corporation.

The Mauritius Investment Corporation would have nothing to do with the Bank of Mauritius and would not be a subsidiary.

The Special Purpose Vehicle (SPV) could equally borrow money from the Bank of Mauritius; the Special Purpose Vehicle would have a different parent than the Bank of Mauritius. The Government of Mauritius and the Bank of Mauritius could be investors, and entity would be there to achieve a certain objective. The Bank of Mauritius and Government would then appoint a Manager with expertise in this field, and the Bank of Mauritius and Government would establish clear guidelines and long-term investment objectives and they would be passive investors, but the SPV Manager would be accountable. The Bank of Mauritius would be free from conflict of interest, as a Manager would execute based on overall guidelines.

My advice to our friends from the Mauritius Investment Corporation is to err on the principle of caution. I also have to draw the attention and ask them to beware of those running new corporate finances which will ask for high brokerage and success fee, and I have been told that it can be as high as 5% or more. I hear corporate finances are mushrooming

and it's chumocracy all the way. It's another Gate in the making, and this one will probably be an iron Gate. The Manager needs to play very strong hardball on the big corporates. They should also bring money back from abroad as a condition for recapitalisation, and the extent to which banks are squeezed initially to buy the debt at low market value will be a key driver of returns. Now, if they mess up, it will be a disaster, of course. It's time for Government to give due consideration and to come with a Fraud Bill. The Bank of Mauritius, as we said, and we have stated it more than once, should, under no circumstances, be another DBM. What respect would a regulatory and supervisory body command if it has a subsidiary bank, that is, the Mauritius Investment Corporation, which is a losing concern and a lender of toxic loans?

Let me now come to the amendment to the Pharmacy Act, section 2. The amended definition of 'specified standards', by deleting the words 'or European' and replacing them by the words 'European or Indian' is a boon for importers like Hyperpharm, which, of course, purchases its drugs from wholesalers not regulated. As of now, despite some of the criticisms levelled, there has been no rebuttal from Hyperpharm, but because we don't know what its traceability is. And what this amendment does, it opens the doors for imports of substandard drugs, with no quality assurance, it is cheap drugs with high incidence of side effects.

Mr Speaker, Sir, only a reckless Minister on the verge of vandalism will deliberately fall into the trap of importers who will market the drugs with a World Health Organisation Good Manufacturing Practices (GMP) Certificate or Certificate of Analysis. First, anybody can issue a World Health Organisation GMP Certificate or Certificate of Analysis, that is, those manufacturing plants which produce low efficacy drugs do indeed issue the Certificate of Analysis and the GMP of the World Health Organisation. But what we need to do, and we need to import drugs from manufacturing plants which manufacture drugs under licences. They can manufacture drugs under licences and bear the name of Sanofi or Glaxo. And there is an established list of these EU and FDA pharmaceutical companies in India which produce quality drugs, and Mauritius should procure from them. We were safe, but we used to do so. We were safe and we have revised procurement protocol facilities to buy substandard drugs of Indian Pharmacopeia; drug-induced disorders will increase and will be an unnecessary financial burden upon the State.

I will invite the Minister not to dispense favour, but to go for good quality medicine at no additional cost. Now, we also have to beware of the sale of counterfeit drugs under the specified item of Indian Pharmacopeia. I call upon the Minister to reinstate the previous

procurement protocol, which should enable Mauritius to buy quality drugs from any of the 300 Indian companies which also supply US and EU, that is, they are accredited by regulatory authorities from Europe and US Food and Drug Agency.

Let me now turn to the Medical Council Act and comment on section 22 (1) and (2). First, let us consider the existing system, and I expect the Minister to take corrective measures -

1. In respect of registration problems faced by young graduates from French Universities.
2. The outstanding issue of the preregistration of a batch of 170 young qualified doctors who are waiting to start their internship. I am glad that the entrance exam has been abolished. Of course, there will be an exit exam, but what these doctors want to know is when they will be recruited to start their internship.

Now, the Council Act requires that internship done after graduating does not cater for the French system. This is an outstanding issue and has to be resolved. It was subject of a PNQ by the then Leader of the Opposition, hon. X. L. Duval. The then Minister of Health promised to impress upon the Medical Council to resolve the matter. I suppose the then Chairman was too busy consolidating his links with potential gold diggers, the reason as to which the matter is yet to be resolved. Now, let me come to clause 41(2) - in section 22 (ii)(4); the Minister arrogates himself unfettered powers to approve an examining body of international repute after consultation with Council. Now, I doubt it if there would be consultation because a bad example has been set by the Prime Minister. Consultation is narrowed to the despatch of a letter to inform. I would invite the Minister to give due consideration to work with institutions of repute of the likes of Imperial College of London, which has concluded a Memorandum of Understanding with the Open University to run Postgraduate Course in Public Health. It is important to pair up with the best.

Mr Speaker, I now want to address two issues which, on the face of amendments proposed, appear to go in the right direction, but which, however, contain the germs of abuse, which are so characteristic of this Government. I am here referring to the proposed amendment to the Companies Act with the introduction of the definition of 'Independent Director' in section 2 of the Act, and the addition of 'a new obligation to the duties of Directors' in section 143 of the Act.

Now, it will be appropriate to note that the hon. Minister did not mention these amendments as part of a list of measures intended to bring more transparency and governance in our country. I know he will do so, as I expected, and we need to look at the St Louis scandal which brought about the pseudo revocation of the former Deputy Prime Minister, and the Emergency Procurement scam of the Ministry of Health and Wellness regarding the allocation of tenders for drugs and medical equipment during COVID-19 confinement period, to know that opacity, *copinage*, conflict of interest, and abuse of power is what governs the action of this Government. Of course, the role of the STC, which has been flushed with foreign currency from the Bank of Mauritius, has to be defined. And I will not come back to the massive payment of more than Rs500 m. effected to a dubious EU company, whose credentials have been circulated.

EU, of course, is monitoring, irrespective of indifference of the Government. But let me come back to those two amendments to sections 2 and 143 of the Companies Act which do not owe their existence to a proactive clean-up act of this Government. What do we find in the Annex to the Budget Speech at page 23? That the proposed amendments are part of a series of measures implemented to improve the country's ranking in the World Bank Ease of Doing Business Index. In fact, it is a Government of make-believe. The concern is what appears in the Ease of Doing Business Index of the World Bank. It does not seem to be concerned at all with reducing the ease of doing corrupt business where, if you look at the St Louis Scandal and the emergency procurement of the medical equipment, the Ministry of Public Utilities and the Ministry of Health seem to be fighting for the first place, followed closely by the Ministry of Commerce.

And even as regards the World Bank Ease of Doing Business Index, I will show to this House that although the proposed amendments to the Companies Act, with the introduction of the definition of independent director in section 2 of the Act and the addition of the new obligation to the duties of directors in section 143 of the Act, appear to go in the right direction. They certainly contain the germs of abuse which are so characteristic of this Government.

It is, indeed, my postulation that three of the constituent elements of the definition of an independent director, as proposed in clause 10 (a) (ii) at page 20 and 21 of the Bill, contain the germs of abuse and show this Government lack of determination to address the issue in the face, for example, of the disastrous placing of Mauritius on the black list of the European Union.

Now, what do I mean when I say that three of the constituent elements of the definition of independent director, as proposed in clause 10 (a) (ii) of the Bill, contain the germs of abuse? I mean that when one looks closely at the proposed criteria to be fulfilled to be an independent director in clause 10 (a) (ii) (b), (e) and (f), one can find the clear potential for abuse. In other words, when one looks closely at the element of material business relationship in clause (b), at the element of close family ties in clause (e) and the element of significant link with other directors through involvement in other companies or organisations in clause (f), one can clearly observe the potential for abuse which is, unfortunately, one of the hallmarks of this Government.

In fact, the gist of the potential for abuse is that Government seems to be taking a stance whereby as long as section 2, independent directors are not grossly or significantly not independent, it is alright with this Government. In other words, it is okay with this Government in section 2, independent directors are to some extent not independent.

Let us now look in particular at clause 10 (a) (ii) (e) whereby an independent director

—

“must not have close family ties with any of the advisers, directors or senior employees of the company;”

The clause has the potential of being grossly ineffective because it does not define what the expression ‘close family ties’ means which, in fact, knowingly or unknowingly, consciously or innocently, it does not. Indeed, what we learn is that you cannot be an independent director if you have close family ties with any of the advisers, directors or senior employees of the company. First, it is now clear that the hon. Minister has not defined what ‘close family ties’ means for the purpose of ensuring that one is or is not an independent director.

When we know of the scandals which have been afflicting the country since the Government took over, can we believe that the failure by the hon. Minister to define what ‘close family ties’ are has happened unknowingly or innocently? Hon. Minister, please don’t be part of the Government’s conspiracy to defraud and I would impress upon the Minister to provide us urgently with a definition of what ‘close family ties’ means.

Now, let me come to another point. When you look closely at clause 10 (a) (ii) (e) at page 21 of the Bill regarding close family ties, the implication, if an independent director must not have close family ties with any of the advisers, directors or senior employees of the

company, this prohibition regarding close family ties, however, means that for the purposes of section 2 of the Companies Act, you can also be an independent director even if you have other family ties other than close family ties with any of the advisers, directors or senior employees of the company. Surely, that contains the germ of abuse. Indeed, reason presupposes that if you have close family ties, you are grossly not independent. But it remains the case that if you have other family ties, you cannot be independent. You may not be grossly dependent but you are still not independent. Therefore, I strongly ask the hon. Minister to review the component (e) of this warp definition of independent director.

In the same vein, as for the germs of abuse arising in the company in the components of business relationship and family ties, things get worse in the component (f), of what clearly appears to be the hon. Minister's warp definition of an independent director. Indeed, to be an independent director, the Bill states at page 21 that the director must, *inter alia*, not have, I quote -

“(...) significant link with other directors through involvement in other companies or other organisations;”

It is my contention, and I will prove it before the House and to the country, that there are four disgraceful deficiencies in this particular component of the definition of ‘independent director’, and the four disgraceful deficiencies in this particular component (f) of the definition of ‘independent director’ at page 21 of the Bill are to be found, firstly, in the requirement of significant link with other directors and, secondly, through involvement in other companies or other organisations.

Regarding the first disgraceful deficiency, it is unacceptable that the legislator should propose that under component (e), there should be no close family ties with advisers, directors or senior employees of a company but that under component (f), there can be significant link with advisers and senior employees of the company although not with directors.

Even if one assumes that a director is independent, will there not be a perception that a director is not independent if he is allowed to have significant links with advisers or senior employees? In fact, it is a reasonable inference that allowing so-called independent director to have significant links with advisers and senior employees of a company contains the germ of abuse.

Another deficiency regarding this first element of component (f) of the definition of independent director is that the independent director can have link other than a significant link with other directors of the company and this will clearly be acceptable in law, henceforth, to qualify as independent director. Yet, the perception is that one will possibly not be independent when one has a link with advisers, senior employees and other directors, and if this Government wants to clean up its act, it should rather insist that there must not be any link between independent directors, advisers, senior employees or other directors, the key to all this being to give a legal definition to the term 'link'.

What is significant link for the purposes of an adequate definition of an independent director is surely a material element to establish the right criteria to be independent director. Yet, the term 'significant' is not legally defined in the Bill and remains blurred. It should be given a definition and cannot be left to ordinary lexical definition as would otherwise be the case if the term is left without legal definition. The hon. Minister of Finance should not leave this unattended if he expects to be taken seriously.

Mr Speaker, Sir, I postulate that what I have said about material business relationship, close family ties and significant link in the definition of an independent director confirms the view that Government is more in the realm of make-believe for the purpose of the Ease Of Doing Business Index than in the realm of good corporate governance and transparency.

Let me now come to the addition of a new obligation to the duties of directors in section 143 of the Act, which is also deficient in as much as the use of the word 'unfairly' appears to be unnecessary. Under the newly proposed section 143 (n), a director must "at all times in a manner which is not, oppressive, unfairly discriminatory, or unfairly prejudicial to shareholders". I cannot think of a single situation where one could be unfairly discriminatory to shareholders. I am also of the view that discrimination is, by definition, unfair and that the drafting here has been *bâclé*, if I may say so. Similarly, from my perspective, prejudice is, by definition, unfair. So, I cannot see the appropriateness of a duty not to be unfairly prejudicial to shareholders. The duty to be imposed under section 143, subsection (1) (n) is that a director must "at all times act in a manner which is not, oppressive, unfairly discriminatory or unfairly prejudicial to shareholders". The word 'unfairly' must be deleted from section 143 (n).

The need to define the term “independent director” and to increase the duties of directors under clause 10 (c) and 10 (d) at page 21 of the Bill, however, expose a blatant lacuna which has come to light recently with the St Louis scandal.

The Finance Bill should come up with provision to govern Board members of institution like CEB and should also have introduced independent directors for parastatal organisations. I would like here to stress upon the urgent need for the Finance Bill to provide for duties to be imposed on Board members to act in good faith and in the best interest of organisation which those Boards oversee.

Let me go back to the Board of the CEB to highlight the lacunae which urgently need to be plugged. We have been told that, just like the hon. Prime Minister, the former Deputy Prime Minister did not apparently know about the investigation into fraudulent and corrupt practices in the St Louis scandal until 08 June 2020. Yet, is it not true to say that, among the Board members, were the former Chairman of the Board, the former Acting General Manager, the representative of the Ministry of Public Utilities, the representative of the CWA, the former Senior Adviser who chaired the Board meeting on 31 October 2019, where it is now known officially that the fraudulent and corrupt practices of the St Louis Gate scandal were raised. Surely, the House realises that all these five Board members were answerable to the former Deputy Prime Minister himself. How realistic is it that not one of them would have informed the then Deputy Prime Minister of the investigation into the fraudulent and corrupt practices that he allegedly came to know about only on 08 June 2020?

In law, it is the former Deputy Prime Minister who should have revoked the Board members. Did the former Deputy Prime Minister or the hon. Prime Minister, for that matter, bother to find out before revoking those Board members, which is why that they would have been informed that they would have not informed the then Deputy Prime Minister of an investigation into fraudulent and corrupt practices when they came to know about the same, officially at least, as far back as 31 October 2019. They have to give it in writing.

Up to this day, the country does not know just why these five Board members did not inform the Deputy Prime Minister - why they did not inform him. If the hon. Prime Minister for that matter did not bother to find out before revoking those Board members, why is it that they would not have informed the then Deputy Prime Minister of the investigation into fraudulent and corrupt practices in 2019? The country still does not know whether neither the former Deputy Prime Minister nor the hon. Prime Minister did not find out before revoking

them. Worst still, if they had found out, why the country still left in darkness? Has there been another cover-up? It is so convenient that the Board members are gone without a special Board meeting where they could all have been questioned, and this is where the Finance Bill is deficient as opposed to dealing only with the definition of independent director and imposing one additional duty on directors under the new section 143 (n) of the Companies Act. The Bill should have come up with duties akin to that of company directors for Board members of organisations like the Central Electricity Board and the State Trading Corporation. Thus, there would be statutory duty on Board members to exercise their powers honestly, in good faith, and in the best interest of the organisation they oversee, just like under section 143 (c) of the Companies Act for company directors. Similarly, there should be a duty to exercise care, diligence and skill on Board members of organisation like CEB, just like under section 143 (d) of the Companies Act for company directors.

Let us look at this glaring omission of the Finance Bill, this time from the perspective of the responsibility of the hon. Prime Minister who was at the time also Minister of Finance and hon. Prime Minister then also. Now, the hon. Prime Minister had two representatives on the Board of CEB during the time that the investigation on fraudulent and corrupt practices was known by the then Acting General Manager of CEB and the former Chairman and this, since at least the first half of February 2019.

In this respect, it is apposite to mention that, according to law, one represented the Ministry of Finance and the other the Ministry of Economic Planning and Development on the Board of CEB. Who were the two representatives of the then Minister of Finance and hon. Prime Minister on the Board of CEB from February 2019 to 13 June 2020? We still don't know to this day. How realistic it is that not one of them would have informed the Prime Minister or the Prime Minister's Office or the Ministry of Finance and Economic Development of the investigation in the fraudulent and corrupt practices in the St Louis scandal? Has the hon. Prime Minister bothered to find out why his representative did not inform him or the PMO of the investigations, especially when the corrupt practices, the country has been told, in breach of confidentiality, involved hundreds of millions of rupees of bribe?

I am sure that this House, the country and the whole nation will endorse an amendment to the Finance Bill, where the hon. Minister of Finance to impose a statutory duty on Board members of organisations like CEB, STC, to exercise their powers honestly, in good faith,

and in the best interest of the organisation they oversee just as in the case under section 143 (c) of the Companies Act for company directors.

Similarly, the whole country would appreciate if the hon. Minister of Finance has the guts to impose a duty to exercise care, diligence and skill on Board members organisation like the CEB just as in the case under section 143 (d) of Companies Act for company directors. But will the hon. Minister do that? Time will tell, and I don't think so. Unfortunately, my doubts are there, and this Government, I believe, will prefer to have the Ken Arian, the Prakash Maunthrooa, Zouberr Joomaye and Seety Naidoo win the day even if the whole nation can see that the country is going to the dogs barely eight months after their coming into office.

Thank you very much.

Mr Collendavelloo: May I be allowed to intervene on a point of explanation?

Mr Speaker: Go ahead!

(3.37 p.m.)

PERSONAL EXPLANATION

BURMEISTER & WAIN AMERICAN CORPORATION – CORRUPT PRACTICES

Mr I. Collendavelloo (Third Member for Stanley & Rose Hill): Mr Speaker, Sir, thank you for allowing me to intervene on a point of explanation. This follows the allegation made by the hon. Leader of the Opposition, that I must have been informed that the Danish Company, BWAC, was investigating in corrupt practices.

In fact, I was never informed of such an investigation and it was only after 08 June that I asked for copies of the correspondence to be forwarded to me and, indeed, I saw in that correspondence that there was no information that the Danish Company was investigating in corrupt practices involving the Central Electricity Board. The emails sent to the General Manager were to the effect that they were investigating actions by the local Consultants and local contractors. This is why, I presume, that I was not informed of that correspondence. Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Members, in view of the number of orators who have expressed their interests to take part in the debate, I am limiting the debate for 30 minutes. And now, hon. Minister Bholah!

(3.39 p.m.)

The Minister of Industrial Development, SMEs and Cooperatives (Mr S. Bholah): Mr Speaker Sir, it is a known fact that the Finance Bill provides the legal framework for the successful implementation of the measures enunciated in a budget and so does this Bill which is being presently debated.

As stated by the hon. Minister of Finance, this Bill aims at amending some 70 existing Acts. I wish to point out that the Budget 2020-2021 has addressed major expectations of the economy and the society especially at a time where we are exposed to an unprecedented pandemic that is COVID-19.

So, thank you, Mr Speaker, Sir, for giving me the opportunity to dive into some major clauses of the Finance Bill 2020. In fact, I will provide my comments to five clauses and I will begin with the amendments proposed to the Cooperatives Act 2016.

The cooperative sector in Mauritius is celebrating its 107 years of existence. As the decades go by, numerous challenges have emerged. Back in 2016, Mr Speaker, Sir, I came before this august Assembly with a new legislative framework for the Cooperative Sector. The Cooperatives Act 2016 was formulated based on the following principles –

- (i) transparency,
- (ii) accountability, and
- (iii) good governance.

At the same time, it made provision for the creation of the Mauritius Cooperative Alliance Ltd, the tertiary organisation which acts as the mouthpiece of the cooperative movement. We also considered it important to upgrade the knowledge and skills of our existing co-operators whilst effecting sensitisation campaigns to encourage unemployed women and the youth to choose the cooperatives model as a means for social inclusion.

For this purpose, Mr Speaker, Sir, the National Cooperative College was set up. Since its opening in August 2018, the National Cooperative College has been offering certificate courses and 22 non-award courses in vocational training and 10 capacity building programme courses. I am pleased to inform the House that as from this year, the National Cooperative College is running Diploma courses as well.

Mr Speaker, Sir, all this has been possible because of our willingness and relentless efforts to consolidate the cooperative sector. We now wish to further revamp the cooperative

movement. The proposed amendments to the Cooperatives Act in the present Bill pertain to State land allocated to Cooperative Societies.

Let me inform the House, Mr Speaker, Sir, that some 100 Cooperative Societies have benefitted from lease of State Land. The total extent of State land allocated to Cooperative Societies amount to some 605 *arpents*. The extent allocated per Cooperative Society varies with the smallest portion of 50 *perches*, that is, half an *arpent*, and the highest being 64 *arpents*.

The land allocated to Cooperative Societies is meant for the following –

- (i) Cultivation of vegetables or fruits, and
- (ii) Livestock breeding.

Mr Speaker, Sir, COVID-19 has demonstrated our vulnerabilities in many fields. There has been mounting concerns over food security. Food security was already a challenge before COVID-19 hit us. Leaders across the globe were faced with the question: “How can the world feed a global population of 9 billion by 2050?” The answer is quite simple - “Grow more food”. But, Mr Speaker, Sir, the means to achieve this might not be simple.

Availability of land remains a fundamental component of the world’s ability to feed itself. This is why, Mr Speaker, Sir, we need to make sure that land allocated to whomsoever should be used to its optimum. Land not being occupied or not being used at their optimum level should be retrieved.

Mr Speaker, Sir, in this context, my Ministry has already identified and build up a list of Cooperative Societies who are beneficiaries of lease State land. This list was cross-checked with the Ministry of Agro-Industry and Food Security who is the depository of all State agricultural lands.

A visiting team was set up and composed of officers of my Ministry, of cooperative auditors and that of Agro-Industry. A survey exercise was carried out from 15 June this year to 02 July 2020. 87 Cooperative Societies which have benefitted from State land have already been subject to site visits. I am informed that visits will be effected for the remaining 13 societies by the end of this week.

Mr Speaker, Sir, out of some 605 *arpents* allocated to Cooperative Societies, so far, it was found that around 170 *arpents* have been abandoned. This is why I fully welcome the proposed amendments being brought to the Cooperatives Act.

The Registrar of Cooperative Societies will now be empowered to initiate procedures for an inquiry which ultimately may lead to the cancellation of the lease of agricultural land which are –

- (i) not occupied;
- (ii) sub-leased, and
- (iii) occupied by one member only for his personal gains and where there are conflicts arising.

Land retrieved will thereafter be reallocated to other Cooperative Societies who have shown firm willingness for development to grow or cattle rearing thereon.

The next clause on which I will touch upon is the Mauritius Agricultural Marketing Act. The amendment to the Mauritius Agricultural Marketing Act (MAM) will provide legal framework for the setting up of a National Wholesale Market.

The primary aim behind the conception of the National Wholesale Market project is the provision of a modern infrastructure to all stakeholders where there would be traceability, affordability and accessibility. With the coming into operation of the National Wholesale Market, it is understood that all existing auction sites would no longer operate.

Mr Speaker, Sir, the National Wholesale Market will provide storage facilities to planters and allow for open and efficient auction of their agricultural produce, namely vegetables and fruits. However, Government has decided that the operation of the National Wholesale Market be handed over to the Agricultural Marketing Board (AMB).

In this context, the Mauritius Agricultural Marketing Act (1963) is being amended in view of broadening the roles and functions of the AMB. The National Wholesale Market is expected to start operation by end of 2020. It will also be a Planters' Market.

Mr Speaker, Sir, it goes without saying that the cooperative societies involved in the production of vegetables and fruits will be the direct beneficiaries of such a project. Let me inform the House that 70% of the production of fresh vegetables comes from growers grouped in cooperative societies. Cooperatives account for 65% of onions production and 45% of potato production in the country.

Allow me, Mr Speaker, Sir, to talk about a project on which my Ministry has embarked upon, in collaboration with that of the Agro-Industry. The Cooperatives Division is presently identifying four locations for the setting up of retail outlets for the sale of products of cooperative societies. A Memorandum of Understanding will be signed with the AMB so

that the organisation could put up its products on sale in these retail outlets as well. I believe, Mr Speaker, Sir, that such a project will improve the distribution of agricultural products and consumers will be the ultimate beneficiaries.

I will now move on to clause 60, that is, Small Farmers Welfare Fund Act. Provision is being made through this clause to include aquaponics in the definition of small planters. Everybody will agree, Mr Speaker, Sir, that we have an ageing population of planters and that this segment does not attract the youth. Modern and technically appealing methods can circumvent this thorny problem and bring our youth towards intelligent and smart cultivation. This is highly commendable,

Mr Speaker, Sir, as aquaponics is deemed to be a sustainable method of raising both fish and vegetables in an integrated system which is becoming more and more popular around the world. This method of production can contribute to chemical free food and to national food security.

In fact, Mr Speaker, Sir, I can state that at the level of SME Mauritius and the National Cooperative College, it has been observed that there is an increasing interest for courses in aquaponics. Both SME Mauritius and the National Cooperative College are running courses in aquaponics to train existing growers about new techniques of production and potential entrepreneurs who wish to join the agri-business industry. 446 persons have already been trained by SME Mauritius in the field of aquaponics.

Mr Speaker, Sir, another amendment to the Small Farmers' Welfare Fund (SFWF) aims to include the grouping of farmers having an annual turnover not exceeding Rs10 m., in view of Government's policy to encourage farmers to benefit from economies of scale. I am totally agreeable to such an amendment as we are encouraging persons of common interests to join forces and to set up cooperative societies.

Mr Speaker, Sir, farmers are essential to addressing food security. However, owing to their lack of market power, they face significant barriers of entry such as outdated farming techniques, a lack of infrastructure and limited credit to access financial services. Cooperatives, as a result, offer opportunities that smallholders could not achieve individually. They help connect individual farmers to the global food markets and increase food production by aggregating their product and equipping them with access to marketing, savings, credit, insurance and technology.

In addition, smallholder producers are empowered by being a part of a larger group. They can negotiate better terms in contract farming and lower prices for agricultural inputs such as seeds, fertilizer and equipment. This encourages them to increase their productivity and develop a sustainable supply of high-quality food. This is why, I believe, Mr Speaker, Sir, the cooperatives model is the alternative solution for individual farmers who wish to benefit from various services and facilities.

Mr Speaker, Sir, other highlights of the amendments to the Small Farmers Welfare Fund Act pertain to a more structured registration and information gathering process. Amendments will now enable a formal description of the Registration exercise at the Small Farmers' Welfare Fund, which, amongst others, will enable the Small Farmers' Welfare Fund collecting correct information from the growers. It will also allow the judicious use of public funding as all assistance from the Small Farmers' Welfare Fund will be provided only to the list of *bona fide* registered farmers, who are effectively qualified for such support.

At the same time, further gathering of accurate and intelligent information on the sector (demographic, economic or social, etc.) can be done and can be used for informed decision-making. Officers are also now empowered to conduct their duties effectively and to gather accurate information on fields and farms for the purpose of operating the Fund's Schemes.

Mr Speaker, Sir, another amendment in the Small Farmers Welfare Fund Act relates to the poultry sector. Since the poultry sector is considered as essential, especially due to its competitive advantage to boost local production of food post COVID-19, amending the definition of small poultry breeders by increasing the maximum number of poultry head from 5,000 to 25,000 will enable the Fund to extend its welfare programme to these operators also.

Mr Speaker, Sir, a few words on the income exemptions thresholds, that is, clause 28. The income exemptions thresholds are being reviewed as follows in the Income Tax Act –

- increase of Rs20,000 for those having up to one dependent;
- increase of Rs35,000 for those having two dependents;
- increase of Rs75,000 for those having three dependents, and finally
- an increase of Rs125,000 for those having four or more dependents.

Mr Speaker, Sir, in the current times, it is imperative to consolidate the purchasing power of the population, and the increase in income exemptions will act in this same line.

Moreover, on an individual and national scale, this measure will help sustain and, in some instances, boost general consumption.

Regarding the solidarity levy, as has been the case over the past few years, it is a social measure taken, in view of rectifying the income inequalities between low-income and high-income brackets. Mr Speaker Sir, this measure is aligned with the practice of social justice. Indeed, as put forward by the renowned economist Adam Smith in his work titled ‘The Wealth of Nations’, one of the canons of taxation is that of Equality.

Under this concept, it does not mean that everyone should be paying the same amount of tax, but rather, it means that the higher-income brackets should be paying more taxes, and the lower-income brackets, less. It is only through such a mechanism that the distribution of income will become fairer between all income brackets.

The Solidarity Levy proposed is aligned with the same principle. Notwithstanding the social justice element of the Solidarity Levy, this should not come at the cost of discouraging income-earners to invest part of their income and savings in yielding instruments such as stocks and funds, whereby the dividends generated, coupled with emoluments, over and above the threshold amount of Rs3 m. in leviable income.

Therefore, the cap of 10% of the leviable income is most welcome as it ensures that, at all times, the effective rate of taxation of an individual will not exceed 25%. It is important to enlighten the House, Mr Speaker, Sir, that various Governments around the world have called for solidarity taxes amidst the COVID-19 pandemic. To name a few, in April this year, Peru introduced a Solidarity Tax on the wealthy and super-rich Peruvians earning more than USD 3,000 monthly. Similarly, Columbia introduced a short-term Solidarity Tax, with progressive rates, ranging from 15% to 20%. Recently, the South African Finance Minister, Tito Mboweni, evoked the idea of introducing an Inheritance Tax and a Solidarity Tax to raise additional revenue. Also, in early July, the Minister of Finance of Latvia talked about the possibility of introducing a Health Insurance or Health Tax of 5%, of which 2% will be in the form of a so-called Solidarity Tax.

Mr Speaker, Sir, as mentioned in the Budget Speech 2020-2021, the Bank of Mauritius will come up with new frameworks for digital banking, amongst others. At the pace with which technology is evolving and, concurrently, the increasing expectations of the end-consumer, banks around the world are having to adapt their end-user experience and go digital. In this breath, the new framework on digital banking will help generate a more

seamless banking experience for various categories of consumers, from improving customer onboarding to the provision of customised digital banking solutions.

Mr Speaker, Sir, customer preferences have shifted to online and mobile devices. Banks can no longer afford to wait to adapt their banking experiences, to online channels and smaller screens. Therefore, it is imperative that a conducive environment is created for our local banks to roll out their digital transformation. The introduction of a digital banking license will formalise the demand and objects of the digital bank or digital banking business, which should be underpinned by innovative value propositions from entities.

Mr Speaker, Sir, the advent of either full-fledged digital banks or digital banking businesses will go a long way to reduce the cost of operations of the traditional banking experience for both service providers and customers.

Mr Speaker, Sir, to be able to embrace a new era, a new way of life, a new normalcy, the following are our guiding principles: reform, reengineer and be efficient. We are being given a new chance to spread opportunities and build a more robust economy. COVID-19, the invisible enemy is threatening lives, economies and societies around the world. In such a particular context, Government is ensuring that we come up with the appropriate policy decisions to keep our people safe and to ensure that our economy is running.

Mr Speaker, Sir, governing is all about making choices. But choices are made according to priorities. Our mandate will always be people-centred and we intend firmly to deliver on promises made to our citizens.

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

(4.01 p.m.)

Mr X. L. Duval (Third Member for Belle Rose & Quatre Bornes): Mr Speaker, Sir, how on earth do you wish us to comment in 30 minutes on 70 important changes to legislation? We will see. I will do my best, but I will follow, Mr Speaker, Sir, the rules of debate, as I understand it to be on a Finance Bill, that is, one should speak on the technical nature of the amendment, except, and that is a big exception, where the actual Finance Bill tries to implement something which has not been announced in the Budget or there have been changes in the Finance Bill as to what was originally proposed in the Budget. That is how I understand rules of debate on a Finance Bill should be, but, maybe, again, there is a new normal, I am not sure.

Now, Mr Speaker, Sir, so far as the fiscal measures announced by Government are concerned, there are four main fiscal measures announced by the hon. Minister of Finance. One dealt with indirect taxation, that is, sugar tax, doubling of taxes on sugar products, and that has remained unchanged. And the second one, the second type of fiscal measure was on direct taxation. Three measures were announced by the hon. Minister of Finance, a few weeks ago, on direct taxation. All three, Mr Speaker, Sir, have been either dropped or severely modified in this Finance Bill, and that is, I think, the first time in the history of Mauritius, since independence, that a Minister of Finance has had to *revoir sa copie* in the way that the present Minister of Finance has done. And I will, of course, Mr Speaker, Sir, explain what I mean.

As far as the measure of taxing large corporates which have a turnover of Rs500 m. or more, that tax was announced, *la taxe sur le grand capital*, and, of course, there has been a lot of lobbying, there has been a lot of objections to this. And what has happened to this famous tax on large companies? It has just been simply been abandoned, Mr Speaker, Sir, and I agree with the abandonment. I think that taxes on turnover exist in Mauritius; they exist on banks, they exist on telephony companies. But this is not the moment, where everybody is facing liquidation or receivership or bankruptcy, where people are thinking of making people redundant, that you would introduce a tax, not on your profits, but on your turnover, irrespective of what your profits would be. It is unthinkable, in this crisis situation, that a Minister of Finance would even dream – even dream! – of introducing such a tax, and I congratulate the Minister of Finance for abandoning his own measure. It would have been, Mr Speaker, Sir, unthinkable, as I say, to have done so. And this is why I said this is *un budget d'apprenti sorcier*, as if *nous avons affaire à des dangereux amateurs*, we are trying this and the other and see what the response will be. But that's not all, Mr Speaker, Sir, unfortunately not, because then, we come to the Solidarity Tax. So, it is a tax, a hefty Solidary Tax, *s'il vous plait*, 25% of all leviable income above Rs3 m! That was the announcement in the Budget. But worse than that, it was only to tax Mauritian citizens, not foreigners. You would have a foreigner earning the same amount of money as a Mauritian, working next door to a Mauritian, in the same room, maybe, on the same floor, he would pay tax at 15%, the Mauritian guy would pay tax at 40%, and the Minister of Finance has thought it absolutely correct for that to be the case, nothing wrong with it! Two people, depending on their nationality, one would pay 15% and the other one would pay 40%! He did not explain what would happen with people with dual nationality, whether they would be split in half.

That was, Mr Speaker, Sir, another unthinkable measure for a Minister of Finance. And, of course, it has been dropped! The Minister of Finance has backpedalled, rightly so, I congratulate him again, and now foreigners and Mauritian citizens with the same amount of revenue will pay the same amount of tax. That is obviously something that is welcome. But how can one even dream of trying to do the opposite? Taxing Mauritians much, much more than foreigners for the same amount of income.

Mr Speaker, Sir, obviously the announcement that the Solidarity Tax would be an amount of 25% on all this income above Rs3 m., and again, there was a lot of public outcry, because it was a huge amount of additional tax for people to pay, especially when you understand the *gaspillage* that this Government is actually perpetrating day in, day out. And so, now, again, backpedalling: 25% has been capped at 10%. And so, here, the Solidarity Tax has been changed for foreigners and, for the actual amount, the percentage now caps at 10% instead of the original 25%. So, on two of the first measures, you have dramatic change of course, dramatic backpedalling; welcome backpedalling, I must say, by the Minister of Finance.

Of course, whilst trying to provide some relief by taxing at 10%, the unfortunate unintended consequence of capping at 10% is that people who earn between Rs3 m. and Rs5 m. will see their marginal tax rate increased to 40%, that is, once you earn over Rs3 m., every Rs100 that you earn, the Minister of Finance will take Rs40 out of that. And then, because of the capping, after your Rs5 m., that marginal tax rate falls back to what it should be. That is an enormous amount of tax to take from people earning from Rs3 m. to Rs5 m. And that is the case! Between Rs3 m. to Rs5 m.! I agree there are relatively rich people, but still you are taxing them at 40%. That was not the original intention. That happened when the Minister of Finance backpedalled with the capping at 10%.

I would also like to ask here a very serious question to the Minister of Finance. He had, in his Budget Speech, stated that the Solidarity Tax will bring in Rs3.5 billion – is that so, that is correct – annually to the Consolidated Fund. He has not said, with these changes, how much money is expected now to accrue to the Consolidated Fund. I would perhaps ask him to enlighten the House later on when he speaks, to tell us what is the expected revenue that is now going to accrue, to arise with the changes, the capping, etc., also with the taxing of foreigners that will be bringing positively. Perhaps he can tell us how much money is now expected so that we can compare next year, to see how much actually was received, Mr Speaker, Sir.

Now, let's come to the famous *Contribution Sociale Généralisée*. That is, Mr Speaker, Sir, a tax that is masquerading as a pension contribution. It has nothing to do with pensions. This should not come in the Pensions Act, but should be in the Income Tax Act. It is under the Ministry of Finance; it is managed by the Director General of the MRA, not by the Social Security as the pensions are and, of course, Mr Speaker, Sir, the whole of the amount goes to the Consolidated Fund, which is not what the National Pensions Fund did previously. It was accumulating in each taxpayer's, if you want, individual account. Now, this goes to the Consolidated Fund. It is a tax, pure and simple tax.

Now, Mr Speaker, Sir, I cannot vote for this clause in this Bill because it is so vague. Every single part of the Act says 'as will be prescribed'. Everything is 'as will be prescribed' - I am trying to find it if I can quickly. The rate of CSG 'as may be prescribed'. The application of the CSG 'as may be prescribed'. Any penalty 'as may be prescribed'. This is, Mr Speaker, Sir, an 'as may be prescribed law', and this is not acceptable. We need to know. He said in his Budget Speech it would be 1.5% and 3% for people earning up to Rs50,000 and double from then on, with no limit. Is that still what is being expected? Or, Mr Speaker, Sir, has he taken advice from the actuaries. It is the first time I see that professional advisers have spoken like this concerning a Government, that the actuaries have said what is being proposed is a Ponzi-like scheme. So, the Minister of Finance is proposing a Ponzi-like scheme to this country as far as the *Contribution Sociale Généralisée* is concerned. As I said, we need to know before we vote this law, not 'as may be prescribed', but what is the rate, what is the applicability of this new tax because it is a tax and nothing else. It has nothing to do in the Pensions Act; it should be in the Income Tax Act. There is no difference between this tax and any other tax. Money is fungible; it goes to the Consolidated Fund, full stop.

So, Mr Speaker, Sir, what is the applicability? To whom will this tax apply? This is also extremely important. The Constitution does allow discrimination in taxation, but not this kind of unfair discrimination where you would have people working in the public sector earning the same amount or maybe much more than persons in the private sector and the person in the private sector, if it is an owner managed business, for instance, would pay 9% totally and the guy from the public sector will not pay a cent, but the money would be used for both. One day they will tell us, Mr Speaker, Sir, that if you voted MSM you will pay 3%, if you vote for the Opposition, it would be a higher per cent. You cannot be discriminatory in this way, and I think it is illegal the way that this Ponzi-like scheme will be taxed upon and will be forced upon the private sector employees in Mauritius, Mr Speaker, Sir.

So, we will finish on that clause, Mr Speaker, Sir, to say that we are no longer a low tax jurisdiction. 15% Corporate Tax or Income Tax, 25% Solidarity Tax, one way or the other, 9% CSG, this is not a low tax jurisdiction. So, I think, in one way, the European Union would be happy because we have now become a high tax jurisdiction. And it is, Mr Speaker, Sir, important to do that.

And lastly on that point, I will say this. With the huge amount of money being taken from the Bank of Mauritius, Rs158 billion, there was no need to increase taxation because I will swear, I will bet my bottom dollar on this or bottom rupee on this, there will be billions and billions of rupees left in the coffers of this Government at the end of this financial year. We'll never spend that much. Rs10 billion being given to Africa? Why? Mr Speaker, Sir, not forgetting the Rs12 billion in the Special Funds, so, it is many, many billions of rupees being allocated, available to Government; most of it will not be spent, a lot of it will not be spent and there was no reason to increase taxation, maybe perhaps for some dogma that we have not yet understood fully in the Opposition.

Mr Speaker, Sir, opening to the world, clauses 27 and 45, we are lowering the investment threshold for Permanent Residence Scheme. I set the first threshold in 1999 for people retiring in Mauritius at \$500,000. 1999! 21 years later, we are not increasing it; we are reducing it to US\$375,000.

Small scale investors as well will have to pay only Rs50,000 as an investment. Retirees from last year's Budget, they will only have to bring in Rs60,000 a month. So, we are lowering the threshold completely. There are two ways to look at that, but we can look at that. But let's look at it, we are opening to foreigners. We are giving them permission to buy land in Smart Cities; we are giving them permission to invest in any company once they have an OP, an Occupation Permit.

We'll come to that in a moment. But, Mr Speaker, Sir, here we are opening up to the world, but these provisions do not come with what I think is extremely important for our country, and that is for our electoral laws, and that is a constitutional change, Mr Speaker, Sir. The Constitution of Mauritius, section 42 says that any Commonwealth national, once he has stayed two years in Mauritius, can register as an elector and, in fact, if he is domiciled here, it can be even less. So, we are opening up to potentially thousands upon thousands of foreign residents, all of them probably or many of them probably from Commonwealth countries. After two years only, these people will be allowed to vote in Mauritius if they

register. We used to laugh when we were taking Bangladeshis to certain public meetings on 01 May. This will no longer be a laughing matter because they are fully entitled to attend these meetings and vote here. And this is the issue, Mr Speaker, Sir, - I am not particularly choosing; I am just choosing Bangladeshis because that was in the news. What I am saying, Mr Speaker, Sir, is it is highly dangerous, and we cannot open up to the world if we do not protect our electoral system. This section 42 of our Constitution must be changed to a reasonable number of years, let's say five years, 10 years in Mauritius, then you can vote, not two years, Mr Speaker, Sir.

Now, I would like to come to this blanket authorisation almost for foreigners to do business in Mauritius. We can do many things. Mauritians love foreigners, but we should never threaten the possibility for a Mauritian to earn a decent living. The foreigner has much more income and investment opportunities than any Mauritian, and it is not a level playing field.

I will take a simple example, you will understand. Let's say we have a hairdresser. She only has Rs1 m. to do a little salon and, next door, now comes an American, whoever, French, English. They put Rs5 m. in the hairdressing salon. The Mauritian will never be able to compete. So, this is what I am saying. Every country protects their local citizens and if you want to attract foreigners, you attract high net worth. You do not attract lower net worth who are going to compete with your SMEs and your *ti dimounn*. And this is exactly what the Government is doing. They are taxing high net worth for them not to come to Mauritius whereas lower net worth up to Rs3 m. can come to Mauritius; spend \$50,000 to Rs2 m., it is nothing. Even a car is worth more than that now, and they can do any business they want.

And not only that, you come as an IT specialist, you earn Rs30,000 and the next day you can work as a taxi driver because you know you are not going to need a work permit. We need to be careful. We need to also carry the population with us in terms of what we are doing for the foreigners, Mr Speaker, Sir. Let's have them, yes, but let us also protect our local citizens.

Mr Speaker, Sir, I come quickly to the international sports hub. Rs5 billions of our money; 1 billion was used from China, which ought to have been spent on the aeronautical school was, in fact, diverted to this huge *éléphant blanc* in Côte d'Or, Mr Speaker, Sir. It is only now that there is a Sports Economic Commission being set up, four years after the planning for the construction of the stadium, Mr Speaker, Sir. Four years after, we have the

Sports Economic Commission and, of course, no international event yet. The only thing that the Minister of Sports told us the other day in question time was that '*j'étais en contact – s'il vous plaît - avec les organisateurs de Necker Pro Squash*'. It was not even a firm booking; it was merely a *contact*. This is a huge *éléphant blanc*. It is going to cost hundreds of millions of rupees in terms of maintenance for the State, and what a shame that we lost this beautiful school where we could have trained pilots, we could have trained stewards, we could have trained aircraft engineers, all financed by the money that has been wasted in the so-called international sports hub.

Mr Speaker, Sir, coming now to the State Land Act - tourism. The Finance Bill says no rental will be paid by hotels in respect of the period 01 July 2020 to 30 June 2021. This is great news for hotels. But what about the rest? There are something like 115 hotels in Mauritius; there are 187 guesthouses; there are 756 tourist residences. Now these guesthouses, they are not the *grand capital*, they are *ti dimounn*, most of them. If they are on the beach, why don't they get also the waiving of the annual rental? If these tourist residences are - MRA can tell easily - in fact, rented purely and simply to foreigners, why aren't these tourist residences also entitled to a waiver of the annual rent as do big hotels? And this is a question, Mr Speaker, Sir, of unfairness towards *ti dimounn et ti capital* and, again, it is *grand capital* that is going to enjoy this waiver. It is not right. Here we have the new Minister of tourism. I would like him to put his weight behind all these *ti dimounn* who are going to suffer because the downturn in tourism is not going to be a short-term affair; it is going to be a long-term affair and you need to be fair, to give the same treatment to the *grand capital*, as you are doing, to deserving *ti dimounn*. That is, Mr Speaker, Sir, of importance.

Mr Speaker, Sir, on the Workers' Rights Act, here I must say I am totally confused and I think the explanatory note that has been given is misleading. That is quite grave, quite serious, Mr Speaker, Sir, because what I understand the Bill to say is that if now you want to make people redundant - it is not something that we wish people to do, but this is what the law says - if you wish to make someone redundant, this is exactly what the clause says -

“An employer shall not reduce the number of workers in his employment (...), unless the employer has applied for any of the financial assistance schemes set up by the institutions listed in the Tenth Schedule.”

Tenth Schedule being MIC, being SIC and being the DBM; an employer being someone who employs more than 15 people. So, you will not be allowed, full stop, unless I don't

understand English. You will not be allowed, full stop, to make anyone redundant unless he has applied to these three institutions. Now, my colleague agrees with me there is no time limit for them to answer. They are overwhelmed, I am sure, by applications. They can answer in years' time. But until they have refused your financing, you are not allowed to make anyone redundant. This is very unfair, Mr Speaker, Sir, because anyway it will be given as a loan that has to be repaid. Not anyone can bear to keep a number of people onboard for months and months and months, say in the tourism sector, even if you have a loan that you will repay afterwards. That is my point. It is for the Government to step in to help, say the tourism industry, with the cost of the payroll, and that should continue until say the tourism industry is back on its feet again. This is a coercive measure. I don't understand how even it can be legal that you cannot do that, but it is a coercive measure with no safeguards, with no time limit, that is being forced upon people. I would ask the Government to rethink their policy as every other country does. I don't know about Peru, Bolivia, whatever was quoted just now. I am talking about countries which are leaders in the field. People are encouraging their locals to use facilities, hospitality. Look at what the Chancellor of the Exchequer did a few days ago, Mr Speaker, Sir. Maybe our Chancellor here, young Chancellor, can take some ideas from that. He reduced VAT on hospitality and restaurant bills from 20% to 5% only to encourage English people to attend. That is also, Mr Speaker, Sir, something that should be done. I had said that in my speech on the Budget, that we should reduce VAT; we should reduce charges such as electricity. These things must be done. Just trying to coerce people like that will lead to people going bankrupt and will not help the industry. We have Rs10 billion that we are going to spend in Africa and we can't find a few hundred million rupees to help people to keep employment in Mauritius. This, Mr Speaker, Sir, I don't understand how it works, how the thinking works.

Two little bits of things, Mr Speaker - VAT on digital services by foreign suppliers. This can sound like a bit innocuous. People, Mr Speaker, Sir, in Mauritius are reeling from the additional taxes and the depreciation of the rupee. Now, to watch Netflix, you are going to have to pay 15% VAT on Rs500 per month; that is what Netflix charges. So, this is another tax that is being put on the household and it is most unwelcome at a time when the Government, as I say, has billions to spare. Think, Mr Speaker, Sir, of the *ti dimounn*! That tax on sugar also, at this point in time, with the depreciation of the rupee, has no right to be instated, Mr Speaker, Sir.

Mr Speaker, Sir, this also is very vague. The Medical Council Act, by one stroke of the pen, you could solve the terrible health situation in Mauritius. That is by making sure all the Mauritians who have studied in France, have become great specialists, can actually come back to Mauritius, and they cannot at the moment - and the hon. Minister of Health knows this very well because I have spoken to him in his previous calling - because they don't have the same system of internship. Who in the world would dare to say that people trained in France are not up to it? Not the Minister of Finance, I am sure! Who in the world would say that? Because the French Doctors, I don't know about French Economists, but the French Doctors happen to be the very best in the world, and they cannot even register in Mauritius. They need to register for preregistration whilst they are, in fact, specialists. So, I will ask the Minister of Health, he knows very well, at one stroke of the pen, he can solve the issue of quality of health in Mauritius because there are dozens upon dozens of our young people who have trained in the best universities such as Bordeaux, etc., and who cannot come back to Mauritius because they have to do preregistration training, which is an insult because these people are actually highly specialised Medical Practitioners, much more specialised than many people here, and that may be the real reason why they are not being allowed to stay.

Mr Speaker, Sir, I will join what the hon. Leader of the Opposition has said, that there are some, I think, 170 interns who are waiting to have their internship. Let us not *guet figir*, let us not pick and choose; let us take the first-come, first-served basis. Those who have been waiting longest, Mr Speaker, Sir, have the right to have their preregistration training earliest.

Mr Speaker, Sir, to conclude, even with these historically dramatic changes that the Minister of Finance has made to the Budget, this is now a 'Tax and Spend Government'. There is no other way than to label this Government as a 'Tax and Spend Government'. We are back to the 1970s, Mr Speaker, Sir.

The *Contribution Sociale Généralisée* is too vague to allow anyone to vote for it, because it is too vague. There is no certainty at all about the rates, the Ponzi-like scheme and the applicability as between the public sector and the private sector. In fact, this whole CSG should be abolished.

Foreign citizens in Mauritius, Mr Speaker, Sir, with the limits that have been placed, with the opening up, they will threaten the very rights of Mauritians to earn a decent living. This is why when we started, in 1999, at the 500,000 USD as minimum investment, that was

a Labour/PMSD Government by the way that was setting *la barre très haut, et maintenant* it is *nivellement par le bas* and we have to be careful. Mr Speaker, Sir, I am finishing.

Mr Speaker, Sir, we do need to have these amendments to the Constitution. Otherwise, in two years' time, when we will look at some of the meetings for 01 May, we will only see foreigners attending and God knows for what reason, because they have been bust in from their factories.

Mr Speaker, Sir, the Sports Economic Commission is a little but far too late and Côte d'Or will remain a disaster for this country. As far as relief for the Tourism Industry is concerned, it should be more far-reaching, not only for the grand capital but for everyone, and we must look at revenue generating measures for the Tourism Industry, that is the only way that will save the 125,000 jobs representing 24% of GDP.

As far as the Workers' Rights Act is concerned, Mr Speaker, Sir, let us not coerce but provide support to enable endangered companies to continue their employment. This coercion will not work, in my opinion, and will only make matters worse in terms of bankruptcy, Mr Speaker, Sir. That is all I had to say.

Thank you very much.

Mr Speaker: Hon. Minister Ramano!

(4.32 p.m)

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, je vous remercie de me donner la possibilité d'intervenir dans les débats sur le *Finance (Miscellaneous Provisions) Bill (No. VII of 2020)*.

Mettre en œuvre les mesures budgétaires afin d'assurer la transition écologique, une transition qui est l'aboutissement de notre programme de développement durable, demande des efforts considérables. Outre les orientations politiques et économiques que nous avons déjà parcourues ensemble depuis quelques semaines déjà, il est temps pour nous maintenant d'apprécier dans le concret, la gouvernance qui est indispensable pour nous guider d'une façon cohérente et constructive dans notre combat pour la protection de l'environnement, la gestion durable des déchets et la lutte contre le changement climatique.

M. le président, je ne répèterai jamais assez que, notre objectif est de promouvoir une gestion intelligente de nos ressources et pour arriver à faire ceci, nous devons impérativement

passer d'une économie linéaire à une économie circulaire. Ce défi, qui est certes ambitieux, n'est pas facile à réaliser s'il est accompagné de mesures légales adéquates.

M. le président, comme je l'avais déjà souligné dans mon allocution sur les dotations du *National Environment Fund* au cours des débats sur le *Supplementary Appropriation Bill*, le Budget 2020-2021 et les mécanismes financiers qui y sont associés, nous donne la possibilité de faire progresser nos engagements. Les amendements qui ont été proposés sur les différents textes de lois vont nous permettre maintenant, d'honorer ces engagements d'une façon durable et ainsi, répondre aux attentes de la population.

M. le président, dans le contexte de promouvoir la consommation et la production durable et une économie circulaire, les mesures budgétaires 2020-2021 prévoient d'accroître la capacité du recyclage à Maurice en introduisant le concept de responsabilité élargie des producteurs dans le *Environment Protection Act* avec des amendements à l'*Environnement Protection Act 2002*. Donc, nous comptons apporter des amendements à la section 96(2) qui confère le pouvoir au Ministre de l'Environnement de faire des règlements concernant la responsabilité élargie des producteurs et des importateurs. En effet, le recyclage des déchets solides à Maurice représente d'énormes opportunités avec le compostage des déchets organiques pour être utilisé à la place des engrais chimiques. Le recyclage des déchets plastiques pour être convertis et utilisés dans la fabrication d'autres produits utiles à la consommation ou encore la récupération de certains composants dont les déchets électroniques.

M. le président, nous avons aussi constaté qu'il était nécessaire d'examiner les règlements existants dans l'*Environment Protection Act 2002* afin de répondre aux attentes de la population pour avoir une meilleure qualité de vie. Il y a actuellement des obstacles quant à l'application efficace des mesures pour lutter contre la pollution plastique, la pollution atmosphérique, la pollution sonore et le dumping illégale entre autres.

Mon ministère, avec la collaboration de toutes les parties concernées, adoptera bientôt des *regulations* en vertu de la loi de 2002 sur la protection de l'environnement pour, je cite –

- (i) Réduire la pollution liée aux sacs en plastique usagés, aux contenants en plastique et aux bouteilles en plastique ;
- (ii) améliorer la qualité de notre air ambiant ;
- (iii) renforcer notre capacité de protection de l'environnement, et

(iv) lutter contre la pollution sonore et le déversement illégal de déchets.

M. le président, parmi les mesures de contrôle des déchets plastiques, je tiens à informer la Chambre au environ du 15 janvier 2021, dix articles en plastique à usage unique tels que les assiettes jetables, les gobelets jetables, les couverts, les *takeaways*, etc, seront interdits. La réglementation prévoit un délai de six à neuf mois pour écouler les stocks existants de ces produits qui seront interdits. Des amendements seront également apportés à la réglementation existante concernant l'interdiction des sacs en plastique pour pallier aux lacunes rencontrées lors de l'implémentation. La liste de l'exemption existante des sacs en plastique sera révisée afin d'interdire les sacs transparents, les 'roll-on' plastiques, les petits sacs n'excédant pas 300 cm² et les sacs en plastique destinés à l'exportation. La possession de ces sacs en plastique sera également une infraction à partir du 15 janvier 2021.

En ce qui concerne les bouteilles en PET, les règlements existants seront modifiés afin de renforcer le concept de "responsabilité élargie des producteurs", comme préconisé par l'amendement présent de l'*Environment Protection Act*, en élargissant le champ d'application du système de permis PET à l'emballage locale de denrées alimentaires dans des contenants en PET et aussi à l'importation de boissons et de denrées alimentaires dans des contenants en PET. En vertu de ce règlement, un titulaire de permis devra engager les services d'un recycleur de PET enregistré afin de collecter un maximum de bouteilles PET du flux de déchets à recycler et de soumettre des déclarations annuelles à mon ministère.

M. le président, avec votre permission, je souhaite faire référence aussi à la section 18 du *Finance Bill* qui concerne la question de la Responsabilité Elargie des Producteurs (REP) dans le cas de certains produits. Sous le mécanisme de la Responsabilité Elargie des Producteurs, les responsabilités des importateurs et des producteurs d'un produit sont étendues jusqu'à la fin de vie du produit. Le produit, à la fin de son cycle de vie, sera utilisé éventuellement comme intrant pour la production d'autres produits.

Dans la pratique, la Responsabilité Elargie des Producteurs implique que les producteurs ou les importateurs assument la responsabilité de la gestion des produits après qu'ils soient devenus des déchets. Cela inclut la collecte, le prétraitement, par exemple, le tri, le démantèlement ou la dépollution; la préparation à la réutilisation; la valorisation (y compris le recyclage et la récupération d'énergie) ou l'élimination finale.

Les objectifs d'un système de Responsabilité Elargie des Producteurs incluent, entre autres –

- a. La réduction des déchets, la réutilisation des produits et le recyclage des déchets;
- b. L'encouragement du développement durable en s'assurant d'une utilisation optimale des objets;
- c. La réduction de l'élimination finale des déchets;
- d. L'inclusion du coût de la gestion des déchets dans le prix du produit, réduisant ainsi le coût subi par les collectivités locales, et
- e. La conception de produits plus compatibles avec l'environnement, en réduisant l'utilisation des ressources et en diminuant l'utilisation de composants dangereux.

Le concept de la Responsabilité Elargie des Producteurs n'est pas nouveau. Il existe plus de 400 systèmes de Responsabilité Elargie des Producteurs qui sont opérationnels dans le monde entier et qui sont applicables à une variété de produits, notamment pour les équipements électriques et électroniques, les emballages, les batteries usagées, les huiles usagées ou encore les véhicules en fin de cycle de vie.

La mise en œuvre d'un système de Responsabilité Elargie des Producteurs à Maurice s'inscrit pleinement dans l'approche de l'économie circulaire, favorisant ainsi la récupération et le recyclage des ressources, ce qui corrobore également à la vision de ce gouvernement, telle qu'annoncée dans le programme gouvernemental et aussi mentionnée dans le budget 2020/2021.

M. le président, afin de pouvoir mettre en place un système de Responsabilité Elargie des Producteurs à Maurice, nous proposons plusieurs amendements à *l'Environment Protection Act*. Plus particulièrement, nous abrogeons les sections 69C, 69E, 69F et 69G de la partie XA de *l'Environment Protection Act* relatives à la '*Advance Recycling Fee*'. Ceci n'est pas applicable au système de Responsabilité Elargie des Producteurs qui est maintenant proposé.

En outre, nous élargissons le champ d'application du système de Responsabilité Elargie des Producteurs afin qu'il ne soit pas limité aux équipements et déchets électriques et électroniques, mais qu'il puisse également inclure les déchets qui peuvent être décrits et prescrits. A cet égard, les sections 69D (1) et 96(2) (fa) sont modifiées en conséquence.

En outre, la section 96(2) g (iii) sera amendée afin que le ministre puisse effectuer des règlements relatifs à la consommation et à la production durables pour "imposer les obligations de responsabilité de producteur à chaque fabricant, assembleur ou importateur en ce qui concerne les produits qui peuvent être prescrits". Ceci étend les objectifs des règlements qui doivent être rédigés et s'attaque aussi au problème de la gestion des déchets provenant des produits qui sont de plus en plus utilisés en grand nombre et qui deviennent obsolètes de plus en plus vite.

Les obligations rendront les producteurs et les importateurs responsables de la collecte, du traitement et de l'élimination de leurs produits après leur utilisation, ce qui contribuera à réduire significativement le volume des déchets et à créer un marché pour le plastique, le papier et le métal qui seraient autrement destinés à la mise en décharge. Cela allégera la responsabilité de la gestion de certains déchets des autorités locales et des contribuables et transmettra ces responsabilités aux producteurs, conformément au "principe pollueur-payeur".

M. le président, dès que les amendements proposés auront été apportés à l'*Environment Protection Act*, mon ministère travaillera alors à l'élaboration d'un cadre réglementaire pour la mise en œuvre de la Responsabilité Elargie des Producteurs pour les déchets électriques et électroniques, dans un premier temps, et qui sera ensuite étendu à d'autres produits. Je suis heureux d'informer la Chambre que nous sommes déjà en pourparlers avec le secteur privé. Les retours sont très positifs et je suis convaincu que, grâce à une consultation et une participation appropriées des parties prenantes, nous serons en mesure de mettre en place une réglementation appropriée en matière de Responsabilité Elargie des Producteurs. Le projet de règlement sur la Responsabilité Elargie des Producteurs que mon ministère élaborera dans les prochains mois définira clairement les rôles et les responsabilités de chaque partie prenante tout au long de la chaîne de production de produits et de déchets. Cela inclura les producteurs, les importateurs qui mettent les produits sur le marché, les distributeurs, les opérateurs privés des déchets, les recycleurs, les exportateurs enregistrés, les autorités et les autres acteurs socio-économiques.

La mise en place du système Responsabilité Elargie des Producteurs est l'un des nombreux projets que ce gouvernement met en œuvre dans le cadre de l'économie circulaire. Parallèlement, au système de la Responsabilité Elargie des Producteurs, mon ministère travaille à la mise en place des déchetteries sur l'île, ce qui permettra d'atténuer le problème du déversement illégal tout en favorisant le recyclage sur l'île. Ces déchetteries serviront

également comme centres de collecte dans le cadre du système Responsabilité Elargie des Producteurs.

A moyen terme, nous envisageons également l'implémentation du tri à la source et la mise en œuvre d'usines de compostage et de centres de tri. Tous ces projets sont conformes à l'objectif de développement durable 12 sur la "Consommation et production responsables" qui corroborent également avec la Vision 2030 de ce gouvernement sur la "Durabilité".

M. le président, la gestion de l'environnement concerne également la protection de nos patrimoines naturels. Permettez-moi de souligner que notre zone côtière a une importance capitale au niveau socio-économique, touristique, récréative et culturelle. Cependant, dû aux changements climatiques et de l'élévation du niveau de la mer, l'érosion de nos côtes est devenue un problème critique. Au fil de ces dernières décennies, une érosion accentuée autour de certaines de nos côtes, a même détruit la largeur des plages jusqu'à une dimension de 20 mètres.

Afin de s'attaquer à ce problème majeur, mon ministère en collaboration avec toutes les parties prenantes, s'engage sur des travaux de réhabilitation côtière autour de l'île. Ainsi, depuis 2015 à ce jour, quelque 6,5 kms du littoral ont été réhabilités à hauteur de R 330 millions et, pour l'année financière en cours environ 6,3 kms de littoral seront réhabilités. De plus, pour la période 2020-2024, des travaux de réhabilitation seront exécutés sur 15 autres sites vulnérables.

Afin de réaliser et mener à bien des travaux de réhabilitation, nous avons besoin d'avoir recours à des expertises dans ce domaine. Des experts sont appelés à entreprendre des études détaillées afin de concevoir les travaux à être entrepris et aussi assurer que ces travaux soient menés à bon terme grâce à une supervision méticuleuse.

Cependant, le recours aux services d'un consultant est un processus long. La conséquence qui en découle c'est que tout retard dans la mise en œuvre des mesures de réhabilitation pourrait entraîner la perte permanente des zones et d'espaces de plage importants. Cette situation est plus critique pendant les situations cycloniques où des mesures correctives urgentes sont nécessaires.

En conséquence, les modifications proposées à l'article 21(1) du *Public Procurement Act 2006* visent à inclure des *consultancy services* comme des domaines d'urgence. Ceci est propice pour nous aider à faire face aux aléas et incertitudes des effets du changement

climatique et surtout prendre des mesures correctives rapides et efficaces dans les zones côtières.

M. le président, permettez-moi, ici, de faire référence à certains articles de presse qui font allusion au refus de permettre aux citoyens Mauriciens le droit d'appel par rapport aux licences *EIA* octroyées par mon ministère devant l'*Environment and Land Use Appeal Tribunal*. Ces articles, M. le président, causent d'énormes malentendus et de préjudices à la réputation de Maurice devant des organismes internationaux, tels que le Programme des Nations Unies pour l'Environnement (PNUE), la Convention-cadre des Nations Unies sur les changements climatiques (CCNUCC), la Convention sur la biodiversité, entre autres. D'après ces critiques, le ministère de l'Environnement est en train de favoriser l'opacité autour des décisions et des projets qui auront un impact sur l'environnement, et par conséquent sur la société.

M. le président, permettez-moi de rappeler à la Chambre un extrait du jugement de la Cour dans l'affaire Baumann contre Le *District Council* de Rivière du Rempart en novembre 2019, où une définition du terme '*aggrieved party*' a été précisée.

"An aggrieved party..."

Selon le jugement.

"... is the one who has been notified that his application has not been approved. The legislator has not provided for any other person to have the possibility of challenging the granting of a BLUP to an applicant before the Tribunal.

Any other person, who feels aggrieved by the granting of a BLUP, may have another recourse before another Court but not before the Tribunal which does not have the jurisdiction to consider and determine complaints from persons who are not aggrieved persons within the definition of the Local Government Act 2011."

M. le président, prenant en considération le fait que le Tribunal est habilité à se prononcer sur les *BLUP* (*Building and Land Use permit*) tout comme sur les permis *EIA*, il était important d'harmoniser la loi mais aussi de préciser la particularité des *Environment Impact Assessment Licences*, définir et préciser le terme '*aggrieved person*'. Le présent amendement ne déroge nullement au principe de la transparence et au droit de recours des *genuine plaintiffs*.

M. le président, permettez-moi d'informer cette auguste Chambre que l'*Environment Protection Act*, 2002, prévoit un mécanisme transparent tout le long du processus d'analyse des rapports *EIA* jusqu'à la délivrance de la licence. Cette pratique sur la transparence, telle qu'elle a été reprise dans l'*Environment Protection Act*, 2002, est calquée sur les lignes directrices internationales et les conventions auxquelles la République de Maurice est signataire.

M. le président, à cet égard, avec votre permission, je tiens à apporter des clarifications sur le mécanisme transparent, tel qu'il est prévu par l'*Environment Protection Act*, 2002. L'article 20 de l'*Environment Protection Act*, 2002, prévoit qu'à la réception d'une demande de licence *EIA* au niveau de mon ministère, un avis d'inspection est publié dans le *Government Gazette* ainsi que dans deux journaux quotidiens. Ceci pour donner la possibilité au public et à tous ceux concernés de consulter ces rapports et de faire des commentaires et des représentations. Afin d'assurer un plus grand accès, le rapport est également téléchargeable sur le site Web du ministère de l'Environnement.

Nous allons encore plus loin dans nos efforts de renforcer la transparence et la participation active des parties prenantes. En effet, l'article 20 de l'*Environment Protection Act*, 2002, prévoit également qu'une copie du rapport soit mise à la disposition du public pour inspection au *Resource Centre* du ministère de l'Environnement et au conseil de district ou la municipalité selon l'endroit où le projet sera réalisé.

M. le président, subséquemment, après avoir complété les procédures restantes et après recommandation d'un comité interministériel, les permis *EIA* sont soit approuvés ou rejetés. Dans l'éventualité qu'un permis est rejeté, selon l'article 54(2) de l'*Environment Protection Act*, 2002, le promoteur, comme celui qui est directement concerné par ce refus, a la possibilité de faire appel devant l'*Environment and Land Use Appeal Tribunal*. Ainsi le rôle du Tribunal est de trancher là où il y a refus de la part de l'autorité concernée de délivrer un permis.

Cependant, nous avons noté ces derniers temps que certains contestataires, qui n'ont d'ailleurs jamais participé dans les plateformes que j'ai citées plus haut, se donnent le droit d'utiliser le Tribunal comme moyen de faire passer leur propre agenda et de se poser comme '*aggrieved persons*' quand un permis *EIA* a été approuvé et délivré.

M. le président, de ce fait, les prometteurs ne peuvent pas s'engager dans l'implémentation de leur projet aussi longtemps que le Tribunal n'a pas délivré de verdict. Il

a été noté, même au niveau du Tribunal, que plusieurs de ces protestations sont des fois banales ou même vexatoires et causent des préjudices inutiles. Il est à signaler que cet état de choses peut décourager les investisseurs à implémenter des projets nécessaires pour assurer le développement. C'est dans cette conjoncture que l'article 54(2) de l'*Environment Protection Act*, 2002, sera modifié pour clarifier l'admissibilité d'un appel devant l'*Environment and Land Use Appeal Tribunal*. L'admissibilité à faire appel devant l'*Environment and Land Use Appeal Tribunal* s'appliquera toujours au promoteur qui a vu sa demande de licence rejetée et, bien sûr, donnera la chance aussi aux personnes qui ont participé à la procédure de consultation publique du mécanisme de *EIA*.

En plus, M. le président, afin d'éviter les retards inutiles dans les procédures judiciaires, l'*Environment and Land Use Appeal Tribunal* a également été amendé afin d'instaurer un délai de 15 jours pour que le Tribunal puisse déterminer et examiner si un appel est vraiment sérieux ou '*frivolous*'.

Néanmoins, toute autre personne - et il est bon de le souligner, M. le président, le droit de recours existera toujours - qui se sente concernée et lésée par la décision du ministre d'accorder une licence *EIA* bien qu'elle n'ait pas participé à la procédure de consultation publique que je viens de mentionner, pourra tout de même toujours se manifester devant la Cour Suprême en termes de procédures judiciaires.

M. le président, la question environnementale a une dimension transversale. C'est donc avec intérêt que je note les amendements qui ont été proposés dans d'autres textes de loi qui concernent le *greening* des activités. Ainsi, l'utilisation d'une plate-forme électronique, notamment le *National Electronic Licensing System* pour la délivrance des permis et licences telle que préconisée dans l'amendement du *Local Government Act* et le *Building Control Act* sont un pas non négligeable vers le *greening* du *public sector*.

M. le président, notre conjoncture économique est inédite. Mais les amendements proposés dans ce texte de loi devraient aussi être perçus comme un combat écologique qui nous interpelle tous dans les moments difficiles mais qui doivent être perçus comme des moments extrêmement opportuns pour renforcer nos efforts déjà entamés dans la protection de l'environnement. Je dirais que nous avons une gouvernance qui est définitivement à la hauteur des défis que nous avons à affronter dans le moyen et dans le long terme. Il y va de soi que nous devons absolument mettre en œuvre tous les efforts possibles pour essayer de découpler la croissance économique avec la consommation de nos ressources. Pour cette

raison, il est essentiel que nos efforts soient intelligemment soutenus par les expertises mais aussi par des apports personnels de tous et de tous bords de cette hémicycle. C'est ainsi que je conçois le redémarrage et la soutenance de notre combat écologique dans le contexte du développement durable.

Sur ce, M. le président, je vous remercie.

Mr Speaker: Hon. Uteem!

(5.00 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, the object of the Bill is to implement measures announced in the Budget Speech. But, in fact, when we take a closer look at this Finance Bill, we see that many measures announced in the Budget have either been modified or simply been abandoned. And it is a matter of regret that the hon. Minister of Finance has not deemed it fit in his intervention to enlighten the House as to why Government has been backpedalling on all these measures.

Let's start with the fiscal measures; the famous corporate levy. In his Budget Speech, the hon. Minister of Finance announced at paragraph 229, and I quote –

“I am introducing a levy on companies having gross income exceeding Rs500 million in an accounting year or if it forms part of a group of companies where the gross income of the group exceeds Rs500 million.”

The private sector was quick to react and condemned this levy tax on gross income as opposed to tax on net income. A company may have a high turnover but low net profit. Companies which formed part of larger international group would also have been caught even if their gross income in Mauritius was much less than Rs500 m.

But the various Members of the Government who intervened during the debate defended this measure and they took pride in taxing the rich. They hailed the new Robin Hood. So, why is it then that such corporate levy is nowhere to be found today in the Finance Bill? Why has Government backpedalled on this measure? Now, who is the mouthpiece of the *gros* capital? Where is Robin Hood?

Next measure: in the Annex to the Budget Speech, it was announced at page 5, item (g) that partial tax exemption regime on interest income will not be applicable to various categories of domestic companies, including insurance companies and leasing companies.

During my intervention on the Budget, I have pointed out that such a measure would amount to ring-fencing and was discriminatory in that the global business companies would be treated more favourably from a tax perspective than certain domestic companies and this is exactly what we had undertaken to the Code of Conduct Group of the European Council, not to do.

So, I am glad to see that in the Finance Bill, again, Government has backpedalled on this measure because this measure is clearly a harmful tax practice. But if this is the case, then why did the hon. Minister of Finance not consult with the MRA and the Code of Conduct Group before announcing it in the Budget? This only goes to show the level of amateurism when we deal with matters affecting the global business sector.

Next example of backpedalling, the solidarity tax - the solidarity levy. As the Income Tax Act currently stands, every individual who is a resident in Mauritius is subject to a solidarity levy at the rate of 5% on his leviable income in excess of Rs3.5 m. This levy today is payable irrespective of the nationality of the individual.

However, in the Budget Speech, it was announced at paragraph 223, and I quote –

“The levy of 5 per cent on the excess amount of chargeable income plus dividends of a resident Mauritian citizen will now be 25 per cent and applicable as from Rs3 million annually.”

So, in his Budget Speech, the hon. Minister of Finance made it very clear and this is again reproduced in the Annex to the Budget Speech that only Mauritian resident citizens would be paying the solidarity levy. Of course, during the debate, several Members from this side of the House criticised the decision of this Government to impose the solidary levy only on Mauritian residents. This is unjust, highly discriminatory and totally unjustifiable. Mauritians cannot be taxed more than non-Mauritians. So, I am glad that the Government is backpedalling again on this proposal and section 28 (c) of the Finance Bill makes it clear that the solidarity levy would be paid by all residents, irrespective of their nationality.

When the decision to increase the solidary levy was announced in the Budget, there was an outcry, especially from the private sector because the income of certain individuals would have been taxed at 40%, the normal rate of 15% plus the 25% solidary levy, making a total of 40%. Again, various Members of the Government when intervening on the Budget and on the radio programmes, justified the decision to tax the rich at 40%; again, the Robin Hood effect. But today Government is again bowing to the lobby from rich individuals and

the private sector. The solidarity levy is being capped at 10% of the leviable income of an individual. So, from a maximum of 40% announced, now rich individuals will be taxed only at a maximum rate of 25%.

Autre mesure qui a été revue par le gouvernement concerne la réforme de la pension. Mais, malheureusement, le gouvernement s'obstine à vouloir aller de l'avant avec la Contribution Sociale Généralisée et ce malgré les critiques. C'est tout à fait regrettable, M. le président, que le ministre des Finances, délibérément, je dois le dire, fait un amalgame entre le *National Pensions Fund*, fonds de pension nationale et la Contribution Sociale Généralisée. La *NPF* est un fonds de pension. La CSG est un impôt, une taxe et ce n'est pas moi qui le dis, la Cour Constitutionnelle et la Cour de Cassation en France ont confirmé que la CSG est bel et bien une taxe.

Donc, le gouvernement va remplacer un fonds de pension, *NPF* par une taxe CSG.

Pour rappel, aujourd'hui, on a quatre types de pension. La pension de vieillesse non contributive aussi connue comme pension de vieillesse, *Basic Retirement Pension*. Tous les résidents à Maurice ont droit à cette pension à partir de 60 ans. C'est payé à partir du *Consolidated Fund*, des impôts, de la taxe et autre revenue de l'État.

Deuxième type de pension est celui qui est payé aux fonctionnaires. Les fonctionnaires y contribuent et une fois à la retraite, ils obtiennent un *lump sum* et une pension mensuelle et l'État, comme employeur, paie le montant déficitaire, là aussi à partir du *Consolidated Fund*. Les mesures annoncées dans le budget ne concernent pas ce fonds de pension qui va aux fonctionnaires.

Troisième type de pension concerne les pensions contributives des entreprises privées. Ces fonds de pension sont réglementés par la *Financial Services Commission*. Seuls les employés des entreprises privées bénéficient de cette pension à la retraite. Là aussi, la réforme de la pension annoncée par le ministre des Finances ne concerne pas ce type de fonds de pension hormis l'amendement qui est proposé aujourd'hui au *Private Pension Scheme Act* qui prévoit la création d'un fonds spécial par la *FSC* pour recueillir les fonds abandonnés.

Quatrième et dernier type de fonds de pension c'est la *National Pension Fund*, pension nationale. La loi oblige à tout employé et employeur de verser un certain pourcentage du salaire de l'employé dans ce fonds jusqu'à un plafond de R 18,740. C'est un fonds contributif, une fois l'argent recueilli, il est investi et le montant est payé à la retraite aux employés du secteur privé qui ont contribué dans ce fonds. La *NPF* est très importante pour

les employés du secteur privé parce que, contrairement aux fonctionnaires, ils n'ont pas un fonds de pension qui leur paye une annuité à la retraite et de nombreuses entreprises privées n'ont pas de fonds de pension privée. Donc, sous le *NPF Act*, ils sont sûrs, une fois à la retraite, d'obtenir un petit montant de pension qui est à peu près R 6,500 aujourd'hui. Mais aujourd'hui le gouvernement va abolir ce *National Pension Fund*. Donc, les employés, qui dorénavant vont commencer à contribuer, ne vont plus avoir droit à cette pension de R 6,500 à leur retraite. Elle est remplacée par la Contribution Sociale Généralisée, mais, en fait, ce n'est pas un remplacement parce que l'argent que les employés vont contribuer dans la CSG ne sera pas utilisé pour les employés seulement, il va être utilisé à payer un montant additionnel sous la pension de vieillesse, un montant qui est estimé à R 4,500 à partir de 2023. Donc la première question qu'on se pose, M. de président, c'est qui va contribuer à ce Contribution Sociale Généralisée? Est-ce que seuls les employés du secteur privé seront appelés à y contribuer? Est-ce que les fonctionnaires devront y contribuer? Est-ce que c'est juste et équitable de faire seulement le secteur privé et le secteur informel contribuer à la CSG alors que ce fonds sera utilisé pour payer tout le monde à l'âge de la retraite, y compris les fonctionnaires? Est-ce que c'est juste qu'un employé modeste qui touche le salaire minimum devra lui contribuer à ce fonds alors que les ministres et le Premier ministre n'auront pas contribué un sou à la CSG mais ils pourront néanmoins bénéficier d'un décaissement à partir de ce fonds à l'âge de la retraite? Parce que les ministres et le Premier ministre sont des fonctionnaires, est-ce que eux aussi, ils vont devoir contribuer à la CSG? Donc est-ce juste, est-ce équitable?

Le *Finance Bill* à la page 76, section 42, prévoit que la liste des participants qui devront contribuer à la CSG sera prescrite. Donc, aujourd'hui on ne sait pas. Qui va contribuer? Est-ce que ce sera seulement les employés du secteur privé? Est-ce que les fonctionnaires vont contribuer? Est-ce que les *self-employed* vont contribuer? Mais on ne peut pas laisser une décision d'une telle importance dans la main du ministre des Finances. Ce n'est pas possible que c'est le ministre des Finances qui va décider, selon lui, dépendant de son humeur, s'il pense qu'un fonctionnaire devrait contribuer ou pas! Donc, moi, je trouve très regrettable que la décision soit laissée dans la main du ministre des Finances alors qu'il n'y a pas de *regulation* et le pire c'est que la loi prévoit que la contribution à CSG commence à partir de septembre 2020, dans un mois et demi et on ne sait toujours pas qui va contribuer à ce fonds. Donc, je pense que par respect aux Mauriciens, le ministre des Finances a le devoir, au moins

durant son *summing-up*, d'annoncer qui seraient les personnes qui vont devoir contribuer à la CSG.

La deuxième question que l'on se pose, c'est qu'elle sera le montant à être contribué au CSG ? Lors de son discours du budget, l'honorable ministre des Finances avait dit au paragraphe 169, et je cite –

« Au travers de ce nouveau système effectif à partir du 1er septembre 2020, les employés percevant une rémunération jusqu'à 50,000 roupies par mois contribueront à hauteur de 1,5 pour cent du salaire mensuel, alors que les employeurs contribueront à hauteur de 3 pour cent.

Pour les employés gagnant plus de 50, 000 roupies par mois, la contribution sera de 3 pour cent du salaire mensuel pour les employés et de 6 pour cent pour les employeurs. »

Donc, pour les employés de moins de R 50,000, la contribution totale sera de 4,5 % de son salaire alors que pour les employés touchants plus de R 50,000 ça aurait été de 9 % et quant aux *self-employed*, paragraphe 190 (b) du budget –

« D'autre part, un montant de 150 roupies sera versé par les travailleurs indépendants à la CSG. »

Donc, pour les *self-employed*, seulement R 150. Donc, je parle d'un médecin, d'un avocat, d'un notaire, d'un architecte, de tout ce bon monde qui gagne très bien leur vie, tout ce bon monde aura à contribué seulement R 150 par mois à ce fonds. Est-ce juste ? Est-ce équitable ?

Et maintenant volteface du ministre des Finances. On apprend, à travers le Finance Bill à la page 77, que c'est le ministre lui-même qui va fixer le montant que les employés, les employeurs et les travailleurs indépendants devront contribuer.

Mais, M. le président, c'est extrêmement dangereux de laisser au seul bon vouloir de monsieur le ministre la responsabilité de fixer le montant de la taxe qu'on devra contribuer à la CSG. C'est au Parlement que revient la responsabilité de fixer le montant d'une telle taxe, c'est au Parlement de fixer le montant qu'on devrait contribuer au CSG. Mais ce changement d'attitude et de langage n'est certainement pas anodin. Le ministre sait pertinemment que la CSG est insoutenable dans la durée et ce n'est pas que moi qui le dis. Lors d'un séminaire organisé par l'*Actuarial Society of Mauritius*, tous les intervenants, tous les actuaires, tous les experts en la matière ont d'une seule voix critiqué la CSG et ont mis en exergue chiffres à

l'appui que la CSG est insoutenable. Il y a même un expert qui, dans un entretien publié dans un quotidien, a comparé le CSG à un *Ponzi scheme*. Si le gouvernement s'obstine à aller de l'avant avec le CSG, on fonce droit dans le mur et le ministre n'aura alors pas d'autre choix que d'augmenter le taux de contribution, d'augmenter la taxe chaque année et c'est bien pour cette raison que le ministre des Finances veut avoir toute la liberté, à travers des *regulations*, d'augmenter le taux et l'assiette de la contribution sociale généralisée comme bon lui semble.

A titre d'exemple, M. le président, en France, au moment de l'introduction de la contribution sociale généralisée en 1991, le taux était de 1,1% sur les revenus d'activité mais, depuis son introduction, le taux et son assiette n'ont cessé d'augmenter. Aujourd'hui le taux est à 9,2 % sur les revenus d'activité, soit une augmentation de 900% depuis son entrée en vigueur. Donc, M. le président, nous faisons un appel au bon sens de ce gouvernement de ne pas aller de l'avant avec la CSG et de consulter tous les gens, les actuaires et venir avec une autre réforme de la pension.

Autre volte-face, minimum wage support, at paragraph 365 of the Budget Speech, the hon. Minister of Finance stated –

“Finally, and most importantly, the Government will do everything to protect employment but also support those faced with a period of technical unemployment. To this end, over the next six months, Rs15 billion have been earmarked to provide an exceptional minimum monthly support of Rs5,100 to each beneficiary.”

Rs15 billion earmarked to support those who face technical unemployment and the worker will get, at least, Rs5,100 per month for six months. But today, the Finance Bill is not doing this. The Finance Bill is amending section 84 of the Workers' Rights Act and providing that a worker who reckons more than 30 days and less than six months of continuous employment with the same employer will be entitled to payment of a transition unemployment benefit of Rs5,100 per month for the period starting 01 July 2020 ending 31 December 2020.

So, Rs5,100 is not a minimum as announced in the budget, it is a flat amount. What is Rs5,100? That is half of the minimum wage, hardly enough to feed a family and with Rs15 billion earmarked, frankly, Government could and should have done better. The more so that we all know with the current economic situation, it will be very difficult for those workers to find a new job after six months.

So, at the very least, the Minister of Finance should revisit this because I am certain the Rs15 billion will not be spent if we only give Rs5,100 per month to those who have lost

their jobs. Having said that, Mr Speaker, Sir, we do welcome the decision of Government to increase the amount payable to workers who have lost their jobs as Transition Employment Benefit for the period 01 April 2020 to 31 March 2021. For the first six months, they will be getting 90% of their salary.

But like hon. Duval, we are also very concerned about the proposed amendment to section 72 of the Workers' Rights Act. Under the proposed amendment, an employer cannot reduce its workforce without first asking for financial support from the Development Bank of Mauritius, from the State Investment Corporation and from the Mauritius Investment Corporation and it is only if the financial support is turned down that he can reduce the work force. And if he does not ask for financial support, automatically, it is deemed to be unjustified termination which gives rise to, either he will have to reinstate the worker or pay him punitive rate of three months per year of service.

Now, this amendment presupposes that people who close down their enterprise, they do that because of financial difficulties, but there may be other justifiable reasons for someone to close down his business. For example, if the main shareholder has passed away, if the key earner has passed away, if they have lost their representation, they have lost the exclusivity contract, if the person is migrating, leaving Mauritius to go away, so, on these circumstances, getting financial support from DBM and the rest will not be of any assistance to him.

So, my appeal to the Government and especially the hon. Minister of Labour is to propose an amendment. We have no problem if the Redundancy Board considers as one of the criteria in determining whether the dismissal is justified or not. One of the criteria is whether the employer has tried to secure financial assistance but making it a precondition, I think, is very harsh and will lead to a lot of companies closing down.

Mr Speaker, Sir, very quickly, I welcome the amendment to section 29 of the Civil Status Act dealing with Muslim Family Council. This amendment corrects an injustice. Ever since the Muslim Family Council was set up in December 1990, the Chairperson and members of the Council were not entitled to any fees or remuneration and I have not seen in any other statutory body where the statute, setting up that body, expressly provides that the Chairman and Council members were not entitled to any fees and remuneration.

Now, with this amendment, the Chairperson and other Council members will be paid such fees and allowance as may be prescribed but we should not be too surprised why the

situation was like this, because hon. members will recall the Muslim Family Council was set up in 1990 after the Government had abolished Muslim Personal Law and after a case challenging the Constitutionality of that decision was before the Privy Council and in order not to have the Privy Council reverse the decision in the Allam Beewah case, Government came up with the Muslim Family Council.

So, we welcome this decision to provide funding to members of the Council but, I think, that it is a missed opportunity, we could have done much more to the Muslim Family Council and give them the status of a tribunal because, after all, they are the one who regulate Muslim marriages and dissolution of marriages. So, they should be given powers to summon people and if a witness is not coming they should be able to sentence the people for contempt.

Now, the Pharmacy Act is being amended to extend the definition of specified standards to also include Indian Pharmacopoeia. Following a PNQ of 15 June 2020, the hon. Minister of Health tabled a list of pharmaceutical products that had been purchased during the curfew period following the COVID-19 pandemic and we came to know that, at least, one supplier, Hyperpharm Ltd, had supplied pharmaceutical products worth Rs60 m. But these products did not comply with the specified standards; it only complied with Indian Pharmacopoeia. So, this proposed amendment to the Finance Bill confirms that at the time Hyperpharm supplied products, such products did not conform with the applicable standard namely, British, French, United States or European Pharmacopoeia.

Products supplied by Hyperpharm were in breach of the Pharmacy Act. I am not saying that the products were substandard, they were simply illegal and this is why the Principal Pharmacist Procurement Unit refused to give his clearance. Being a law abiding citizen, he could not condone the use of public funds to pay for an illegal product. But today, what we are asked to do, Mr Speaker, Sir, is shocking, because not only are we amending the Pharmacy Act to allow for Indian Pharmacopoeia which I have absolutely no issue with that. I have absolutely no issue to give it the status of specified standard, but if we look at section 74, sub-section 19 of the Finance Bill, Section 50 talks about the amendment to Pharmacy Act. Section 50 shall be deemed to have come into force on 01 January 2019. We are being asked today to backdate a legislation so that Hyperpharm can get away and get paid its money? How can we be asked to condone an illegal act? How can we be asked today to backdate a law, to make it lawful to do what this Government did and know fully well, was illegal, unlawful at the time they did it?

And that is not all, Mr Speaker, Sir, section 55 (c) of the Finance Bill purports to amend section 21 of the Public Procurement Act. Now, section 21 of the Public Procurement Act deals with Emergency Procurement and currently provides that a Public Body may purchase goods and other services or work from a single supplier without competition in cases of extreme urgency. And we have all seen how Emergency Procurement has been used during the curfew period of COVID-19 pandemic to give contract to *petits copains* to supply more than Rs1.1billion worth of masks, protective equipment and ventilators. All done in total opacity!

We have seen how a Spanish Company, I don't know what he was doing, how he even know where Mauritius is located, that Spanish Company, Pack & Blister, on 03 April, won the jackpot, almost half a billion rupees, Rs500 m. to supply masks and equipment. And we know, yesterday it was in the Press, that the beneficial owner of this company has been involved in tax fraud in Spain.

Before giving that contract, wasn't there any due diligence? No one cared to check who you are giving it to? No one cared to check what this Pack & Blisters was about? Do you know what a company involved in packing machines has to do with ventilators?

The State Trading Corporation, whose Managing Director is related by marriage to, at least, one supplier obtained a tender, a clear-cut case of breach of Prevention of Corruption Act. *Et samedi dernier, lors d'une conférence de presse, le ministre de la Santé, entouré d'autre ministres, notamment, l'honorable Kavi Ramano, vient justifier l'injustifiable en disant, et je cite, 'dan situation emergency pa kapav al guet toussa !'* So, good governance does not apply to emergency procurement. So, Prevention of Corruption Act does not apply to emergency procurement. And they are challenging us to report the matter, to whom? To ICAC! ICAC, whose own Director General has bypassed procurement procedures to refurbish his office. When the Supplementary Appropriation Bill was debated, Mr Speaker, Sir, we and the Opposition asked a full Select Committee to shed light on the medical supply procured during confinement. Now, I understand why Government does not want to put a Select Committee. *Ena prison ladan!*

Coming back to the Finance Bill, and I will end on this, Mr Speaker, Sir, we are to amend now, the section dealing with emergency procurement to allow public bodies to purchase consultancy services without competition in cases of extreme urgency. *L'appétit vient en mangeant*, we have already given our *copains, copines*, contract for supply of masks,

now we want to amend the law so that we can give contract for the purchase of consultancy services. So, now, with this amendment, what this Government wants to do? No doubt, the Ministry of Finance wants this power to buy services of *quincaillerie, bijoutier, hôtelier, footballeur*, to advise him on procurement of medical supply without going through emergency procurement process. *Et puis, ils osent parler de zéro tolérance à la corruption. Quelle blague ! Quelle plaisanterie de mauvais gout ! En tous cas, nous, au sein de l'opposition, on ne va jamais condone such a decision.*

Merci, M. le président.

Mr Speaker: I will break for 30 minutes!

At 5.30 p.m. the sitting was suspended.

On resuming at 6.12 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated! Hon. Minister Seeruttun!

The Minister of Financial Services and Good Governance (Mr M. Seeruttun): Mr Speaker, Sir, thank you, first of all, for giving me this opportunity to intervene on the Finance Bill 2020, which comes before this House after an unprecedented situation, that is, COVID-19, the impacts of which are still being felt throughout the world today itself. Nevertheless, this Government, Mr Speaker, Sir, is highly committed to take all necessary measures to mitigate the adverse effects of the pandemic and to redress the Mauritian economy.

Mr Speaker, Sir, this Bill's objective is to amend a series of legislations so as to allow for the implementation of the budgetary measures, and I am going to comment on a few measures that relate to my Ministry. But before going to those amendments that have been brought to the relevant legislations, I would like to make some comments on what has been raised by certain Members of the Opposition.

In his intervention, the Leader of the Opposition, Mr Speaker, Sir, made reference to an acute shortage of foreign reserves, and according to him, there is, at this point in time, a shortage of forex and this is, of course, causing problems to a lot of people who would like to go and look for foreign currencies. Well, let me inform the House that today itself, I spoke to the Governor of the Bank of Mauritius and he confirmed to me that for the past few weeks, the Central Bank has been injecting forex on the market and at no point, there has been any kind of signal sent to the Central Bank as to any shortage. So, coming here and making reference to shortage of forex, I think, he is very ill informed with regard to that particular

issue, and it does not send the right signal to the investing community and also to foreign investors who are, of course, dealing with Mauritius.

There is one other point as well that was raised by the Leader of the Opposition, also made by hon. Uteem, with regard to the purchase of medical equipment and drugs from India. I do not know what is the problem of the hon. Leader of the Opposition with regard to India, because for the past few years he has been like, kind of hammering on India. And again, today, I mean, I do not think hon. Uteem mentioned substandard, he did not do that, but the hon. Leader of the Opposition did mention the fact that drugs imported from India are of substandard.

(Interruptions)

Yes, he did.

(Interruptions)

He did. He did.

Mr Mohamed: On a point of order!

Mr Speaker: Is that order, point of order, or clarification?

Mr Mohamed: No, it is a point of order. The point of order is that if he is referring to what the hon. Leader of the Opposition said, he must not only say where he said it, when he said it, and not just say he said it.

Mr Speaker: This is a point of clarification!

Mr Mohamed: That's not clarification!

Mr Speaker: There is no point of order in that! Continue!

Mr Seeruttun: Mr Speaker, Sir, the hon. Leader of the Opposition just said it in his intervention right when he was intervening on this Bill itself and he said it last time as well, in a PNQ, I think, when he was addressing a PNQ to the Minister of Health. And I do recall at that time, the hon. Minister invited him to bring along those drugs and he was going to accompany him to go for the testing, the analysis of those drugs, if ever there were any substandard drugs. But, he never showed up till now, because I even checked it with the hon. Minister of Health, he has not come with those substandard drugs apparently for any analysis. So, again, coming with that kind of remark with regard to a country where we have been having longstanding relationship with regard to treatment of our patients in India, and

claiming that drugs coming from that country are substandard, I think it is unwarranted, and it is high time that we stop these kinds of comments.

With regard again to drugs of lower quality or not to the European standard or American standard, and that as if it was the first time that Mauritius is importing drugs from India, I am told that for years Mauritius has been importing drugs from India, especially in cases of emergency. So, you can go and check, it is not the very first time that this is done; it has been the practice for so many years. And also, let me remind the House, Mr Speaker, Sir, I am sure they must have known someone who has gone to India for treatment. So many Mauritians go for treatment in India. Why do they go there? Isn't it because the level of treatment is good enough, people trust the health system, people are being treated properly, and those drugs that are being used in those medical facilities in India, so, are we saying that because it is from India, they are substandard? Is that the way we treat a friendly country with whom we have been dealing with regard to that particular issue, that is treatment of our nationals? Today, when we listen to the Members of the Opposition, it is as if COVID-19 never existed, as if COVID-19 was never a problem for us, things have been business as usual, we were living in a normal situation, we had all the frontiers, all the borders open, we could trade in normal circumstances, as if there were available everywhere all the supplies that we needed, and there were no curfew in this country. These very people, at one time, they were saying: beware, we might be faced with a situation where we might not be having enough facilities to treat people infected with COVID-19, beware that we might be faced with a situation where we won't have enough medical supplies to cater for those who would be in need of those items, beware that we might be short of PPEs. So, these very people that were, if I may use that word, 'praying' for this Government not to be able to manage this particular pandemic, now, are coming up with criticisms, saying that we have dealt with this situation in a very amateurish way, that we did not do as we should have done, and that in everything that we did there is bound to be something fishy in it.

Just now, hon. Uteem was saying, ah, *les petits copains*! As if all those suppliers of medical supplies were our *petits copains*! I don't know whether Proximed, whether Ducray Lenoir, whether IBL from the list of suppliers who have supplied medical equipment and other items during that time when we were in need of those particular items, they are all now – it is good to know that - very close to us. But then, again, Mr Speaker, Sir, there is one supplier in China, China Sinopharm International Corporation, are we *petits copains* with them as well because we purchased Rs239 m. worth of items from this particular supplier in

China? I think, yesterday, both Minister of Commerce and Minister of Health, in a Press conference, explained under what conditions these items were acquired. At one time, all those regular suppliers were invited to offer their supplies, but, at the end of the day, who were those who turned up? At a time when there were restrictions with regard to flights, there were embargo, everyone was bidding to get those materials, and even in certain cases planes were being hijacked on tarmac for these medical supplies? So, these people seem not to be aware of that and they keep on criticising those people who took their responsibility in ensuring that we have enough supplies in the country to deal with this particular unprecedented situation.

Mr Speaker, Sir, again, with regard to the drugs, as did my colleague the hon. Minister of Health, I will invite the hon. Leader of the Opposition to come, if he still does have those substandard products, to come forward and to take them to the labs for any test, so that, at least, this can be sorted out once and for all.

The other point that was raised by the hon. Uteem and also by hon. Xavier-Luc Duval, it is with regard to the fiscal measures, the solidarity tax, tax on the turnover and all that. Again, the very same people who were making outcries at that time when those measures were announced.

(Interruptions)

Yes, they were very critical about those measures and they said that's not the time for coming up with that kind of measures. There is one John Patterson quote which is very relevant and it goes like this, Mr Speaker, Sir –

“Only fools and dead men don't change their minds. Fools won't and dead men can't.”

But true it is that after it was announced, there have been some representations made and decisions have been taken to review those measures. So, they were at one time against, now, when it is being kind of reviewed, they are again criticising. So, like I said, they will never be happy, they will never be satisfied. That's the way they operate.

Mr Speaker, Sir, hon. Duval mentioned about the VAT on Netflix. He seems to forget that he was the one who introduced VAT on SMS.

(Interruptions)

10 sous! It is a tax.

(Interruptions)

Okay. It is a tax.

Mr Speaker: Carry on, Minister!

Mr Seeruttun: Whatever name you call it, it's a tax.

Mr Speaker: Minister, carry on with your speech!

(Interruptions)

Mr Seeruttun: And we all know who at that time, of course, a bit less now, made use of SMS, not everybody use Netflix, but then again when it is their's, it is okay, when it is...

(Interruptions)

10 sous pour l'honorable Duval, maybe it is nothing, but for some people *10 sous* is money.

Anyway, Mr Speaker, Sir, I wanted to focus my intervention on some pieces of legislation where they are relevant to my Ministry and I would also like to comment on the rationale of those amendments that have been brought in this Finance Bill.

Regarding section 63 of the Financial Reporting Act which is being amended to make the National Committee on Corporate Governance (NCCG) a body corporate, in fact, Mr Speaker, Sir, the National Committee on Corporate Governance was established under section 63 of the Financial Reporting Act 2004.

The main objectives of the NCCG are –

- (a) to establish principles and practices of corporate governance;
- (b) promote the highest standards of corporate governance;
- (c) promote public awareness about corporate governance principles and practices, and
- (d) act as the national coordinating body responsible for all matters pertaining to corporate governance.

The Committee comprises representatives of both the public and the private sectors and secretarial support is provided by staff of my Ministry. The Committee members are engaged in full time employment and meet only on an *ad hoc* basis. Through this amendment to section 63 of the Financial Reporting Act, the NCCG will become a body corporate.

Mr Speaker, Sir, with the fierce competition within the financial services sector and the increased monitoring of international bodies, good governance in the conduct of the day to day business is of paramount importance. The setting up of the NCCG as a body corporate will bring an element of continuity and enhance the conduct of the activities of the NCCG in the pursuit of its objectives. It will also empower the NCCG to recruit its own permanent staff, thus ensuring better management and control of its affairs.

Mr Speaker, Sir, with regard to clause 21, a number of amendments are being brought to the Financial Services Act to strengthen the regulatory powers of the Financial Services Commission and to capture new activities in the financial services sector.

Section 2 of the Financial Services Act is being amended to include the definition of “moneylender” and a new section 14 is being included to the said Act to cater for the licensing of moneylenders. Moneylenders which were previously provided under the Banking Act, will now be regulated by the Financial Services Commission.

Furthermore, it is proposed to include a new definition for Peer to Peer Lending in the Financial Services Act to provide an enabling section for the purpose of making regulations for the activity of Peer to Peer Lending. Mr Speaker, Sir, the new definition of Peer to Peer Lending reads as follows, and I quote –

“Peer to Peer Lending means a financial business activity which enables a person to lend funds through an online portal or electronic platform which matches lenders and borrowers”.

Thus Peer to Peer Lending will provide accessibility to credit to productive sectors of the economy. There are numerous benefits such as low interest rates to investors and quick loan applications for short-term as well as long-term borrowers. At times, small businesses usually struggle to raise funds and this credit crunch hinders productivity in the economy. Therefore, a Peer to Peer Lending platform will improve access to finance by entrepreneurs and further boost the development of the Small and Medium Enterprises (SMEs) sector.

Mr Speaker, Sir, section 7 of the Financial Services Act is being amended in order to enlarge the powers of the Commission. As such, under the new subsections of section 7, the Commission shall, pursuant to its objects and functions and where it deems necessary, request the competent authorities or any other entity to furnish to the Commission the necessary statistical information within such time frame as the Commission may determine.

Following a joint International Monetary Fund and World Bank (IMF/WB) Financial Sector Assessment Programme (FSAP) exercise and an IMF Technical Assistance Mission on Consolidated Supervision, Conglomerate Supervision and Risk Based Supervision, it was recommended that both the Bank of Mauritius (BoM) and the Financial Services Commission (FSC) be given necessary powers to collect information on the conglomerate group, including, if appropriate, unregulated entities which could impact on the stability and soundness of the financial group.

Given the increasing systemic importance of financial conglomerates in Mauritius, it is crucial to have an overview of the inter-connected/linkages between various entities within a group. This amendment will enable the Financial Services Commission to collect statistics from entities which are part of a financial conglomerate or a group in which there is at least one licensee of the Commission. And I must say one glaring example in the Mauritian Financial landscape is the collapse of the ex-BAI group in 2015. We know when the malpractices were discovered by the Bank of Mauritius, which resulted in the revocation of the banking licence of Bramer Bank, that closure led to a rapid domino effect on other BAI entities.

Mr Speaker, Sir, in the wake of the COVID-19 pandemic and subsequent curfew orders that prevailed in the country, there was a need to provide for flexibility regarding the filing of Annual Financial Statement during the curfew period or any situation of emergency or natural disasters which may occur in future. Therefore, a new section has been added, namely section 30A entitled “*Extension to file Annual Financial Statements*” to extend the period for the submission of audited financial statements.

In addition, a new section 30B entitled “*Exemption from filing Annual Financial Statements*” has been included to cater for exemptions in respect of any person or class of persons who are unable to file their Annual Financial Statements due to the fact that they are insolvent and in the process of winding up. This amendment will be followed by a Rule to be issued by the FSC to capture the circumstances under which such exemptions may be granted.

Mr Speaker, Sir, section 30C is being amended to place an obligation upon Auditors to report to the Financial Services Commission in specific instances, namely -

- (i) where there has been a material adverse change in the risks inherent in the business of the licensee with the potential to jeopardise the ability of the licensee to continue as a going concern;
- (ii) where licensees are in contravention of the Financial Services Act, or any regulations made thereunder or any rules or directives issued by the Commission;
- (iii) in case of financial crimes which have been, are being or are likely to be committed; and
- (iv) where the licensee has not complied with the laws of Mauritius.

Such amendments will allow the Commission to have access to information in a timely manner and take any action as appropriate.

Mr Speaker, Sir, section 52 of the Financial Services Act which caters for the Establishment of the Enforcement Committee has been amended to increase the number of employees constituting the Committee from 2 to 4. This will ensure the continuity of the work of the Committee in case one or more employee(s) is (are) unavailable.

Mr Speaker, Sir, allow me to comment on a few other legislative amendments being proposed which are of relevance to the Financial Services Sector.

With regard to clause 27, to ensure the sustainable development of the financial sector, the Mauritius IFC Blueprint 2030 was mapped by the Government with the Financial Services Commission, focused on the vision for the next 10 years. It comprises of the development of main areas of the financial sector such as private banking, corporate banking and cross border investment, amongst others. Amongst the imperatives identified, enhancing liveability and transport options for expatriates and locals was identified as key to developing an ecosystem for developing Mauritius as an IFC of choice for doing business and as platform for investors. There is currently a shortage of professionals with the relevant competencies required for certain Financial Services Sector activities.

Amongst the main challenges, there is a need to attract expatriate professionals, develop local talent to acquire the relevant skills, and retain skilled and experienced staff.

In order to address this gap, Mr Speaker, Sir, it is desirable to hire the services of expatriate professionals for the proper implementation of the Blueprint of the Mauritius IFC.

Therefore, the amendments, proposed under sections 5 and 9 of the Immigration Act, will provide incentives to foreigners, including professionals in the financial services sector to live and work in Mauritius through the following proposed measures as announced in the Budget.

Again, in his intervention, hon. Duval was very critical about that measure for allowing foreigners to come and work here. He, himself, has been in the financial sector for so many years and he is well aware, I know he agrees to that, but when he comes to the august Assembly here, he would say the contrary to what he is advocating outside. Because we all know...

(Interruptions)

there is a shortage in that particular sector and we need people if we really want to develop our financial sector. This is being done elsewhere and, therefore, Mr Speaker, Sir, I know time is very limited, so what I just wanted to say is that this will allow our financial sector to grow further if we want to really make it grow as it should by allowing talented people to come and really develop this sector. So, we should be looking at what is being done elsewhere. We can take as example Singapore and we all know if Singapore is what it is today it is because they had opened their frontiers and agreed to accept those talented people to come and work and develop that sector.

We take very often the example of Singapore but when it comes to implementing those measures we tend to be, I don't know, very protective of our country and maybe, we like to be in that comfort zone and don't want to grow further. So, I leave it to them but, again, we are committed. We want to let this country grow and we'll go all the way to make it a place where we can allow our youth to have a better future.

Mr Speaker, Sir, the Budget also mentioned some new products that we are going to introduce be it the insurance wrapper, be it the introduction of a venture capital market. So, these are the things that will allow us to consolidate our financial sector and at a time when we are facing certain difficulties with the FATF and the EU, I am sure once we get over that, we will be in a better position to allow our youth in that particular sector to see a brighter future.

With these words, Mr Speaker, Sir, I thank you for your attention.

Mr Speaker: Hon. Shakeel Mohamed!

(6.46 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): Mr Speaker, Sir, I will try to pick up immediately from where the hon. Minister for Financial Services left off.

He spent quite a long moment of his speech commenting on the alleged statement by the Opposition and specifically by the Leader of the Opposition that Indian medication is substandard. That is totally uncalled for and I put it to him and to all Members of Government, they will not be able to produce a document where it is specifically stated in Hansard or otherwise or other where that the Leader of the Opposition or Members of the Opposition have stated that medication from India is substandard. The reason why they cannot produce certain document where we supposedly have said it, it is precisely because it has never been said. What has been said, on the contrary, is reference to a document that was tabled by the hon. Minister of Health about Hyperpharm, and that document is Minutes of a document from the Permanent Secretary of the Ministry of Health dated 06 May 2020. And that document is about allowing medication which has been ordered, drugs that have been ordered by Hyperpharm to be brought into Mauritius. And following this authorisation that it should be brought under section 21, Emergency procurement, of the Public Procurement Act, there is another Minute dated 08 May, and in that Minute, I read paragraph 3 - this is a document that has already been tabled in the past in this Assembly, and it reads -

“In my opinion, even if this exercise is an emergency procurement and although it requires no bidding competition, it is primordial to carry out a due diligence on the source of supply as it entails efficacy and safety concerns.”

Two words, ‘efficacy’ and ‘safety’!

Now, it is not the Leader of the Opposition who said that, it is not the Members of the Opposition who said that, it was the Principal Pharmacist of the Procurement Unit of the Ministry of Health who said that. Now, if the Minister of Health has decided to ignore this advice, it is his problem. If the hon. Minister has decided to depart from the advice of the Principal Pharmacist referring to efficacy and safety concerns, that is his problem, but it would be unfair, improper and incorrect on the part of Government to come and say that it is supposedly what the Opposition has said. The Opposition has never said that.

Dr. Jagutpal: Mr Speaker, Sir,...

Mr Mohamed: I am not giving way, by the way! I am not giving way!

Mr Speaker, Sir, ...

(Interruptions)

Mr Speaker: Do you have a point of order, hon. Minister?

Dr. Jagutpal: Yes.

Mr Speaker: Let me hear it.

Dr. Jagutpal: Mr Speaker, Sir, the Minister of Health has never entailed himself in a procurement order. That is all I am telling.

Mr Speaker: No. This is not a point of order.

Mr Mohamed: I understand why the hon. Minister of Health is totally on the defensive.

Mr Speaker: Come to the debate now!

Mr Mohamed: I am answering what the hon. Minister Seeruttun has said, since he opened the door on this particular issue. Now, since he is totally on the defensive, it is clear that even though I am not of the profession he belongs to, I can read his mind as well. He feels very culpable most probably, that is why he is so fidgety in his chair there and he really cannot sit quietly and calmly and listen to what I am saying, because he feels that he has got something to hide! That is all!

(Interruptions)

Mr Speaker: Order, please!

Mr Mohamed: That is a diagnosis that is free of charge, don't worry.

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: So, coming to the Pharmacy Act, the hon. Minister speaking before me talked about clause 50 of the Bill and the Pharmacy Act which is in the Finance Bill and which has been brought now. Now, clause 50 of the Bill proposes to make an amendment to the existing Pharmacy Act. I heard with much attention the hon. Ministers on the other side and some of the hon. Members on the other side trying to make a whole campaign, and that is the only way they could defend themselves and I find this a defence which is not even a defence but are words of the feeble since it is no defence. It is simply to turn it into a

supposed India bashing campaign; it is in their mind. This is the only way they could really try to convince the people out there of a certain section of the population. That is their dirty, sick, manipulative, machiavelic aim. That is all that they are up to!

An hon. Member: *Trafik zarmes!*

Mr Mohamed: Pardon? Did he say something to me?

Mr Speaker: Continue!

Mr Mohamed: Or was he talking from another orifice?

(Interruptions)

Anyway, of course, I heard him well and obviously he has no courage. Because since you have said that, I am going to tell everyone what you said to me in the room outside. Watch me now.

Now, I was so wrong to even call him honourable, but if the Standing Orders say I must call him honourable, I will. But it is only because of the Standing Orders.

So, as I was saying, the law is the law. It has nothing to do with geography or nationality. The Pharmacy Act today says clearly that no one shall bring drugs into Mauritius that does not conform to a prescription or to specified standards. Specified standards, under section 2, are defined and it refers to European standards. Yes, drugs were brought into Mauritius from India, but they were of European standard. I am someone who says it clearly. Indian Pharmacopeia, there is no doubt that they have good standards, but the fact is it is unlawful, as has rightly been pointed out by hon. Uteem in a few speeches in this Assembly, it is unlawful to go against this particular section 24 of the Pharmacy Act because the law is the law. If the hon. Minister of Health, in his intelligent way of doing things and in his sane way of doing things - because he is the only sane one around, isn't it - if he can believe that in his discretion, he is to allow pharmaceutical products to come to Mauritius that do not comply with section 24 because he has a proximity with Hyperpharm, whom he met in his office while he was Minister during the lockdown, it is his choice! It is his choice! But he, in my view, and this is also free legal advice I am giving you, Sir, it is conspiracy to commit an unlawful act. It is a conspiracy to commit an unlawful act under section 24 of the Pharmacy Act.

(Interruptions)

Mr Speaker: Order, please!

Mr Mohamed: And what you are asking this Assembly to do, once again rightly pointed out by hon. Uteem, is to vote a law in order to get you out of trouble; vote a law in order to get this intelligent Minister, this sane man out of trouble for having conspired to commit an offence under section 24 of the Pharmacy Act; to get all the staff who have conspired to violate the law under section 24, get them off scot-free because of a simple amendment, because you happen to be a Minister and you can ask the Minister of Finance to bring it in the Finance Bill, get the Cabinet to approve something which would cover your unlawful act. This is democracy 2.0, version Pravind Jugnauth. This is excellent!

Now, sometimes, I fail to understand how and how this happens to be Indian bashing. Some people happen, on the other side, to be *les grands amoureux de l'Inde* when they can't even speak a word of Hindi. Some of them happen to believe that they are the ones who have the monopoly of India, but then again what they forget, I must say it very clearly, they try to put this on my neck and on the Members of this House, but let me say it very clearly to them. While you happen to be of an old generation, I am only a second generation Mauritian and only two generations away. My grandfather is Indian. So, far from being someone who does not love India, I am someone who feels at home there. So, stop trying to play dirty politics. And here, I refer to hon. Hurreeram who is the dirtiest political player on this particular issue. The dirtiest!

Mr Speaker: Come to the Bill!

(Interruptions)

Mr Hurreeram: Mr Speaker, Sir, ...

Mr Speaker: Quiet! Do you have a point of order?

(Interruptions)

Mr Hurreeram: Yes. I have a point of order.

Mr Speaker: What is your point of order?

Mr Hurreeram: He just treated me 'the dirtiest politician'.

(Interruptions)

That's not parliamentary.

Mr Mohamed: So, as I am saying, I am not withdrawing. I said 'dirtiest political player' and I maintain it.

Mr Speaker: No!

Mr Mohamed: Dirty politics.

(Interruptions)

Dirty politics is not...

(Interruptions)

It's not against parliamentary practice.

Mr Speaker: What was that?

Mr Mohamed: It's not! Learn! Maybe you don't know. You are still young, behind your mask!

Mr Hurreeram: *Capon!*

Mr Speaker: Now...

(Interruptions)

Now you withdraw that!

(Interruptions)

Order! Order!

(Interruptions)

Let me deal with the...

(Interruptions)

Let me deal with the situation!

(Interruptions)

Let me deal with it!

(Interruptions)

You keep quiet! Let me deal with it! Hon. Member, withdraw that word!

Mr Hurreeram: I withdraw, Mr Speaker, Sir.

Mr Mohamed: Thank you, Mr Speaker, Sir, for intervening there.

Now, there is one thing which is of utmost importance. It is another clause, which is clause 70 of the Bill. But then, again, I was such on a good subject right now, concerning the Ministry of Health. I'll come back on it later on, time permitting.

Clause 70 of the Bill, at page 114, and that concerns the hon. Minister of Finance and maybe he would find it of interest instead of having a conversation about something else with his friend. Clause 70 of the Bill is with regard to an amendment to the Value Added Tax Act, and it is about adding a new clause, clauses 14A and 14B. My comment on this particular amendment is very specific. It is that when we are talking about allowing foreign suppliers to charge VAT on digital or electronic service supplied by a foreign supplier to a person in Mauritius, that changes *la donne*. *Donner la capacité* to a foreign supplier of digital and electronic service to a person in Mauritius to charge VAT, it makes it, therefore, compulsory. And when I read all literature on what is digital and electronic services in Europe, in New Zealand, etc., in Singapore, that the hon. Minister of Financial Services like referring to, it is about downloading of online games. So, all youth, all young people, or people who are not alone, everyone who likes to play. I will give you an example. *Tous ceux qui aiment jouer à la PS4 et qui doivent télécharger un jeu de la PS4 ou Nintendo ou Nintendo Switch, à cause du ministre des Finances, M. le président, à partir de cette loi qu'ils sont en train d'amener dans cette auguste Assemblée, les jeunes et ceux qui achètent des jeux en ligne seront dans l'obligation maintenant de payer 15% de TVA en plus de ce qui était le cas aujourd'hui, avant que cette loi ne va être votée. Pourquoi est-ce que le ministre des Finances a décidé d'imposer une taxe, non seulement sur le supplier, mais, finalement, ce sont les consommateurs, les jeunes de ce pays, ceux qui sont basés ici, qui ne sont pas VAT registered, qui auront à payer en plus 15% pour les jeux. Non seulement les jeux, M. le président, mais ceux qui se servent du cloud computing basé à l'étranger, ceux qui se servent de mobile phone services, voice over IP, ceux qui se servent de internet telephony, ceux qui se servent de streaming television, comme Netflix, as my good friend, hon. Duval said rightly so, and Amazon Prime.*

Those services will now cost the Mauritians *15% de plus*. *Il est important que le ministre des Finances vienne expliquer combien de revenu cela va générer à l'Etat. Est-ce que c'était vraiment nécessaire de taxer le peuple*, young children in their homes spending time playing games, be it PlayStation, PS4 or Nintendo or other games? This now is a tax on the entertainment of a family, entertainment on children. This is taxed, and it is not optional.

It is obligatory, because the Minister of Finance has done it without even thinking of the consequences.

So, my plea to him is to revisit this with urgency, because I am sure that he will not be happy to be viewed as though someone who has come in the homes of people and tax people who are simply quietly watching Netflix and films, simply because he has not managed with his Government to control the deficit that his Government is increasing, as we speak. Now, that is the point 2.

Point 3, section 72. Hon. Uteem has talked about that; hon. Duval has talked about that. Section 72, which is basically being amended, is at page 114. Section 72 of the Workers' Rights Act is being amended and one turns to page 126 and, here, if the Ministry of Labour could look into it. It is very simple. It talks about 72 being amended whereby now an employer is not allowed to reduce his workforce backdated to 01 June 2020, unless he has applied for the financial support, as described in the Bill. My friends have spoken about that. This means, therefore, that the Government is forcing enterprises and employers to go and take a loan. This is undoubtedly a violation of section 3 of the Constitution and it is in breach of section 8 of the Constitution. This is my humble view, because you cannot impose upon anyone an obligation to deprive himself of his property. It is not reasonable in a democratic State to impose upon any person to go and deprive him of his property, and the deprivation of property would be him being in an obligation, under the amendment of section 72, to go and take a loan, and the loan would be that he would have to pay interests on that loan, thereby forcibly depriving him of his property. This is a clause which is unconstitutional. I, therefore, ask the hon. Minister of Labour to look into it. It is not a question of ego. It is not a question of politics. It is a question of good governance.

Mr Speaker, Sir, with regard to clause 71, which is also being amended, and that is at page 124 of the legislation, it talks about the employer may deduct under clause 3A of section 16 of the Workers' Rights Act –

“(...) the employer may deduct the contributions payable to the Portable Retirement Gratuity Fund from the amount payable under the compromise agreement.”

So, imagine the scenario. Someone comes to an agreement with his employer at the Redundancy Board, they agree to pay him, let us say, Rs100,000 because he is being terminated. They come to a compromise agreement under section 16, they sign. The employee is supposed to receive Rs100,000. The Government, now, through this legislation,

allows the employer to deduct from the agreed sum, contributions made for their retirement gratuity. Retirement is about one thing; severance and compensation is something else. The Minister, in so doing, mixes both concepts. He mixes retirement gratuity, which a contributory matter obtainable only on retirement, and he mixes it with severance or compensation for having been unjustly terminated. Therefore, in so doing, the hon. Minister of Finance and the hon. Minister of Labour have made it possible for the employer to pay the employee less money in compensation. As it stands today, the employee who receives Rs100,000 does not see the compensation for retirement gratuity being deducted from the sum.

Mais le ministre du Travail permet en ce faisant, dans cette loi, aux employeurs de payer moins d'argent à ceux qui vont perdre leur emploi. M. le président, j'aimerais aussi parler de la Contribution Sociale Généralisée.

I know that our friend, the hon. Minister of Finance is a well-spoken French speaker. I know that he has got some serious influence as far as his - I believe, I presume - educational and his formative years in France. Therefore, he cannot pretend ignorance, as was rightly pointed out by my friend preceding me, that the *Contribution Sociale Généralisée* is, in fact, a tax. But it is a tax which he is imposing on the private sector and not on the public sector. He has seen to it that only the private sector will contribute and the public sector will not. Already there is a divide between those who work for the public sector and those who work for the private sector. Those in the private sector are asked to sacrifice themselves, they would lose their jobs, they would, maybe, gather lesser salary, will have to go on leave without pay, all the problems of the world, the woes, *les tracasseries sont pour les travailleurs du secteur privé. Mais pour ajouter à cela, le ministre des Finances décide maintenant d'imposer une taxe sur les travailleurs du secteur privé pour le bénéfice d'une partie de ceux qui travaillent pour le service civil. Si cela n'est pas discriminatoire, non seulement discriminatoire, injuste, déraisonnable, et il ne peut y avoir une explication raisonnable dans un Etat démocratique pour comprendre ce que le ministre des Finances a essayé de faire. M. le président, j'aimerais aussi parler de Solidarity Tax.*

Solidarity Tax was referred to by the Ministers on the other side and by Members on this side. There was a lot of dilly-dallying; one minute in front, one minute in the back; one minute in front, one minute in the back. That is basically stability in thought and stability in decision, stability in vision, version 2.0 Pravind Jugnauth. So, the hon. Minister of Finance decides to all of a sudden come forward and say, 'Okay, we are going to impose 40% tax.

It's not going to be on foreigners'. The opposition makes a noise. He comes to qualify it, and now he says it is never going to go above 25%; this time it is going to be on foreigners as well.

Unfortunately, hon. Minister Bodha is not here. I received calls from Madagascar from non-Mauritians but residents in Mauritius, and they have told me that now that the Government has imposed upon them the Solidarity Tax, those who are here as residents, who have bought properties, who have created employment, who have invested in our country, who bring Foreign Direct Investment, who bring foreign currency into our economy, those people who are now imposed the Solidarity Levy, they have asked me to convey the following message to the hon. Minister of Finance and the hon. Prime Minister.

It is nice to impose Solidarity Levy on foreigners who are residents in Mauritius, but it is important for the Minister to understand the meaning of solidarity. Why do I say that? I read here a document that I shall table, a document dated 17 June 2020 from the Mauritius High Commissioner in Pretoria and it is signed by the Department of International Relations and Cooperation. It is signed by the High Commission of Mauritius. And this document emanating from the Mauritius High Commissioner says here, I quote -

“The High Commission of the Republic of Mauritius in South Africa presents its compliments to the Department of Industrial Relations and Cooperation of the Republic of South Africa and has the honour to request for necessary clearance for private charter flight SA2990 to depart South Africa on Thursday 18 April at 10.30 from Oliver Tambo International Airport to Mauritius for the repatriation of Mauritian national citizens and South African nationals holding residence permit in Mauritius.”

The Mauritian High Commission, Mr Speaker, Sir, goes on to say, I quote -

“The High Commission wishes to confirm that the Government of Mauritius has already conveyed its approval in this respect.”

What does that mean? It means that the Prime Minister's Office has approved it and this is conveyed to the authorities in South Africa about all those residents from South Africa who are Mauritian residents, not residents in South Africa anymore. They have tax emigrated from South Africa; they now reside in Mauritius. We are talking about the same bad treatment given to those expatriate residents in Mauritius. The Minister of Foreign Affairs, in spite of the authorisation, in spite of the flight being paid for, in spite of the investments of those friends in Mauritius, decides to cancel the flight. He cancels the flight with the help of his

colleague Ministers, in spite of the flight being booked, in spite of those people being taxed in Mauritius, and he makes them continue staying there on the excuse that we have to bring Mauritians first. This flight was not being paid by Government; this flight was being paid by all those South Africans, but who are Mauritian residents now. This is how we treat those we supposedly want to attract. You want with one hand to tell them to come to Mauritius, to take jobs belonging to Mauritians. Today, as we speak, we have people in Mauritius who are foreigners working as estate agents, working as pizza manufacturers, holding little enterprises which Mauritians could do, taking jobs away from Mauritians. But, on the other hand, you have no respect for those who are already taxpayers of your country. Mr Speaker, Sir ...

Mr Speaker: So, you are tabling it?

Mr Mohamed: I am concluding on this. Let me say, Mr Speaker, Sir, that I have listened with a lot of interest to friends on both sides of the House and I would like to conclude on the following, which is a saying, and I quote from Steven Hawking -

“The thing about smart people...”

And, maybe, the hon. Minister of Health should listen to that very carefully and the hon. Prime Minister, if he is listening to it in his Office.

“The thing about smart people is that they seem crazy to dumb people.”

Maybe he will not understand that, but I will say it again -

“The thing about smart people is that they seem crazy to those who are dumb.”

So, take that, record that, and if you don’t understand it, get it translated.

Thank you.

Mr Speaker: Table the paper, please. Hon. Minister Callicurn!

(7.15 p.m.)

The Minister of Labour, Human Resource Development and Training (Mr S. Callicurn): Mr Speaker, Sir, first of all, thank you for allowing me to intervene on this Bill, which acts as a framework for all measures announced in the last Budget presented by my good friend, the hon. Minister of Finance, Economic Planning and Development, Dr. Renganaden Padayachy.

As we all know, the budgetary exercise was done in an exceptional circumstance. Due to COVID-19 Pandemic, economic predictions had to be reviewed for all countries

around the world. Our country has not been spared. There is no more talk of a 4% growth. We are now hearing of a deep contraction, with some forecasts mentioning the worst ever GDP contraction for Mauritius.

With such indicators the Government was facing a daunting task. We were asking ourselves what could be done to mitigate the pandemic's impact on our economy and on our social fabrics. Mr Speaker, Sir, as we all know, Mauritius has no natural resources. Our only asset and main resource is and will always be our human resource.

The priority of this Government, under the leadership of hon. Pravind Kumar Jugnauth, will always be geared towards protecting the most vulnerable and the working class. Let me quote the hon. Prime Minister during his intervention on the debate on COVID-19 Bill –

“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.”

That is why we have been working hard to come up with schemes meant to reduce to its maximum the impacts of COVID-19 on the economy.

Mr Speaker, Sir, when the COVID-19 Bill was being debated in this House, much criticism was made with regard to the postponement for the payment of the PRGF.

Opposition Members argued that since its implementation was being postponed to an unknown date, anybody that will lose his job or retire in the meantime will not benefit from gratuity on retirement as provided by the Workers’ Rights Act and despite of the commitment taken by myself to maintain all obligations of employers up to the date to be prescribed for the payment of the contribution to the fund.

In fact, Mr Speaker, Sir, on 12 June 2020, I came up with the Workers’ Rights’ (Portable Retirement Gratuity Fund) (Amendment) Regulation 2020 to give effect as from 01 January 2020 to the promise made by the Prime Minister and myself.

That regulation provides for period 01 January 2020 to December 2021 –

- (a) in case of retirement or death of a worker, an employer has to pay to the worker or to the heirs of the worker a gratuity of 15 days remuneration for his length of service;
- (b) in case of termination of employment, an employer has to pay in respect of a worker an amount of 15 days' remuneration per year of service to the MRA, and
- (c) lastly, in the case of resignation, and in line with the spirit of the Workers' Rights Act, an employer has to pay an amount of 15 days remuneration for the period 2020 to date of exit to the MRA.

The regulation also provides as from January 2022, an employer will have to pay a contribution of 4.5% remuneration, in respect of a worker, to the MRA.

Mr Speaker, Sir, hon. Mohamed who just spoke as regard to the amendment which is being brought to section 16, that is, he is trying to make as if he has forgotten what was in the Employment Rights Act when he was the Minister of Labour.

An hon. Member: *Linn sover!*

Mr Callichurn: He is gone. The amendment in the Workers' Right Act actually is in line with the provision of the then Employment Rights Act, that is, we have brought this amendment to avoid double payment.

Mr Speaker, Sir, actually the Employment Rights Act provided that an amount for the payment as recycling fees by an employer could be deducted from the severance allowance. The recycling fee represents a compensation for the length of service. So, we are not reinventing the wheel, Mr Speaker, Sir, as has been portrayed by hon. Shakeel Mohamed.

Mr Speaker, Sir, it is a fact that Budget 2020-2021 has, as main strategy, to act as a safety net. We have changed Government's approach to the economy. Instead of being just a lender of the last resort, we have made our intervention as an investor of the first resort, a precondition for effective policy-making in the post-COVID era.

Let us see, Mr Speaker, Sir, how Government crafted a series of amendments to the existing laws, thus allowing funds to be reallocated where necessary.

We have proposed, in this Finance Bill, some technical and strategic amendments to the Workers' Rights Act. The strategic amendments aim at –

- bolstering employment protection;
- providing an enhanced income security to laid off workers reckoning more than 180 days employment, for a period of one year;
- giving right, for the first time, to laid off workers with less than 180 days employment to an income security for a period of 6 months;
- reinforcing protection of workers against discrimination;
- reinforcing protection of workers against violence at work, and
- finally, protection against precarious employment.

I shall explain, now, briefly on the main amendments contained in this Bill -

Mr Speaker, Sir, we have seen several cases, where employers make an abuse of the existing provisions of part-time agreement with a view to reducing workers' wages and eventually laying them off, with the payment of a reduced termination indemnity.

The proposed amendments, therefore, provide the following new safeguards to better protect workers' remuneration and jobs with effect as from 01 June 2020. Therefore, now –

- an employer who requests a worker to shift from full-time to part time work is now required to seek prior approval of the Supervising officer of my Ministry;
- where, for the period of June to December 2020, an employer applies for his worker to be shifted from full-time to part-time, the duration of the part time agreement shall not exceed 3 months;
- the part-time agreement shall give the worker the option to revert back to full-time work, and
- also, any indemnity gratuity payable under the PRGF or any enactment in case of termination of employment while the worker were in part-time work, should be computed on the basis of remuneration drawn by the worker for the last complete month of his employment on a full-time basis. This is to prevent abuse.

Mr Speaker, Sir, a new provision has been made for the payment of wages during a period of extreme weather conditions where a state of disaster has been declared or when the National Crisis Committee has issued an order requiring a person to remain indoors.

This amendment is being brought to bring a new equilibrium between workers in the private and public sector. Formerly, this measure applied only to civil servants and was discriminatory. Hence, by giving the same benefits to both categories, we are bringing them at par.

Mr Speaker, Sir, following the incorporation of the provisions of the Additional Remuneration Act in the Workers' Rights Act, it had become imperative to empower the Minister of Labour to make regulations under the new Act for the payment of a special allowance to top the national minimum wage, where applicable, following adjustment of the annual salary compensation.

It is to be noted that before the enactment of the Workers' Rights Act, the Additional Remuneration Act, which provided for the payment of salary compensation, made provision for the Minister to make regulation in respect of the payment of a special allowance. This allowance enhanced the national minimum wage and ensured that all workers were guaranteed the same minimum monthly income.

My Ministry has also observed that during and after COVID-19 lockdown period, some employers resorted to lay-off workers in spite of the fact that Government has given financial aid and set up different financial schemes to support enterprises with the ultimate goal of protecting jobs.

Hence, it was important to tighten the law in order to prevent ruthless employers using COVID-19 as pretence to lay off workers whilst still availing themselves of the financial aid which has as called to protect enterprise and employment.

Mr Speaker, Sir, the aim of the Government is not to prevent employers from laying-off where they do not have any other alternative as was mentioned by hon. Duval and hon. Uteem. Our concern is the national interest which includes both the safeguard of our enterprises and that of our labour force which is our only resource and which must be protected in these difficult times. We have adopted a dual policy whereby we have set up a financial scheme to support enterprises in difficulties and, at the same time, ensured that workers' jobs are preserved. The objective is to ensure that workers are not unfairly dismissed and to protect jobs to a maximum.

First, *il coule de source* that an employer, who is not facing financial difficulties, cannot lay-off workers as regard to those enterprises presently facing financial difficulties. I am sure that they just don't want to close down. Financial assistance is being given to them

so I fail to understand why they would not avail themselves to this assistance in order to save their businesses. We had to act and we acted fast.

Mr Speaker, Sir, I cannot understand where the cohesion is. As a responsible Government, we have favoured a more balanced approach that aims at safeguarding both the interest of our enterprise and that of our fellow workers and this Government will continue to do so.

Now let me explain the rationale behind section 72. Firstly, it protects workers against abusive termination on grounds of economic or financial distress. Thus, an employer under section 72 has an obligation to notify the Redundancy Board of its intention to reduce its workforce or to close down its enterprise where the termination relates to economic or financial reasons.

Why was it necessary to reinforce that provision? Like I said, it has been brought to the attention of my Ministry that some employers have notified the Redundancy Board of their intention to lay-off workers without availing themselves of the different assistance schemes put at their disposal by Government.

In line with objective of section 72, to protect workers' jobs, provisions are being made to make it an obligation for an employer to seek financial assistance prior to notifying the Redundancy Board of any intended termination.

Thus, it is only when an application to the different institutions providing financial assistance has not been approved and notification can be made to the Redundancy Board.

Regarding economic termination, the litmus test is application for financial assistance. Therefore, an enterprise, which does not apply for financial assistance, cannot be considered in a financial difficulty and as such notification to the Board does not arise.

However, where an application for financial aid has not been approved, it will be up for the Board to determine whether the termination is justified or not.

A new provision has been made for a worker who has been laid off for economic reasons to make a claim for severance allowance for unjustified termination of employment to the Board instead of going to the Industrial Court.

At the Board, the worker is guaranteed that an order will be made within a frame of 30 days contrary to the Industrial Court, which takes a longer time to determine cases.

Mr Speaker, Sir, my colleagues will recall that the Covid-19 (Miscellaneous Provisions) Act introduced a new section 72A in the Workers' Rights Act in respect of termination of contract for economic reasons. This section provided that an employer could apply to the Minister through an exemption of section 72 in cases where workers were employed in sectors contained in the Third Schedule of the Employment Relations Act, which comprise in addition to airport and port services, other sectors as health and hospital, electricity, hotel services, radio and television, refuse disposal, and so on.

But due to the fact that Government has provided massive financial assistance to enterprises, we are hereby limiting the application for exemption in respect of application of Section 72 only to Airport and Port services. This is because of the latter's vulnerability and their strategic importance to our country.

Henceforth, all provisions of Section 72 are also applicable to other sectors mentioned in the Third Schedule of the Employment Relations Act. Thus, prior to going to the Redundancy Board, an employer will have an obligation to negotiate with trade unions with a view to finding an alternative way to lay-off and for payment of compensation of workers.

We have also introduced in Section 35 of the Workers' Rights Act, a provision to protect remuneration of workers by giving power to the supervising officer of the Ministry to make an application to a Judge in Chambers for a protective order to protect wages. That provision even goes as far as giving power to the court whereby inter-alia a property shall not, without the order of a Judge, be mortgaged, be attached or sold in execution.

With a view to ensuring that the workers, whose economic lay-off is unjustified, are paid severance allowance ordered by the Redundancy Board.

The application of the Protective Order to protect remuneration of the workers is now being extended to include severance allowance or compensation payable following an order made by the Redundancy Board under sections 72 and 72A.

Mr Speaker, Sir, the definition of discrimination is being amended to include gender as an element of discrimination to protect workers against different treatment at work, unfair termination and violence at work in line with the ILO Convention.

The provision against violence at work is being broadened and reinforced by –

- including in the definition of worker, any person undergoing training or under any training scheme, in the course of or as a result of his work or training.

- giving more effect to the concept of vicarious liability and providing that criminal action may be initiated against an employer who is not directly concerned with an alleged violence, but who has failed to take remedial action within 15 days after the case was reported to him.

Mr Speaker, Sir, the amendment is in line with ILO Convention No. 190 which Mauritius has co-sponsored with Canada and which we intend to ratify at the next ILO conference.

Therefore, a worker who has suffered from an act of violence, criminal action can be initiated against both the person committing the act of violence and the employer. By making the employer accountable for such acts of violence, the aim is to encourage them to provide a safe workplace for their staff.

Mr Speaker, Sir, in view of the contraction of the labour market in this post-Covid period, to assist workers who have lost their jobs –

- a new provision is being made to provide for the first time the payment of a transition unemployment benefit (TUB) of Rs5,100 a month for the period of July to December 2020 to a laid off worker, reckoning less than six months in employment.
- The rate of TUB presently payable to workers reckoning at least 180 days employment is being enhanced as follows for period 01 of April 2020 to 31 of March 2021
- 90% of the basic wage for the first 6 months instead of 90% for the first 3 months and 60% for the next 3 months;
- 60% of the basic wage for the seventh to twelfth months instead of 30%.

For example a person drawing the national minimum wage of Rs9,700 per month, will benefit from a TUB of Rs8,730 for the first 6 months instead of an amount of only 3 months, that is, Rs5,820.

It is to be noted that the basic wage used in the computation of an amount payable as TUB will not exceed the NPF ceiling, that is Rs18,740.

Mr Speaker, Sir, for fairness, provision has been made to avoid an employer makes a double payment to a worker whose employment is terminated on whose behalf contribution

has been made to the PRGF which I explained earlier. The Tourism Sector being one of the pillars of our economy, Government knows quite well that employees in the hotel and other related businesses are the one whose future is uncertain.

As long as our border is closed, tourists shall not be able to come and fill our hotels. Just imagine the consequences that this could have on the 120,000 direct and indirect jobs of that sector. Hence, despite the lifting of the lockdown on 01 June, a financial support of Rs500 m. was extended for the month of June to people working in the Tourism and related Sectors.

M. le président, depuis le début de la pandémie, le gouvernement a réitéré son souhait de préserver coûte que coûte les emplois. De plus, ce gouvernement, conscient du fait que l'activité touristique ne va pas reprendre de sitôt et en consultation avec les principaux *stakeholders*, en vue d'une extension du plan d'aide pour le mois de juillet.

M. le président, s'agissant du nombre de personnes licenciées malgré l'assistance financière du gouvernement aux entreprises, mon ministère travaille en étroite collaboration avec la *MRA* pour veiller à ce que les actions légales soient prises contre ceux qui ne respectent pas la loi. Le ministère du Travail prépare aussi les dossiers pour loger, en Cour industrielle, les cas non-résolus.

D'autre part, au niveau de mon ministère, 30% des cas de licenciement ont déjà été résolus et nous travaillons d'arrache-pied pour trouver une solution dans les autres cas.

Mr Speaker, Sir, concerning the training levy payable by the employers, Government has decided to reduce its rate to give necessary support to economic operators with a view to minimising the adverse impact of COVID-19 - and this was necessary - and this measure, Mr Speaker, Sir, is only temporary.

To conclude, Mr Speaker, Sir, let me say that the main intent of the COVID-linked Finance Bill is clearly defined in Budget 2020-2021, firstly at paragraph 22 –

“We must protect the jobs of thousands of men & women”,

And then at paragraph 23 –

“We must secure the means of livelihood for thousands of small businesses.”

That is exactly what we have been doing.

M. le président, le *Finance Bill* préconise la mise en application des mesures innovantes, des mesures jamais introduites jusqu'ici.

A l'ère d'une nouvelle normalité et dans le sillage de la crise occasionnée par le Coronavirus, ce gouvernement a vu les choses en grand. Avec plus de R 100 milliards consacrées au Plan de relance de l'Investissement et de l'Economie, nous nous donnons les moyens d'aborder l'avenir avec un peu plus de sérénité.

Déjà, le pays vient d'être promu dans la liste des pays à haut revenu par la Banque mondiale. C'est une première. Un accomplissement découlant de la gestion responsable de ce gouvernement depuis 2015 mais aussi de sa capacité à partager les richesses du pays.

L'évolution de notre économie en un pays à haut revenu et en même temps nous prive de certains privilèges obtenus comme assistance auprès des organisations internationales. Néanmoins, ce gouvernement est conscient des enjeux et a pris les taureaux par les cornes pour soutenir l'économie et maintenir le niveau de vie de nos citoyens.

Nous allons continuer sur cette trajectoire afin que l'île Maurice moderne soit un exemple d'efficacité économique et de bien-être social.

L'espoir est donc permis. Maurice est un pays qui a démontré sa résilience dans le passé, il le fait encore une fois aujourd'hui.

Merci, M. le président.

Mr Speaker: Hon. Quirin!

(7.42 p.m.)

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): M. le président, comme la soirée sera, probablement, très longue, je vais axer mon intervention essentiellement sur les amendements apportés à la *Gambling Regulatory Authority Act* et à la *Sports Economic Commission*.

Ceci dit, M. le président, la présentation de ce *Finance Bill* vient confirmer une chose, le reniement d'une promesse faite à la population mauricienne depuis la campagne électorale de décembre 2014 par le MSM et ses partenaires.

En effet, M. le président, qui ne se souvient pas de ce fameux slogan –

« *en finir avec la nation zougadère* »

Des mots qui, je le rappelle, figuraient en bonne place dans le programme du gouvernement de l'alliance Lepep.

M. le président, beaucoup d'eau a coulé sous les ponts depuis décembre 2014. Ce gouvernement qui est aux affaires depuis six ans n'a cessé, *Finance Bill* après *Finance Bill*, de ne pas honorer sa promesse de débarrasser le pays de la mafia des jeux, comme l'a si bien souligné mon collègue, l'honorable Rajesh Bhagwan, mardi dernier dans cette même Chambre.

M. le président, depuis six ans la présentation du *Finance Bill* a été l'excuse toute trouvée pour le gouvernement de consolider encore et encore la domination totale de *SMS Pariaz* dans le monde des paris et du *gambling*. Une compagnie qui s'est transformée en six ans d'un simple opérateur de paris par *SMS* à un mastodonte de l'industrie du *gambling* à Maurice.

Comme on pourrait dire –

« *Dans so café pena triage* »

Tout y passe : les courses à Maurice et à l'étranger, football, loterie, les machines à sous et même le traitement partisan de l'information à travers des publications. Magnat du jeu et de la presse, s'il vous plaît, rien n'y échappe à la galaxie JMLS. Il a un appétit d'ogre en ce qui concerne les jeux et détient le quasi-monopole dans ce secteur et visiblement tout ce qui touche à la compagne *SMS Pariaz*, reste un sujet tabou au sein du gouvernement, y compris dans cette Chambre.

En effet, M. le président, nous avons vu mardi dernier à quel point le ministre des Finances était embarrassé avec la question de l'honorable Bhagwan sur la connexion de *SMS Pariaz* au serveur de la *MRA*. Une question éminemment taboue depuis des années et même si le ministre a répondu par l'affirmative le doute subsiste néanmoins.

M. le président, ce présent *Finance Bill* n'échappe pas à cette règle bien établie, voire bien rodée, qui consiste à assurer la domination de cette compagnie aux tentacules gigantesques dans un monde où le concept de *same level playing field* n'existe pas.

M. le président, avant d'évoquer les avantages dont va bénéficier encore une fois *SMS Pariaz* dans ce présent *Finance Bill*, laissez-moi rappeler à la Chambre quelques-unes des faveurs accordées à cette même compagnie depuis 2015.

M. le président, justement en 2015, la *GRA* prend la décision d'accorder une licence pour le *football betting* à *SMS Pariaz* pour opérer 10 *outlets*. En 2016, décision fut prise de réduire de 20 à 10, voire même 5 *outlets* pour les autres opérateurs de *football betting*.

En 2017, JMLS obtient une licence d'opération pour opérer des paris sur les courses de chevaux en France à travers *PMU Moris*. Dans la foulée, cette dernière obtient aussi le droit de faire fonctionner 600 collecteurs à travers l'île. Le serveur de *PMU Moris* n'est pas connecté à la *MRA* alors que la licence d'opération d'un collecteur est gratuite depuis l'année dernière.

M. le président, toujours en 2017, la *GRA* approuve la demande de *SMS Pariaz* pour opérer des machines à sous, *limited pay out machines*, plus de 800 machines sont installées dans tous les coins et recoins des villes et villages de Maurice. Une véritable nuisance pour les riverains. En 2018, M. le président, la seule et unique licence d'opération du *limited pay out machine* à Maurice est accordée à *SMS Pariaz Limited*.

Encore une fois, zéro connexion au serveur de la *MRA*. En 2018, toujours, M. le président, la *GRA* augmente à 24 les centres de *remote bookmaker*, c'est-à-dire des paris par *SMS*. Ainsi, *SMS Pariaz*, *BetOnline* et *Book System*, toutes faisant partie de la galaxie JMLS se retrouvent avec 24 *betting shops* chacun, soit 75 *outlets* à travers l'île, en comptant les trois *Head Offices*. Et je dois ajouter, M. le président, que des doutes subsistent, ici encore, concernant la connexion avec le serveur de la *MRA*.

La même année, *SMS Pariaz* obtient cette fois-ci l'autorisation d'acheter la loterie Poupard et la loterie Serge Henry. Dans la foulée, la *GRA* l'octroie aussi le droit d'émettre 1 million de tickets par semaine et 4 million lors de la dernière semaine du mois, ce qui fait entre 8 à 9 million de tickets par mois. Est-ce cela qu'on appelle mettre fin au concept de 'nation zougadère', M. le président ? Permettez-moi d'en douter, car dans ce présent Finance Bill, le gouvernement en rajoute une couche pour aider et soutenir encore son bon ami et bienfaiteur, JMLS.

En effet, M. le président, le *Finance Bill* 2020-2021 vient éliminer à la section 45(j), la nécessité d'avoir une *police clearance* pour les locaux où sont installées les machines à sous de *SMS Pariaz* et ses compagnies satellites. Par ailleurs, je dois faire ressortir que le moratoire pour que les *limited payout machines* fonctionnent selon les nouveaux standards, n'a toujours pas été approuvé par le *Mauritius Standards Bureau*. M. le président, mieux encore, on parle même de jackpot pour *SMS Pariaz* où le paiement de ces *limited payout*

machines passe de R 5,000 à R 10,000, comme il est stipulé à la section 25(a) (ii) du *Finance Bill*.

M. le président, le présent *Finance Bill* vient enlever l'obligation à *SMS Pariaz*, unique opérateur de machine à sous à paiement limité, de chercher l'autorisation des autorités et surtout de la police avant de déplacer une machine d'une succursale à une autre.

M. le président, la démarche la plus inquiétante de ce présent *Finance Bill*, concerne les amendements qui sont apportés à la section à la clause 28(b). En effet, cet amendement fait que ce soit désormais le *Board* de la *GRA* qui décidera des standards des machines à sous et non la *Mauritius Standards Bureau*. C'est sans doute une première à Maurice où un gouvernement vient délibérément évincer un organisme telle que la *MSB* qui s'est faite une solide réputation dans ce secteur.

M. le président, la *GRA*, dont le rôle devrait être la protection des intérêts des parieurs, s'est transformée, lentement mais sûrement, en un instrument de protection pour *SMS Pariaz* et son patron. Pourtant, M. le président, la *GRA* et par ricochet, le gouvernement, se sont faits taper sur les dos en de nombreuses occasions par la plus haute instance judiciaire de ce pays, soit la Cour suprême, et dans ce présent cas, nous sommes devant une situation injuste et immorale où ceux qui opèrent dans ce même secteur, n'ont pas les mêmes privilèges que *SMS Pariaz Limited*. M. le président, nous sommes dans une situation où des lois, notamment la *GRA Act*, sont amendées, rien que pour permettre aux grands patrons de *SMS Pariaz* et à ses filiales d'étendre leurs tentacules sur toute l'industrie du jeu à Maurice. Funeste démarche pourrait-on dire, quand on sait que la situation sociale et économique actuelle du pays veut que tout gouvernement responsable agisse pour protéger la population, surtout ceux qui croient que les *betting shops* ou les machines à sous sont des moyens pour se faire de l'argent, mais nous le savons tous, dans la majorité des cas, c'est le contraire qui est vrai.

M. le président, je voudrais aussi dire quelques mots sur les amendements qui sont apportés à la section 27(a) du *Finance Bill*, où je note que la *Sports Economic Commission* est maintenue avec, cependant, un amendement mineur au niveau de sa composition. Je rappelle que pour la deuxième année consécutive, la *Sports Economic Commission* se retrouve dans le *Finance Bill*. Si l'on s'en tient aux propos tenus, le 11 décembre 2019, lors d'un atelier de travail sur l'économie du sport avec comme thème, '*Sports Tech Incubator*', le président de l'*Economic Development Board*, M. Cartier, avait affirmé que la *Sports*

Economic Commission avait déjà été mise sur pied. Une année après, des questions pertinentes remontent à la surface concernant cette commission. A-t-elle vraiment vu le jour depuis qu'elle a été présentée dans le *Finance Bill* de 2019-2020 ? Si oui, cette commission a-t-elle bénéficié d'un budget de fonctionnement? Quel montant et comment cet argent a-t-il été dépensé? Qui sont ces membres? Combien sont-ils payés ? Quels sont les salaires et autres avantages du président de la *Sports Economic Commission*? M. le président, une année après, quel est le bilan de cette commission en vertu de ses responsabilités, comme définie dans la section 27(c) du *Finance Bill*? En fait, M. le président, les éléments entourant l'existence de cette commission sont flous, pour ne pas dire opaques. Il est, donc, plus qu'important que le ministre des Finances vienne avec des explications claires, précises sur sa démarche afin d'éviter tout empiétement dans les actions des uns et des autres.

Mais une chose est certaine, M. le président, une récente expérience nous a démontrés comment près de 5 milliards ont été utilisés pour la construction du complexe sportif de Côte d'Or, mais aujourd'hui, cette infrastructure est considérée comme un gouffre financier. Et je rappelle qu'à la section 27(c) du *Finance Bill*, il est question que la *Sports Economic Commission* approuve la construction de nouvelles infrastructures sportives sous le modèle 'PPP', c'est-à-dire, le *Public Private Partnership*. M. le président, pour que les objectifs de cette commission soient atteints, il est primordial que la *Sports Economic Commission* fonctionne en toute indépendance et en toute transparence, et que cette commission soit composée de personnes intègres.

M. le président, les honorables membres du gouvernement, et c'est de bonne guerre, pourront réfuter autant qu'ils veulent les arguments de l'opposition, mais cela ne changera rien, car la population n'est pas dupe.

Je vous remercie.

Mr Speaker: Hon. Dr. Dorine Chukowry!

(7. 55 p.m.)

Dr. Ms D. Chukowry (Second Member for GRNW & Port Louis West): Mr Speaker, Sir, thank you for giving me the opportunity to intervene on the Finance Bill. Let me convey my heartfelt congratulations to the Minister of Finance, Economic Planning and Development for tabling the Finance (Miscellaneous Provisions) Bill, which seeks to provide the necessary framework for the measures enunciated in the 2020-2021 Budget Speech.

This Bill will now enlarge the mandate of some 70 existing Acts, and thus, consolidate the endeavours of the Government to secure the state of our economy. It will be essential to bring to light the purpose and reasons behind the eventual enactment of the Finance Bill. With the advent of the COVID-19 pandemic, the global economy has, and is still reeling from the backlash of a downturn in the economic activities. The very dynamics of regional markets have been shaken in its very foundations, eroding the inherent capabilities of both supply chain and *clientèle*.

Mr Speaker, Sir, if we dare to cast a glance beyond our horizon, we will witness that all the ingredients for a contagious inflation are in the making. Economies, that once were thought to be rock solid and hermetic to possible vulnerabilities, have had to review their stand and adopt crisis scenario in an effort to mitigate the onslaught of financial interchanges spiralling down to abysmal level. Fortunately, on our domestic front, we are swift in picking and registering this distress signal and no Government, lucid in approach, and sane in perspective, can afford to be a mere passive witness to the economic tragedy that is unfolding in front of our very eyes. Hence, the Finance Bill was pushed ahead as both a salvage plan to ring-fence our assets and a remedial contract to redress our economic ventures. From a historical perspective, no past crisis has been ever severe as to motivate a Government to have recourse to such measures to protect and preserve the hard-won efforts of its people.

Mr Speaker, Sir, at the heart of the Bill lies the very basic, yet, so fundamental need to uphold the living conditions of our citizenry. We are all part of a common destiny, and without cooperation, it would be difficult, not to say impossible, for Mauritius to march forward despite the threat of global recession looming above our heads. Of course, criticisms from naysayers seem to have become the order of the day, no matter how genuine or dedicated the efforts behind are. *Mais, M. le président, la caravane fera son chemin, cela je peux vous en assurer.*

I wish to highlight that the balancing act to ensure that proportional fiscal responsibility be shouldered in equal measures by both the corporate sector and the individual was not an easy affair. Nonetheless, the sense of urgency, judgement, fairness and wisdom that prevail should be applauded. The Finance Bill and its tributary implications on our existent Acts have brought in the current conditions of the diverse components of our socio-economic fabric. The Solidarity Levy comes at the right juncture to guarantee that the distribution of wealth further transforms itself into a permanent exercise of transparency and equality.

Mr Speaker, Sir, the Government has centered on the numerous difficulties and constraints faced by our people following the debilitating effects of the viral contagion. The 10% cap on the Solidarity Levy will be a huge relief to a significant portion of income earners in terms of tax credit, and will further scaffold the investment and purchasing power in these difficult times.

One of the novel measures that will restructure our pension regime is the *Contribution Sociale Généralisée (CSG)*. The *CSG* is no less than revolutionary in approach in that it redistributes wealth, based on the principle of congruent equality. Our citizens are now ensured that they will be recipients of an aggregated disbursement which will simultaneously bequeath them with the means to eke out a decent existence, while rerouting savings for future investment.

Again, many have been overhasty in jumping to conclusions that some will end up paying for others, but we need alacrity and enlightenment to think beyond the actual context. The *CSG* will be the building block of a Mauritius that is solidifying its stake on future investment for all, guaranteeing that earmark. Funds will be available when and where required, and easing Government debt and public expenditures alike and providing means and ways to redirect macro and micro economic gains, such that the propensity for the growth and flourishing of wealth become a universal phenomenon, which will gradually erase away the margins and barriers brought by unequal wealth distribution.

M. le président, ce projet de loi tombe à pic car la contagion virale qu'est le COVID-19 ne cesse de prendre une ampleur apocalyptique. Il suffit qu'on se rende à l'évidence que plusieurs économies, qui, jadis, furent considérées comme invincibles et tenaces, s'effondrent à vue d'œil. La République de Maurice, grâce aux efforts diligents de nos dirigeants et la coopération fort louable de nos concitoyens, a pu, jusqu'à présent tirer son épingle du jeu. Mais l'avenir reste volatile et incertain. Nul ne pourra se vanter à prédire que les économies de nos partenaires vont s'améliorer avec le temps, et c'est pourquoi le projet de loi tombe au moment opportun afin d'insuffler un nouveau dynamisme à notre architecture socio-économique.

Notre conjecture est devenue une nécessité et une opportunité à se préparer, à se parfaire, et à s'assurer que nos enfants ne souffriront jamais des retombées du marasme économique mondiale. Le bien-être d'autrui restera notre devoir principal.

On a further count, Mr Speaker, Sir, a series of initiatives will be implemented to alleviate the burden, inadvertently, and unavoidably weighing down the important movers of our economy. An extension of tax holidays to specific sectors, broad-based deductible allowance on expenditure and acquisition, VAT exemptions extended for the intent of research and development, sustenance of food security investment in human capital development and continuous education, and favouring local businesses vis-à-vis foreign competitors, in terms of IT and digital servicing are but a few examples to restore empowerment to those in need, and *de facto* eliminate past economically corrosive mismatches between a tax regime and value added emancipatory venture.

Mr Speaker, Sir, the Finance Bill is also integrating in its stride a deeply socialist consideration to level out the field so that all players, big or small, are bequeathed with the same opportunities to fortify their engagement in aspiring to a livelihood that is safe and secure as well as dignified and perennial. Many people have been openly debating on the possibility of a covered agenda behind the Bill. Allow me to clarify, once and for all, to our conspiracy theorists that they are going to be in for a surprise. The purpose of this Finance Bill is a monumental payback to our motherland and her children. I do not know whether I should laugh or cry when I hear echoes from certain quarters that the people are being robbed and that our reserves are being dilapidated. Yes, Mr Speaker, Sir, daylight plundering did occur, but not during the successive and successful mandates of this current Government. *Nul besoin de vous rappeler le coffre-fort de River Walk.* When COVID-19 hit our shores, we knew that the ride was going to be rough and tough.

(Interruptions)

Mr Speaker: Order!

Dr. Chukowry: Stringent measures to protect our economy from irreversible haemorrhage had to be put in place, but we have never lost sight and sound of the distress calls of our people. We are here because of them and we know what honour and gratitude mean despite the fright of loss of revenues, despite the breakdown in domestic and international supply chain, despite the abrupt reduction of windfall gains, despite the emerging fissure in some sectors of the economy, we are maintaining a brave, constructive...

(Interruptions)

Mr Speaker: Silence, please!

Dr. Chukowry:...and proactive front to shepherd our people to better ...

(Interruptions)

Mr Speaker: Hon. Assirvaden!

Dr. Chukowry: ...vantage points through the enactment of the Bill.

M. le président, dans le cadre actuel, nul ne peut se vanter d'affirmer avec certitude ce que nous réserve le futur. Le virus, à ce jour, continue de faire rage et, malheureusement, même si la clairvoyance gouvernementale et l'effort soudé d'un peuple nous a plus ou moins sauvé d'une tragédie qui aurait pu anéantir à tout jamais notre pays, il sera plus que nécessaire...

(Interruptions)

Mr Speaker: Hon. Duval!

Dr. Chukowry : ...de soutenir toute initiative qui aura pour but de garder notre pays à flots. La bouée de sauvetage, qui est le *Finance Bill*, sera notre soleil et nous redonnera notre volonté de fer à mieux bondir.

To conclude, Mr Speaker, Sir, may God bless and protect our country and our people. Thank you all for your attention.

Mr Speaker: Hon. Armance!

(8.09 p.m.)

Mr P. Armance (Third Member for GRNW & Port Louis West): Thank you, Mr Speaker, Sir. The previous orator, just before me, maintained that she was going to support all actions of the Government pertaining to the Covid. Maybe I am not on the same level as her because I am not going to support the purchases of *médicaments*, the purchases of ventilators that her friend has done on the head of all Mauritians.

Mr Speaker, Sir, after each Budget debate, we are asked to vote the amendment to the law pertaining to provisions announced in the Budget for the implementation thereof. Indeed, our dear Finance Minister announced major reforms in his fiscal policy and yet he changed his mind. I think hon. Xavier-Luc Duval and hon. Reza Uteem mentioned it during their speech that he has changed his mind completely after a few weeks.

Mr Speaker, Sir, there is no stability in his approach to present a budget and then come with a proper framework to amend the law to implement this budget. This is one of the major points I want to make. I know my other friends have already mentioned it before me,

but it is very important that all people outside, understand it, that they understand that there is no stability in his approach. He came here with a speech, put some major fiscal measures and then he changed his mind. Has it been done with proper consultation? I join my hon. friend, Xavier-Luc Duval in saying that this budget was prepared by an *apprenti sorcier*. I am so sorry to say that. I have said it.

Mr Speaker, Sir, I am going to limit myself to a few amendments. Let me start by the amendment brought into the Construction Industry Development Board. Section 11, Mr Speaker, Sir, of the Construction Industry Development Board increases the allowable to the local contractors to undertake contracts from a range of Rs10 m. to Rs1 billion, which is to me a good measure. This gives more opportunities to the local contractor to tender in major projects in Mauritius, but despite increasing the allowable, Mr Speaker, Sir, the threshold of Rs300 m. reserved to Mauritian contractors announced in the Budget is far not sufficient. Let me explain myself, Mr Speaker, Sir.

A local contractor is allowed to tender for a job of Rs1 billion, but an international contractor also is allowed to tender for the same job amounting from Rs300 m. to Rs1 billion or above. What would happen with the construction of the 12,000 houses that was announced by the Government? Every contract that will be more than Rs300 m. is an open door to an international contractor to quote and a chance to win the tender without getting into a partnership or joint venture with the local contractor, Mr Speaker, Sir.

For example, in countries like India or Dubai, this is not allowed. We have to protect our local contractor as much as we can. Obviously, Mr Speaker, Sir, the percentage of Mauritians employed involved in construction site, managed by the local contractor, is more significant than an international contractor.

Mr Speaker, Sir, it is regretful that the Minister of Finance has not taken this golden opportunity of amending the CIDB to make it mandatory that international contractors enter in partnership or joint venture with local firms here. The least he could have done is to add a clause to protect Mauritian contractors, thus preserving the livelihood of our local employment, Mr Speaker, Sir. I believe I made my point on the CIDB.

I would like to talk on the Registration Duty Act. In section 27, Mr Speaker, Sir, subsection 2(a) part (b), this deals with the exemption of the registration duty for the purchase of freehold land under some conditions –

- (i) it concerns the acquisition of freehold land solely for the construction of housing estates for a minimum of 5 residential units. I'll just repeat it, for 5 residential units;
- (ii) it deals with a time limit for the completion of the project, that is, 31 December 2021, and
- (iii) it deals with a fine of 20% of the amount of duty pertaining to the Act.

What I am not comfortable with, Mr Speaker, Sir, is item one. Why is the Act amending only to promote housing estates? It could also specify locus housing, for example, which is today a must do in our country. Housing estate is defined as a residential area in which the houses have all to be planned together and built at the same time, but no mention of what type of residential unit in the Act. Are we going to have more luxury houses and villas? Are we going to have middle class housing units? Are we going to have locus housing units? What is defined now? Are we just saying housing estates but there is no definition of what is going to be constructed and who is going to benefit from this.

Secondly, Mr Speaker, Sir, it is the time limit given for the implementation of the project. From a planning stage of a housing estate project, Mr Speaker, Sir, you will have to undertake several steps. You will have the planning stage, you will have the design stage, the financing stage, the approval stage and then you go for construction until the completion of the project. I fail to understand how a promoter, who is to construct this type of project, is going to do it in 18 months. How do you plan? How do you manage to get the financing, get the approval from the authority and then do the project in 18 months? Are we now trying to sell this project? Are we now trying to say that this project already exists somewhere in a drawer? I am about to think that some projects are sleeping in a drawer somewhere or simply it is not realizable, to plan, design, seek approval and construct a housing unit in 18 months, Mr Speaker, Sir.

Thirdly, the fine imposed for the non-completion of the project within the prescribed time is 31 December. I mentioned it a bit earlier. My appeal to the Finance Minister is, if he is maintaining this amendment, at least, he could review the completion date, put it up to June 2022 or even December 2022. This may give time for promoters to work on the project and it is going to be more feasible to build within two years rather than 18 months because who is fool enough to come and invest his money in a project that he is not even sure is going to complete and at the end of the 18 months, he is going to have a 20% on the duty that was exempted to him and he has to pay the duty and then 20% above the duty. So, I don't see

someone fool enough to come and invest his money in this sort of fake scheme that this Finance Minister is proposing, Mr Speaker, Sir, unless, as I have said before, if a *petit copain ou petite copine* has a full-fledged project already in his drawer ready tailor-made for the construction then he can go and do it in the next 18 months.

Let me move to the Immigration Act, Mr Speaker, Sir. While I understand that clause (a) subsection 5(1) is completely repealed and replaced, one of the major changes is the review of the value of the asset. It is from 500,000 US dollars in the previous legislation and now the Minister is reviewing downward the sum to 375,000 US dollars. This amount is approximately Rs20 m. which is dropped to Rs14 m., Mr Speaker, Sir, which represents a drop downward of about 40% in the asset value.

We had a benchmark for foreign investment, Mr Speaker, Sir, on acquisition and, today, we are reviewing downward. I cannot understand why he is doing so. Why opening the wide door for investors but, yet, on the same Act regarding the right to invest by professional and retired non-citizen? You can read in paragraph 9H -

‘The holder of an occupation permit as professional or the holder of a residence permit as a retired non-citizen may invest in any business provided that (...)’

He is not employed nor he manages his business; he cannot secure his investment and he does not derive any salary or employment benefits from the business.

To summarise, Mr Speaker, Sir, you give 40% discount on acquisition of assets encouraging resident permit or retired non-citizen to come to invest in Mauritius, but they are not allowed to manage their business; they are not allowed to manage their investment; they don’t have any salary; they don’t have any profit. Who is fool enough to come and invest in Mauritius? Sit at home, enjoy the sun and the sea and derive no revenue from all the investment he is putting in this project? Who is fool enough to do that? What are we trying to do? Mr Speaker, Sir, whatever has been done in this Act for me it is completely confusing.

One of the major concerns of the population today is the amendment of the Income Tax Act and today we are again asked to vote something about it. I mentioned in my speech earlier that the fiscal policy of the Finance Minister is very confusing. At the beginning, he came in the House with a formula of 25% plus 15% tax as solidarity levy. This was announced in the Budget and good for it.

A resident Mauritian citizen will now be 25% and applicable from three million under paragraph 223. Now the Finance Bill section 28 subsection C, you can see percentage has

been reduced from 25% to 10%. This was mentioned by hon. Xavier Duval a bit earlier. He reviewed it from 25% to 10%. He has lots of opportunities in this House to come and explain it to us. All the PQs that were raised, PNQs that were raised, he never ever came here and accepted that he was wrong from the beginning. From the beginning, he was wrong. His calculation of 25% plus 15% was wrong from day one and now he came and changed it. What is this proving, Mr Speaker, Sir?

C'est un aveu d'échec, M. le président. Malgré que les 10% ne sont toujours pas corrects mais c'est un aveu d'échec de la part du ministre des Finances.

I think my colleague has sufficiently canvassed this solidarity levy and I will restrict myself to the point that the Finance Minister has backpedalled on the percentage of the tax and I would like him, during his summing up, to come and give us explanation why he has moved backward, why for the last two weeks he never found one minute. They went on radio, TV, press conferences they never found one single minute to come and explain to the population what they want to do and why they are reverting from 25% to 10%, Mr Speaker, Sir.

M. le président, l'impôt de solidarité sur la fortune - je sais notre honorable ministre des Finances, comme l'a cité l'honorable Shakeel Mohamed, a des affinités françaises. *Donc, l'impôt de solidarité sur la fortune* - solidarity levy - this has been removed in France. Now, the Finance Minister is imposing a similar sort on the shoulder of each and every Mauritian, Mr Speaker, Sir.

Let me briefly now debate on the Local Government Act regarding the application for building permit which is now through the National Electronic Licensing System. I have in the past put a PQ here regarding same mentioning that not everyone is well versed with online electronic system and if there will be other means of application for the permit.

Mr Speaker, Sir, I would like to have more information whether this amendment to the Local Government Act make it mandatory for the licensing electronically or there is any mean that he can come and explain to us during the debate?

Mr Speaker, Sir, no fee shall be payable for the issue of a Building and Land Use Permit for the construction of a pharmaceutical manufacturing factory, food processing plant or warehouse. I can't understand, Mr Speaker, Sir, why are we now mentioning the pharmaceutical manufacturing factory project? Why is it specific to this type of building; for manufacturing factory or the warehouse? What are we trying now to hide to the population,

specifying that this fee shall not be payable by this type of manufacturing industry. I know some people have been very successful in this business lately, but we are not going to come back on this.

Mr Speaker, Sir, while many companies were trying to survive of the Covid pandemic; while employers find it difficult to sustain the salary of their employees; while so many voices have raised against the CSG compared to our actual NPF system; despite our numerous interventions in the house regarding same, *le ministre des Finances persiste et signe. La Contribution Sociale Généralisée est bel et bien présente dans le Finance Bill, M. le président. Mais où sont donc passés les chiffres y relatifs, le quota, le pourcentage ? Mais il n'y en a pas. On n'a que quelques notes à la page 77. Pendant son intervention, il a oublié encore une fois de nous donner les chiffres ce matin. Je ne sais pas s'il le fera pendant le summing-up.* But what is the Finance Bill asking us to vote, Mr Speaker, Sir? Vote for a rate that is not mentioned for the application of the tax; vote for a rate that is not prescribed yet, Mr Speaker, Sir; vote for a tax *sur l'emploi*, M. le président, and give the money to the MRA instead of NPF, the National Pension Fund and the MRA is going to redistribute it as a pension to meet the electoral bribe of Rs13,500 announced by the Government during the electoral campaign. Basically, Mr Speaker, Sir, this is what our Finance Minister wants us all here to vote. I cannot understand. Whoever is going to vote for such an amendment, Mr Speaker, should take full responsibility and accountability. As far as I am concerned, Mr Speaker, Sir, this is not going to have our support.

Thank you.

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

At 8.27 p.m., the sitting was suspended.

On resuming at 10.05 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Thank you very much. Please, be seated! Hon. François!

Mr François: Mr Deputy Speaker, Sir, I beg to move for the adjournment of the debates.

Mr Ganoo seconded.

Question put and agreed to.

Debate adjourned accordingly.

MOTION**MR SPEAKER – MOTION OF NO CONFIDENCE**

(10.05 p.m.)

The Deputy Speaker: Hon. Leader of the Opposition, prior to giving you the floor, I wish to make a small statement.

It has been the practice for debate on such a motion to be chaired by the Deputy Speaker.

The motion of no confidence in Mr Speaker which the House is about to debate was filed on Tuesday 23 June 2020.

It appears on today's Order Paper, that is, 14 July 2020, at the request of Mr Speaker who has expressed the wish to have it considered at the earliest opportunity.

The debate will be conducted in conformity with the provisions of the Standing Orders and Rules of the National Assembly 1995, coupled with decisions which have constituted our Parliamentary jurisprudence.

In this context, I have taken the pain to go through the Hansard as, I am sure, hon. Members wishing to intervene as well have done.

We have had two motions of dissent in 1963 and 1982 and five motions of no confidence in the Speaker, namely in 1985, 1990, 1993, 1995 and 2017.

For the benefit of hon. Members and for orderly conduct of the debate, I am taking the liberty of quoting *in extenso* past rulings and points of order which have delimited the parameters within which the debate should take place.

In 1985, in the course of debate of no confidence against Mr Speaker, the then very able Deputy Speaker observed the following –

“True it is that the rulings and decisions of Mr Speaker cannot be debated except on a specific substantive motion, but it must be remembered that the motion which is before the House today is a motion of no confidence. Such a motion cannot, where it concerns the rulings and decisions of Mr Speaker, take into consideration any matter other than what reflects on the conduct of Mr Speaker.”

The hon. Deputy Speaker further stated, and I quote –

“The motion which is before the House should be supported by cogent indications to the effect that Mr Speaker has, out of some improper motives, given a ruling or a decision. It is not the correctness or incorrectness of the ruling or decision that is being called into question. In such a debate, what is expected is evidence of improper motive, bias, bad faith and/or malice on the part of the Speaker whenever he gave his rulings in the House or misconduct and/or misbehaviour, if any, inside the House.”

In 1993, on a motion of no confidence in the Speaker, the then Deputy Speaker reiterated the following –

“I advise the hon. Member - I am not preventing him from saying what he has to say - that the motion of no confidence is a motion of no confidence in Mr Speaker. I have listed down all the arguments put forward by the mover of the motion. The hon. Member should be careful. There is a motion of no confidence in Mr Speaker, but the hon. Member should not go into the private business and the private affairs of Mr Speaker as a private citizen. I draw the attention of the hon. Member to this fact. He may proceed, but he must try to be careful.”

During the same debate, the Deputy Speaker stated, and I quote –

“I would suggest that the hon. Member should try - as the hon. Members on this side who spoke on the motion - to restrict himself to a few arguments, and to challenge Mr Speaker’s seat in his function as the Speaker.”

In light of the above ruling and decision, and other rulings of this House, this debate must follow six parameters which I have set out -

- (i) the debate must be in line with our Standing Orders and the precedents of this House;
- (ii) the debate must relate to improper, biased, unfair, malicious and impartial conduct and/or behaviour of the Speaker in his function as Speaker;
- (iii) the debate must be limited to the period the Speaker has been in office;
- (iv) the debate must not contest the correctness and/or incorrectness of the ruling of the Speaker except what reflects on his conduct and behaviours;
- (v) the debate must not go in the private business and affairs not relating to the office of the Speaker;

- (vi) I will give ample room to prove, to demonstrate, but you must provide at least some cogent evidence; no wild allegation, no below the belt punch or kick. I will term it this way: it is like a football game, goals must not be scored with the hand. It will be disallowed and is even sanctionable.”

The debate will, therefore, be along the above guidelines which were adopted previously. I will, therefore, invite hon. Members who will be intervening to stand guided by them.

Thank you very much.

Hon. Leader of the Opposition, you have the floor.

(10.11 p.m.)

The Leader of the Opposition (Dr. A. Boolell): Thank you very much, Mr Deputy Speaker, Sir. You can rest assured we will uphold the dignity of the House and bow to the guidelines set.

Mr Deputy Speaker, Sir, this is not Parliament’s finest hour. No Leader of Opposition moves a motion of no confidence against a Speaker with pride or prejudice. It is moved only after careful consideration and with much seriousness of purpose. As an Opposition, we chose, on a matter of principle, not to challenge his election in anticipation that he would live up to the dignity, authority and independence of the office of the Speaker of this House. He has failed the office he occupies, he has failed the House, and he has failed the nation. And he has failed miserably.

Live broadcasting of the sittings of Parliament has done him no favours by exposing him for the country and the world at large to witness his blatant partiality, his unbecoming behaviour and his inflammatory tone and language. When the Prime Minister, on 21 November 2019, moved that Mr S. Phokeer be appointed Speaker of the House, I erred on the side of caution and did not second the motion. I want to underline that many of us, on this side of the House, proceeded on the assumption that the chosen person would be a Speaker worthy of the name. We have been proven wrong by the Speaker’s own acts and doings; he has not done justice to himself, to the House and to the workings of Parliamentary democracy in blatant disregard of Westminsterian principles and tradition. It is good to recall that in 1979, when the office of the Speaker became vacant by virtue of section 32 of the Constitution and of Standing Order 7, following the demise of the late Speaker, Sir Harilall

Vaghjee, Mr Kailash Purryag, First Member of La Caverne and Phoenix moved to elect one of the Members of the Parliament to occupy the House.

The highlight of the occasion was the speech of hon. Bérenger, the then First Member of Belle Rose and Quatre Bornes who intervened on behalf of the Opposition. He quoted Selwyn Lloyd with his famous book 'Mr. Speaker, Sir', I quote -

"The Speaker ceases to belong to a political party on the election to the Chair. At subsequent general elections, he stands as the Speaker, seeking re-election. He exercises his vote in the House only in the event of a tie and then according to well established principles."

Sir Ramesh Jeewoolall lived up to those expectations as certain future Speakers subsequently did, including hon. Alan Ganoo, Mr Dev Ramnah, Mr Kailash Purryag and Mr Razack Peeroo. None of them allowed the political views or affiliation to blind them and to make them succumb to any form of bias while presiding over that august Assembly.

A Speaker diffuses a difficult situation with discernment, understanding, charms and wits. They say a Speaker does not have his brain in his pockets nor his vocal cords constant in his twisted tongue. He is not a loudspeaker but a Speaker who is heard and who can catch the eyes of Members of Parliament.

I grant that it is not always easy to conduct the business of the House and it is equally not in the interest of the Members of Parliament to be hostile towards the Speaker. But then, Members of Parliament are not elected to be servile or subservient to the Speaker. The respect is not thrust upon any Speaker, it has to be earned first and foremost from those who want to be heard and are the mouthpiece of their electorate. Even the perception of bias can defeat the scrutiny of Parliament.

Sir Harilall Vaghjee, a towering figure, was on 10 December 1963 the subject of a motion of dissent or censure by Mr Koenig, Leader of the Opposition, and seconded by Mr Gaëtan Duval. It was as a consequence of his alleged failure to apply what the Standing Orders provide for in case of disorderly conduct, upon which I will come later on, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, as our good British friend would say, "has played a bad hand badly and brought the House into utter disrepute." He has turned himself into derision and has become the laughing stock of this country.

Mr Deputy Speaker, Sir, Parliament is sovereign, and as an independent Speaker, he is morally and duty-bound to protect its sanctity. It is the temple of democracy and the Speaker, once elected, irrespective of his political allegiance, has to uphold the dignity of the House. In fact, he has to forsake his allegiance, failing which the Legislature becomes a mockery of democracy. His loyalty to the dignity of Parliament, it is, indeed, to the dignity of Parliament, and not to the party in power. The foremost quality required of a Speaker is impartiality. He is above party politics and should not vacillate. He has to protect the minority from the tyranny of numbers. He is the referee and not the player.

Hon. Phokeer does not and will never understand that, I quote – “The great wonder and beauty of Parliament that works, is that it imposes of the balance process and an equity of morality, a constructive limitation on what would otherwise be the tyranny of majority politics practice for its own sake.” This prose was written by Senator Austin in 1990 in an article entitled “Legislative Scrutiny”.

A Speaker must govern in self-righteousness. Unfortunately, he has not been able to contain the tyranny of numbers, and far from being inadvertent, his actions have been deliberate with a view to consistently undermining the Opposition. There have been the rare occasions where he has tried to be fair, especially at Adjournment Time, but these were mere eyewashes.

Mr Deputy Speaker, Sir, this is the backdrop to parliamentary democracy. Our Parliament is based on the model of the House of Commons and our Standing Orders are a foretaste of the Bible of Parliament, that is, Erskine May, which is referred to for a final ruling. But the Speaker’s decisions are not always motivated by provisions of Standing Orders but by allegiance to the majority which he expressed against the minority with a volley of verbal assault. His cumulative stands from the time of his appointment and his burlesque rising from the Chair on 15 June this year has left no one indifferent and insensitive. This grotesque scene reverberates in the minds of the whole nation. His action is premeditated and it is obvious that he does not act according to his free volition, but in collusion with political Executive. He has an agenda to serve, namely that of his political masters, that is shameful and it constitutes a blot on our august Assembly. A cursory look at the footage of almost any Sitting is a narrative of bias and partiality. He evacuates the Opposition from the centre stage for reasons best known to him and, in our absence, makes unwarranted remarks.

This is absolutely shocking and unacceptable. Yet, Parliament is sacrosanct. And to preserve the sacrosanctity of Parliament, all avenues have to be explored, first and foremost, in the temple of democracy before any citizen can have recourse to the Judiciary. The independence of Parliament cannot be narrowed to Parliament can undo what Parliament has done.

The impartiality of the Speaker rules the waves of Parliament. It is good to refer to the comments of the Speaker of the House of Commons over the decision of the then Prime Minister Boris Johnson to prorogue Parliament to allow a no Brexit deal. He called it ‘a constitutional outrage’. ‘And Parliament’, I quote, ‘will not be evacuated from the centre stage of this decision-making process on this important matter.’

Can you, Mr Deputy Speaker, Sir, expect this from the Speaker? Certainly not! Not even in our wildest dream! But he will not give up the privileges for the decorum and the dignity of the House which he has tarnished.

According to former Speakers, the President - I am referring, of course, to Sittings of Parliament - in unprecedented circumstances could have prorogued Parliament after consultation with the Prime Minister. Does the Speaker have a right to postpone Parliament without a fixed date because of a *force majeure* due to sanitation emergency and a quasi-state of emergency? Section 10 of the Standing Orders states clearly that Parliament shall not be adjourned *sine die*. The Speaker did not exercise his prerogatives, but acted under duress from the Executive.

COVID-19 was used to bring amendments to main legislation by regulations. The Speaker allowed himself to become a passive accomplice to this.

The Deputy Speaker: Hon. Leader of the Opposition, with all due respect, I do not wish to interrupt you at this stage. I am sure you shall bring at least certain evidence with regard to what you are saying at a later stage.

Dr. Boolell: But the evidence speaks for itself, Mr Deputy Speaker, Sir.

The Deputy Speaker: Okay.

Dr. Boolell: Thank you very much, Mr Deputy Speaker, Sir.

I know of one Speaker who provoked a walkout from the front bench of the Labour Party. He had the authority and he was impartial. I have in mind Sir Ramesh Jeewoolall. But the incumbent does not possess such mettle and is servile to the Executive. This is the

difference between many of his predecessors and him. After all, he was a political agent at the elections of 2019, whose outcome is contested before the Supreme Court. Election petitions are being heard; he may be called as a witness.

A Speaker is a high priest at the altar. But, unfortunately, the Speaker is not an angel with a tight fist. I doubt it if there will be redemption. A political and diplomatic liability turns Speakers as a recipe for disaster. I am not going to go into the past. But on what criteria was he selected to stand for the election of the post of Speaker? He cannot forsake his past, but he has to give up his partisanship. Even if he has to bite the hand that has fed him, he has to do so because his allegiance is to the dignity of the Chair.

The demarcation line between separation of powers has to be clear. This is the doctrine and he cannot be indoctrinated with partiality. Impartiality is the hallmark of speakership. There is a tradition that the person who is elected reluctantly takes his lawful place and he has to offer token of resistance. The responsibilities are, indeed, huge. The Chair commands respect. And if the Chair in our House donated by India is massive and almost immovable, there is a high significance, that is, the Chair does not vacillate. The Speaker, Mr Deputy Speaker, Sir, is uncouth.

But an independent Speaker will rule and remind the House that the Opposition will have its say and Government will have its way. The ruling is usually not challenged unless there is colourable device. Controversy may arise anytime, especially at Question Time. The Speaker should know how to take the heat off even if it is done with the tongue in the cheek. He has to catch the eyes of all MPs, and there is a rule of thumb as to how it should be done without fear or prejudice.

Unfortunately, on the six occasions that Parliament has met on Tuesdays, Sittings for parliamentarians to exercise their legitimate rights, the Speaker chose to curtail these rights and his vision has been tunnelled towards the backbenchers of Government more often than to give them undue advantages.

Un ancien Speaker du Parlement canadien, James Jerome, définissait ainsi l'importance des questions parlementaires.

I quote –

“If the essence of Parliament is Government accountability, then surely the essence of accountability is the Question Time.”

Il ajoutait que pour les parlementaires, interroger les ministres est un droit et non pas un privilège.

Je cite M. Meetarbhan -

« Aux termes de l'article 21 des Standing Orders de notre Assemblée nationale l'objet des questions adressées aux ministres est d'obtenir des informations 'on a matter of fact within the special cognizance of the Minister to whom it is addressed. (2) Questions may be asked of Ministers relating to public affairs with which they are officially connected, or any matter of administration for which such Ministers are responsible.'

Si ces questions ne peuvent être posées que les mardis et que l'Exécutif qui décide de la tenue des séances parlementaires évite que ces séances aient lieu les mardis, l'Exécutif prive ainsi les parlementaires de la possibilité de poser des questions. »

Mr Deputy Speaker, Sir, *selon un document publié par l'Inter-Parliamentary Union, 'Parliament and democracy in the twenty-first century: a guide to good practice', la gestion du business of the House se fait surtout par le biais des décisions prises par consensus.*

The Speaker has failed to understand that he should not come to the rescue of the Executive and simply say he has no control on the replies of Ministers. Many errors and omissions could be avoided if the Standing Orders are reviewed to be relevant to good parliamentary practices. Parliament is supreme, and if needs be, the Court will be called upon to re-establish the supremacy of Parliament with a caveat that there should be no dereliction of duties, no colourable device should be used.

Parliamentarians should have the freedom to express themselves in conformity with the Standing Orders and Rules of the National Assembly. The House is a temple and not a monastery of democracy. There is no vow of silence in the House, but the culture of restraint, first and foremost, should come from the Chair.

Mr Deputy Speaker, Sir, the Speaker has failed to live up to the firm commitment he gave to the nation when he was sworn in.

How can a Speaker deny a Leader of the Opposition the right to put questions on matters relating to measures announced in the Budget on the flimsy ground of anticipation, which does not, indeed, hold water?

Standing Order 46 is crystal clear and makes it clear that there is a vast difference between the discussion of a motion to anticipate a Bill and a Private Notice Question. Hence, the importance and relevance of Standing Order 23 (1) -

“The Leader of the Opposition who never puts a question on the Order Paper for oral answer, is allowed to ask it by private notice.”

The Leader of the Opposition was deprived of his basic right to put questions on Pension Reform. Yet, due to a change of heart from pressure being borne upon the Speaker from all quarters, a week later he acquiesced and allowed a reformulated PNQ on Pension Reform to go through. Why was it not receivable at first? Is it on account of possible collusion with the Executive?

It was sensitive and politically loaded, and Government has walked into a pension trap, and the Minister had to concede that in relation to BRP, it would be a hybrid system and the payment of Rs13,500 to eligible pensioners when they reach 65 years old was unlikely, as the Minister could not forecast a substantial economic growth. He has introduced a ‘*Contribution Sociale Généralisée*’, which is an additional tax upon strategic sectors, individuals, and will provoke the collapse of the four pillars of Pension System according to Pension Reform Expert.

The Speaker has made history by robbing the Leader of Opposition and Opposition MPs of the right to scrutinise the Executive during debates on Budget, on matters relating to measures announced.

As we say, Mr Deputy Speaker, Sir, the buck did not stop there, it continued, unfortunately, in an aggressive manner. We all bear witness to the totally unjustified suspension of the whole Opposition when the Opposition decided to boycott the speech of the then Deputy Prime Minister, for reasons that I need not expatiate upon here.

Our suspension was premeditated, stage-managed and we were ordered out of the precincts of Parliament. I bow to the Police officers who acted decently towards us, and they were role models. If only the Speaker could have learnt and drew some inspiration from the Police Officers on duty on that infamous day, there could have been a glint of hope. But he acted as he did, because he feels that he is protected under the umbrella of impunity. But there is always, Mr Deputy Speaker, Sir, a day of reckoning.

How can a Speaker deny the Leader of Opposition access to his office on a Saturday? The Leader of Opposition is the holder of a constitutional post and he is denied access to his

office on a Saturday. To what extent will the Speaker go? Is it his ardent desire to preside over Parliament without the Opposition? The Leader of the Opposition is not allowed to hold Press conferences in the Committee Room, as has always been the tradition in parliamentary democracy.

I trust and hope that the Speaker acted on his own volition and was not at the beck and call of the Executive when the Opposition was denied the right to scrutinise Ministers on Budget Estimate of the respective Ministries. The public has already drawn conclusion. There was, Mr Deputy Speaker, Sir, collusion.

I will refer to an incident which was absolutely shocking, and the Speaker chose to treat a case of gross disorderly conduct, under Standing Order 48, by the hon. Minister lightly. This is a serious offence and the Member had to withdraw from the House during the remainder of the day's Sitting. The Speaker justified his decision on flimsy arguments, and yet, for no reason at all, all the Opposition Members were ordered out.

On one occasion, when the Speaker gave a ruling on whether an attempted service of a Court document was a Contempt of Parliament, Members of the Opposition who wanted to raise a point of order were shut down. Even the Leader of the Opposition was vociferated at.

Recently, when the hon. Shakeel Mohamed tried to draw the attention of the Speaker to the Prime Minister quoting from a report of the African Development Bank, he was shut down on the ground that the Prime Minister was not quoting, but referring to the document. That was simply playing semantics, when it was clear that the Prime Minister was divulging the contents of the document, though he may not have been using the exact words of the document.

Mr Deputy Speaker, Sir, the Punch and Judy show of the Speaker has to come to an end. The curtain has fallen upon his head. We are calling upon him to mend his ways. He must cease to be uncouth in body and verbal language. He has to be scrupulously impartial in the name of parliamentary democracy. He has to be respectful of the Constitution and he has to uphold the dignity of the office he occupies. Parliament is supreme and the Speaker is, and the doctrine of separation of powers is vital to the rule of law and decency. We are all law makers. We have to bow to the rulings of the Speaker when they are fair and impartial, and in compliance with the Standing Orders and parliamentary traditions and convention. We do not bow when the rulings are those of a Speaker who acts as partisan politician. Yet, what have we witnessed since the beginning of the present legislation?

The office of the Speaker of the House of Commons is characterised ...

The Deputy Speaker: Hon. Leader of the Opposition, with all due respect, we are not contesting any ruling today. We are not contesting any ruling of the Speaker today. Is that correct?

Dr. Boolell: Well, previous rulings given by the Speaker.

The Deputy Speaker: We cannot contest any previous ruling unless it is by a substantive motion. It is the conduct surrounding...

Dr Boolell: No, but this is a motion of no-confidence in the Speaker.

The Deputy Speaker: I am giving you the leeway. Please continue! I am sorry to interrupt.

Dr. Boolell: Okay, you made your point and we made our point. Thank you very much, Mr Deputy Speaker, Sir.

The office of the Speaker of the House of Commons is characterised by neutrality and isolation. This contrasts sharply with the partisanship of the Speaker of our own august Assembly. Courtesy and respect, Mr Deputy Speaker, Sir, are a two-way traffic. The choice is his, and this motion is an opportunity for redemption. As a rule, a Speaker in our parliamentary system must, like Caesar's wife, be above suspicion. Unfortunately, the present incumbent is certainly not above suspicion. He has, without any qualms, without reasonable justification, prevented the Opposition from carrying out its constitutional function of supervision of the Executive on several occasions. He has shown his total lack of armour of prudence in dealing with unexpected situations. He has indeed used the easy way out by blasting and sanctioning the Opposition.

The Speaker must be firm. The present incumbent lacks the respectable quality of firmness by imply shouting, threatening and sabotaging the work of the Opposition and making a mockery of parliamentary democracy. The Speaker is a Fawlt Tower and there is good ground to move a motion of no confidence against him. The Speaker, though he wields wide powers, must see to it that the dignity of Parliament is upheld and should be a role model. Members of the House must also respect the Speaker and uphold the dignity of the House. However, respect or courtesy is a two-way traffic. On the website of the National Assembly, one can read –

“One of the most important qualities of a Speaker is impartiality. He must be above party politics. Once elected to the Chair, he owes his loyalty to the dignity of Parliament.”

Is this the case, Mr Deputy Speaker? Has this been the case? These are normal words. Unfortunately, the nobility of these words is not translated in reality by the Speaker.

Thank you very much.

Mr Bérenger seconded.

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

(10.40 p.m.)

The Minister of Land Transport and Light Rail (Mr A. Ganoo): Mr Deputy Speaker, Sir, I would like just to reply to a few points made by the hon. Leader of the Opposition and I will thereafter come to my speech in the course of which I will take up some points which have been raised again by the hon. Leader of the Opposition, but, of course, unfortunately, time being of the essence for tonight. I will leave some points which have been put forward by the hon. Leader of the Opposition to be rebutted by other colleagues on this side of the House who will intervene after me.

The first thing I heard the hon. Leader of the Opposition saying, Mr Deputy Speaker, Sir, is that when the hon. Mr Speaker was elected, as if he gave him a chance to occupy the Chair and did nothing to challenge his election. The hon. Leader of the Opposition should know that according to section 32 of the Constitution, which provides for the election of the Speaker and Deputy Speaker, the Constitution provides that a motion for the election of the Speaker shall not be the subject of any debate in the Assembly, which means therefore, the Opposition has the right to vote against Mr Speaker, the choice of Mr Speaker or stay mute as I think they did, but there was no possibility of the Opposition to challenge or to debate on the choice of Mr Speaker by the Leader of the House who proposed his name.

The second point I wanted to make, Mr Deputy Speaker, Sir, many a time the hon. Leader of the Opposition has referred that the Speaker is at the beck and call of the Executive, of Ministers and that he has been dancing to the tune of his political masters which are, in fact, disrespectful words, I would say, to the Speaker when he has argued on his motion of no confidence against the Speaker, not only in the form but in substance also. I am going to reply to the hon. Leader of the Opposition in a few minutes to tell him in a nutshell

that this Government does not need the protection of the Speaker or anybody. This is a Government which has been elected democratically and as sufficient majority to plough through and we will continue to do that, Mr Deputy Speaker, Sir within the framework of our Standing Orders which regulate our conduct as Ministers or Members of the Majority on this side.

Now, coming to this point of whether the Speaker was guilty of having adjourned Parliament *sine die*, we all remember about the pandemic. Mr Deputy Speaker, Sir, here again, I think the hon. Leader of the Opposition is making *fausse route*. In fact, the House was never adjourned. The Standing Order says that the House cannot be adjourned *sine die*. This is true but we know what happened, Mr Deputy Speaker, Sir. During this pandemic, because the situation at one time was becoming very serious and everybody in this country was apprehending the worst, Mr Speaker had to protect the House physically, medically, on a sanitary basis, we couldn't meet. He had to protect the staff of the National Assembly. That's why Parliament was postponed and was not adjourned. It was because of a *force majeure*, act of God. Mr Deputy Speaker, Sir, although we do not think that it was God who sent this deadly virus, but it was by *force majeure* that events took this turn. I repeat, the Assembly was not adjourned. Mr Speaker, in his wisdom, decided to postpone the National Assembly and then as we all remember when things evolved, got better, we came back to the House.

At any event, Mr Deputy Speaker, Sir, there is a provision, as we know, in the Standing Orders. Mr Speaker or the Executive was not, in any way, subservient to each other. The Standing Orders provide, in fact, that even when the Assembly has been adjourned, when it is represented to Mr Speaker that the House has to be called before the date on which the Assembly has been adjourned for Government business, the Speaker should or may comply with the request of the Leader of the House so that the Assembly can meet before the time scheduled for its meeting.

The Deputy Speaker: Which section are you referring to, please?

Mr Ganoo: This is section 10 of the Standing Order, Mr Deputy Speaker, Sir, which is very clear and reads as follows, if you would allow me just to clear the doubt which has been evoked by the hon. Leader of the Opposition –

“Whenever the Assembly stands adjourned and it is represented to the Speaker by Government that the public interest requires that the Assembly shall meet at a time earlier than that to which the Assembly stands adjourned, the Speaker, if he or she is

satisfied that the public interest so requires, may give notice that, being so satisfied, he or she appoints a time for the Assembly to meet and the Assembly shall accordingly meet at the time stated in the notice and only Government business shall be transacted on that occasion.”

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

Mr Ganoo: This is Standing Order 10 (11), Mr Deputy Speaker, Sir.

Mr Deputy Speaker, I will come to other points to the effect that the suspension of the hon. Members of Government was orchestrated, was premeditated. I will come to a few events, to a few incidents that soiled, that sullied the good proceedings of this House and I will argue that, on many occasions, Mr Deputy Speaker, it was the Members of Government who provoke, who was the original cause of the disturbance...

(Interruptions)

I have Hansard in front of me. Mr Deputy Speaker, nobody disturbed the hon. Leader of the Opposition when he was speaking. There was a religious silence in this House. There was a pin-drop silence...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Ganoo: So, I would expect from the hon. Members of Government the same standard and propriety that we have been showing - of the Opposition the same propriety that we have been showing when the hon. Leader of the Opposition was talking?

Mr Deputy Speaker, it would seem, therefore, that the hon. Leader of the Opposition has come with a full-fledged motion of censure, of no confidence against the Speaker and it was not a motion of dissent. We know the difference, you have explained it just now and I listened with a lot of attention to what the hon. Leader of the Opposition said when he was moving the motion in his name and there is no doubt as he said, himself, a motion of no confidence against the Speaker is a matter of tremendous importance. In fact, if my memory serves me right, we are debating for the eighth time such a motion, dissent or no confidence during the span of our 52 years of independence. This present motion, Mr Deputy Speaker, was tabled on 23 June and, after only three weeks, it has been set on the Order Paper and is being debated today. In so doing, Mr Deputy Speaker, the majority, the Leader of the House,

we have acted in a way; the Leader of the House has acted in a way that is *tout à fait à son honneur*.

The motion on today's Order Paper is also, of course, with the consent of Mr Speaker, who I am sure, has been willing to have it considered at the earliest opportunity. This is a shining example of how the democratic spirit is prevailing in the House. Since notice of motion was given by the hon. Leader of the Opposition, Parliament has been sitting on three occasions and, during all these three occasions, we will remember priority was given to different pieces of legislation which were of national importance of utmost public interest. You remember, Mr Deputy Speaker, the Anti-Money Laundering and Combatting the Financing of Terrorism (Miscellaneous Provisions) Bill was debated in the House on two different settings. The Supplementary Appropriation (2019-2020) Bill has been debated today and we have adjourned the debates today on the Finance (Miscellaneous Provisions) Bill to enable the debates on the present motion to start. Just now our friend from Rodrigues adjourned the debates on the Bill which started this morning. So we have stopped the debates on such an important Bill as the Finance (Miscellaneous Provisions) Bill, Mr Deputy Speaker, to allow the hon. Leader of the Opposition to come and say whatever you wanted to say in his motion today *viva voce* in this House against Mr Speaker. These debates will enable Members of the Opposition to place on record and to express whatever grievances they might have in the conduct of the affairs of this House by Mr Speaker as the hon. Leader of the Opposition just did, but this is a laudable stand on the part of the majority, Mr Deputy Speaker. It is a testimony of the will and the pledge of this Government to uphold the dignity of this House and to allow democracy to evolve. We must remember that there is no mandatory provision in our Standing Orders or in our laws to compel the Leader of the House to set such type of motion on the Order Paper. You understand my point, Mr Deputy Speaker? Nothing compels the Leader of the House to set this motion on the Order Paper within a matter of three weeks. We could have dillydallied unlike a motion of censure against the Government. As you know, when there is a motion of censure of no confidence against a Government, the Constitution on the Standing Orders provide the time, *les séances*, during which the motion has mandatorily to be on the Order Paper of the House but it is not the case of the Speaker. So, the motion could have stayed in the drawers of the Clerk of the Assembly and not placed on the Order Paper, but again to show our commitment to democracy. It's a good thing that the hon. Leader of the Opposition has decided, with the consent of the

Speaker, to set this motion today and we are debating on the motion of no confidence against the Speaker.

Mr Deputy Speaker, I say it again to the hon. Leader of the Opposition, Government benches have absolutely no fear to rebut whatever allegations or unfounded charges that have been made and will be made against the Speaker. *Nous allons remettre les pendules à l'heure* and we will set matters in the right perspective. As I said again, Mr Deputy Speaker, this Government does not need the protection or the shield of Mr Speaker to allow us to conduct the affairs of the Government within the four corners of this House. This is a Government which has been democratically elected and which has pledged to abide scrupulously to the provisions of the Standing Orders and the laws of this country, and we will continue to honour our commitment to the nation while respecting the democratic traditions of the land.

Mr Deputy Speaker, now let me come to what are the allegations, what are the charges, what are the reproaches being made by the hon. Leader of the Opposition. The hon. Leader of the Opposition has tried to make his case but he should know that such a type of motion must be the outcome of several deliberate acts and decisions based on cogent evidence of impropriety, of based impartiality, of bad faith or of even malice. But Mr Deputy Speaker, before I would start to argue that the motion of the hon. Leader of the Opposition, on most points that he raised, holds no substance. I would like, first of all, to invite the House to reflect on the rules, on the functions, on the duties of such a high office which carries with it so much responsibility. It is indeed an office of such responsibility that the Speaker is, in fact, Mr Deputy Speaker, the figure who is indispensable to the proper functioning of the National Assembly. In him alone resides the authority over the House and on his shoulders rests the ability to make the system work. His main function, as we all know, is to ensure that debates are carried out in observance of the Standing Orders. It is by so doing that he upholds the dignity of the House and he symbolises the authority of Parliament. This is why on their appointment, all Speakers proclaimed, Mr Deputy Speaker, that they will be the servant of only one master and that master will be the freely elected legislative Assembly or National Assembly.

Thus, true it is that the Speaker has to ensure that the voices of the minorities belonging to the Opposition or otherwise have to be heard in Parliament. He must be then an unbiased guardian and protection of all interest sections of the House. And the very nature of his job, of his function demands that, as soon as he occupies the Chair, he must set aside all his party interests and keeps upper most the interest of the House. Endowed with such formidable

powers, such an important office carries, of course, with it high risks and

penalties, Mr Deputy Speaker. This is why as the hon. Leader of the Opposition was reminding us, in Britain, up to today the one who is chosen to be Speaker reluctantly walks to the Chair because it is an office of high stress and high risk, Mr Deputy Speaker. Do we call, Mr Speaker, Speaker? Because if we go back a little in history, we will remember that, during the mediaeval days when the peasants and the middle class were starting to revolt against the king, they went to talk to the king to dissuade the king from exploiting them and oppressing them, and one of them was chosen to represent them and many a times, the Speaker had been beheaded by the king in history. This is why he is called the Speaker because he was chosen to speak to the king. I heard the hon. Leader of the Opposition talking about political loyalty, I think when he was quoting the speech of somebody, he said that the Speaker seems to belong to a political party. I think he was referring to Sir Ramesh Jeewoolall who was, indeed, an eminent Presiding Officer, Speaker of this House.

But, Mr Deputy Speaker, Sir, under our system, the Speaker's office, as I said, has always been under considerable strain. I will come to that question of party loyalty in a few minutes, but I will just pursue what I was saying, that the office is certainly not a bed of roses. The Speaker's conduct and behaviour everyday are under public scrutiny, open to public gaze and, of course, the compulsion of his office usually, automatically, makes him reorientate the way he has to do things, even his lifestyle. But we must remember that the position which he holds is a very difficult and trying one and we must be aware, Mr Deputy Speaker, Sir, that he is often called and what happens to the Speaker. This is why I am delineating the background, Mr Deputy Speaker, Sir.

When we come back to the various incidents in this House, the Speaker, like any other Speaker, is often called upon without a moment's notice to take a decision, to pledge himself to some or other course of action. He is called upon *dans le feu de l'action* to remember the precedents, the Standing Orders laid down by his predecessors. He has to remember the complex and settled provisions of convention of Standing Orders and most of the time, on the spur of the moment he has to take a decision. He has to *trancher dans le vif*. That is why, Mr Deputy Speaker, Sir, all Speakers are not infallible; they have limited infallibility.

The best Speakers of UK which I have known, I have read about them, Mr George Thomas, one of the most famous Speakers of the UK, has committed many errors, mistakes in his rulings and many a time, he had even apologised to the House, and said -

“Ok, I agree I was wrong in giving this ruling on the spur of the moment”.

So, Mr Deputy Speaker, Sir, that is why we have to understand in what system, in what framework does a Speaker or our Speaker operate? When party passions and rivalries run high, he must obtain the unanimous confidence of both sides of the House and true it is, he must show, not only impartiality, but he must also show firmness to diffuse the tense Parliamentary atmosphere, Mr Deputy Speaker, Sir, for which sometimes the Opposition also is responsible to have created this tense Parliamentary atmosphere.

I use the word ‘firmness’, Mr Deputy Speaker, Sir, because that is the key word not to allow matters to go astray, not to frustrate the proceedings of the House. This is why, Mr Deputy Speaker, Sir, I was saying that the office is, of course, subject to controversy and criticism because the Speaker has to decide and to manage Parliamentarians and elected representatives of the people who are men and women not only of conviction and passion but also men and women full of their own ego, *surdimensionné pour la plupart du temps*, Mr Deputy Speaker, Sir.

So, we must understand all this before we come to judge somebody in occupying this office and it is with this background in mind, as I said, Mr Deputy Speaker, Sir, that we can assess the performance of Mr Speaker and decide on the justification or not of such a motion. But before I go on the merits and demerits of this motion, I would like also to highlight, Mr Deputy Speaker, Sir, that a motion of no confidence against the Speaker should be moved as early as possible after the decisions which have taken place.

In one case, I heard the hon. Leader of the Opposition talking about the day where the former Deputy Prime Minister was making a motion on a matter of privilege because he had been served with a Court document, with a writ. You will remember this incident, Mr Deputy Speaker, Sir, I will come back to that. But this incident took place back on 28 February of this year, Mr Deputy Speaker, Sir. So, it is after 4 or 5 months that the Speaker is being made to answer an allegation that, on that day he acted partially concerning that incident which took place in the House on 28 February, that is, 5 months afterwards and this is against the rule of national justice, Mr Deputy Speaker, Sir.

In the past, motions of no confidence in this House were tabled within a short time between the action or decision complained of, within a few weeks. In our case, the Leader of the Opposition, as I just said, is referring to an incident or to other incidents or other allegedly wrong decisions which have taken place months after. This is what we call in our legal

jargon, laches, tardiness, delays, because it is a rule of national justice when you have to confront somebody with a charge, with an accusation, there is a time limit for the rules of national justice.

Our employment law talks about ten days when the employer wishes to take disciplinary measures against an employee. Now, against, a Speaker, against whom you are complaining about something, you are coming five months afterwards to ask him for explanations or to “charge him” for something that he has done, Mr Deputy Speaker, Sir.

The Deputy Speaker: I am sorry to interrupt the hon. Minister. I have noted that the hon. Leader of the Opposition has taken 29 minutes to move for his motion. You are approximately on 25 minutes. I am not putting guillotine, but try to be respectful on the time.

Mr Ganoo: Mr Deputy Speaker, Sir, with due respect ...

(Interruptions)

The Deputy Speaker: Hon. Member, please!

Mr Ganoo: *Ki tonn dire la? Ki arriver?*

The Deputy Speaker: Hon. Minister, please!

Mr Ganoo: *Redire ki tonn dire!*

The Deputy Speaker: No crosstalking, please!

(Interruptions)

Hon. Members, order, please!

(Interruptions)

Order, please!

Order in the House! Hon. Mohamed!

The Deputy Prime Minister: *Zott pena aucaine respect pu tradition parlementaire!*

The Deputy Speaker: Hon. Deputy Prime Minister!

(Interruptions)

Order, please! Please continue, hon. Minister!

(Interruptions)

Hon. Deputy Prime Minister! Hon. Deputy Prime Minister! Please, hon. Minister continue!

(Interruptions)

Mr Bérenger: *Mo pa koner ki manière linn atterri là.*

The Deputy Speaker: Hon. Bérenger, please! Hon. Ganoo, please continue. I am not imposing any time limit, but I am just asking you to be mindful of the time.

Mr Ganoo: Yes, Mr Deputy Speaker, Sir, I am about to finish.

The Deputy Speaker: Thank you very much for understanding.

Mr Ganoo: But I am certainly not bound by the time that the Leader of the Opposition took.

The Deputy Speaker: I am sure.

Mr Ganoo: If he has taken five minutes, I should not have necessarily taken five minutes because he was given ample time, Mr Deputy Speaker, Sir. The hon. Leader of the Opposition could have chosen the time he wanted.

Mr Deputy Speaker, Sir, I come to this question of party loyalties because the hon. Leader of the Opposition referred to it and praised Sir Ramesh Jeewoolall. He was quoting, I can't remember the name of the personality whom he quoted but he referred to this question of the Speaker and party politics.

Mr Deputy Speaker, Sir, what did the hon. Leader of the Opposition mean and why did he have to refer to that because we must understand the nature of the Mauritian Speakership.

In fact, in our country, all Governments, MMM-MSM, Labour Party, MSM today, Mr Deputy Speaker, Sir, are alike. All of us, let us be frank and candid about it, have chosen somebody among our ranks to become Speaker.

(Interruptions)

The Deputy Speaker: Hon. Bérenger!

(Interruptions)

Mr Ganoo: All Speakers, the MMM-MSM chose Mr Ramnah, the Labour Party chose Mr Kailash Purryag and Mr Peeroo. All these are either political leaders or political party members of different political parties, Mr Deputy Speaker, Sir.

So, there have even been cases where the Speaker, after his speakership, he went back after his mandate as Speaker, he went back to stand as candidate, Mr Ramnah, Mr Peeroo. So, does that mean that because he belongs to his party, he cannot function properly; he cannot be fair when he becomes the incumbent of the Chair, Mr Deputy Speaker? This is a false reasoning.

So, let us agree, let us be frank about this, Mr Deputy Speaker, Sir, because we know this is the tradition, not only in Mauritius, but in other Commonwealth countries. Rare are the Commonwealth countries, it does happen sometimes, where a previous Judge or a previous Clerk of the House accedes to the position of Speaker. This has happened. This happens in a few minority countries in the Commonwealth, but the majority of Commonwealth countries, as we know, choose somebody among their ranks to become Speaker, and when he becomes Speaker, what he should do, he should stop wearing his garb of politician and realising that he is now the servant of the House, as I just said, and there is nothing wrong with somebody with a political past, or somebody with a political future, as in the case of Mr Peeroo and Mr Ramnah, Mr Deputy Speaker, Sir, because this is our tradition, our national ethos, unlike United Kingdom, where we know, things are different, the Speaker is not contested during elections, there is a consensus between Government and Opposition before elections, and they decide who will be the next Speaker, and the Speaker is elected uncontested, in fact, Mr Deputy Speaker, Sir.

Therefore, Mr Deputy Speaker, Sir, we have not yet come to this practice, developed this practice of not contesting the Speaker, and we cannot reproach our present Speaker for being close to his past political friends, as we must understand that in Mauritius, all our Speakers have been operating in a totally different political ecosystem.

Mr Deputy Speaker, Sir, I said earlier that the Speaker is indispensable in the proper functioning of the House and the linchpin in the system. This is why it is said that the Speaker makes or mars the parliamentary democracy. But having said this, we must remember also that the other two components of our parliamentary architecture, namely, Government, majority and the opposition, are equally vital to the proper operation of the parliamentary system. All these three protagonists operate within certain parameters that have been provided to them by our Standing Orders, our parliamentary practice, our convention and also by the practice in the House of Commons, when our Standing Orders make no provision and do not cater for a new situation. It is, therefore, clear, Mr Deputy Speaker, Sir, that if one of these three components, protagonists, the triangle, the Speaker, the majority, the

opposition, fails to abide and comply with the parameters prescribed, it can frustrate the proper working of our democracy.

The Speaker has the bounded duty to allow Government to have its way, as the hon. Leader of the Opposition said, and to allow the Opposition to have its say, and it should not collude with the majority in oppressing the minority. I have no qualms about that, Mr Deputy Speaker, Sir. The Government should lend itself to the provisions of the Standing Orders, should allow itself to be scrutinised and provide the Opposition the right of oversight, which we do every Tuesday, Mr Deputy Speaker, Sir, when we come here to answer questions. This is allowing the Opposition to scrutinise the Government and the right of oversight is provided to the Opposition and this is how parliamentary democracy works, and it is working, Mr Deputy Speaker, Sir.

The Opposition, on its part, must play its role as the watchdog of the public purse, but the Opposition should also remember that it cannot dictate to a democratically elected Government, chosen to rule this country, how to implement its policies and its programme, Mr Deputy Speaker, Sir.

With all this in mind, we can more objectively determine whether allegations and criticisms levelled at the door of the Speaker hold water, since his duty, first and foremost, is to protect the House and allow its proper functioning. It cannot allow breaches and deviations of our Standing Orders and other rules of the House. Mr Deputy Speaker, Sir, the Speaker, our Speaker, in fact, he has no choice, and this is why he took necessary actions when the doing of either those on Government side or even on Opposition side tend to clog the whole machinery, for when we go through a few of the incidents that have spoilt the smooth running of our Parliament recently, it will become abundantly clear that systematically, Mr Deputy Speaker, Sir, many often a time, it is Members on the Opposition benches who have stalled and destabilised the works and functioning of the House. I have gone through Hansard and I have revisited the events that took place on the sitting of Friday, 28 February of this year, 05 May of this year, 11 June of this year, 16 June and 30 June of this year, Mr Deputy Speaker, Sir. But before going through each and every of these sittings and the incidents mentioned arising therein, I must say the following, Mr Deputy Speaker, Sir.

When I was reflecting on my speech, preparing my speech, I have realised, Mr Deputy Speaker, Sir, that the opponents of Government, and sometimes even the Press, according to them, it is only the Speaker who is supposed to be impartial, but what about

those who ask him or require him to be impartial, Mr Deputy, Speaker, don't they also need that dose of medicine? In other words, doesn't the Opposition also have to meet the standards of decency and propriety? And this is why I would ask the hon. Members of the Opposition to make a sole searching exercise, Mr Deputy Speaker, Sir, because the Opposition claims on all rooftops that the Speaker must be impartial, but do they practise what they are claiming from the Speaker, Mr Deputy Speaker, Sir, or are we having a game of double standard? When we go through the incident, we will realise how Members of the Opposition are guilty of yet pieces of disorder, and provoke Members of Government, who sometimes react, and are induced to use expressions not couched in parliamentary language.

I will go through the incidents in a few minutes, and we will witness how Opposition Members have indulged in offensive personal recriminations, sometimes using expressions which are grossly disorderly and improper and dangerous to the true interest of the House. Therefore, Mr Deputy Speaker, Sir, in a provocative manner, some Members of the majority become invariably the original cause of the disturbance in this House. Worse, many times, reflection on the personal honour of a Member of this House is regularly made, which is entirely out of order and it is through such conduct that sometimes the House is set on fire and the Speaker has no choice but to intervene and control the situation. We might differ, we might not agree with the way he has intervened, but I say it again, it is most of the time through the conduct of the Opposition that this House is set aflame and the Speaker has no choice but to intervene.

Mr Deputy Speaker, Sir, let me now anatomise concretely the few incidents.

The Deputy Speaker: Hon. Minister, I apologise...

Mr Ganoo: You will give me five minutes.

The Deputy Speaker: I apologise to interrupt once again, either again, as per Standing Order 50, I have a discretion which I am not going to exercise at this time, but I really urge you to go the point, please, so that the indicative list before me can be met. Thank you very much!

Mr Ganoo: Let me, with all respect to your ruling, the incidents I have just mentioned, I am sure will be taken over by my other colleagues who will intervene after me, but I wish to mention it, the dates, 28 February 2020, this was when hon. Shakeel Mohamed was ordered out and the Leader of the Opposition was suspended, Mr Deputy Speaker, Sir, because of the disorder that was created by the Opposition.

Secondly, on 05 May, again, this was when hon. Paul Bérenger called Mr Speaker *de 'malélevé'*, and on 11 June 2020, when hon. Bhagwan called the Minister of Finance *de 'voler, voler'*...

Mr Bhagwan: *No, no! Li koner mo pann dire sa!*

Mr Ganoo: And on the sitting of 16 June, Mr Deputy Speaker, Sir, when the Opposition came in the House with *pancartes*, which is a grossly disorderly conduct.

(Interruptions)

The Deputy Speaker: Order, please! Continue!

Mr Ganoo: Erskine May, which was referred to by the hon. Leader of the Opposition, clearly states that the display and...

(Interruptions)

The Deputy Speaker: Hon. Bérenger!

Mr Ganoo: ...the bringing of articles in the House cannot be done, except ..

(Interruptions)

The Deputy Speaker: Please, continue!

Mr Ganoo: ... except...

(Interruptions)

The Deputy Speaker: Hon. Bhagwan! Order in the House!

Mr Ganoo: ...except with the permission....

Mr Bhagwan: *Mo la lang pena lezo!*

(Interruptions)

The Deputy Speaker: Order in the House!

(Interruptions)

Hon. Bhagwan! Hon. Bhagwan! Order, please!

(Interruptions)

Order, please! Hon. Bhagwan! Hon. Bhagwan, you apologise to the Chair for talking!

(Interruptions)

Yes, please! Thank you very much.

Mr Bhagwan: On a point of explanation, he just mentioned...

(Interruptions)

The Deputy Speaker: One second!

Mr Bhagwan: On a point of order and explanation, I...

(Interruptions)

Hey! Ferme la bouche do! Na pa fer mwa ...

(Interruptions)

Ale kokin medecine do!

The Deputy Speaker: Order! Order in the House! Hon. Bhagwan!

Mr Bhagwan: What I am saying, I apologise to you, but he said that I told the Minister of Finance ‘*voler*’, which I have not said, and the Minister of Finance...

(Interruptions)

He is a liar...

(Interruptions)

The Deputy Speaker: I hear that! Continue, hon. Minister Ganoo!

Mr Ganoo: When he was answering...

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: What he said! He said that I call...

The Deputy Speaker: Hon. Bhagwan, it is not a point of order nor a point of clarification.

Mr Bhagwan: I have not said that.

The Deputy Speaker: There is no point of order or clarification. Hon. Minister, please continue!

Mr Ganoo: I am concluding, Mr Deputy Speaker. Mr Deputy Speaker, Pandit Nehru, once said, I quote –

“Democracy does not mean simply shouting loudly and persistently, though that might have occasionally some value. Freedom and democracy require responsibility and certain standards of behaviour and discipline.”

Mr Deputy Speaker, as I said at the beginning of my speech, the purpose of setting this motion in the Order Paper and allowing the Opposition to vent out their opinions and express their arguments and claims, is proof of this Government attachment to democratic values and principle. We sit here, today, deeply imbued with a sentiment of respect, and I may say, veneration for the old tradition and glories of this House, and above all, with all that sentiment of respect for the dignity and decorum of this House, which is symbolized by the Chair.

The Opposition challenging the Chair today, in no way, threatens the integrity of our Parliament, which is our supreme institution, and to which they have themselves sworn to serve. But, most fundamentally, Sir, we are, today, once again, pledging ourselves to uphold democracy as we have been doing all throughout.

Et de ce côté de la Chambre, M. le président, nous sommes tous d'accord que la démocratie doit pouvoir s'exprimer, comme nous l'avons démontré même en période de crise sanitaire. C'est pourquoi pendant le *lockdown*, nous étions venus, ici, dans ce temple de la démocratie, avec nos masques, respectant la distanciation physique, tout en donnant la voix aux membres de l'Opposition, ceci dans le but de jouer la carte de la transparence pleinement. Au gouvernement, nous avons dit non à des états d'exception, sans possibilité d'expression démocratique. Nous sommes qu'au début de notre mandat, M. le président. Tout en s'assurant que le *rule of law* prévaut dans le pays, nous éviterons toute tentative d'affaiblir nos institutions démocratiques parce que nous sommes conscients que le peuple de l'île Maurice est un peuple épris de liberté et de valeur démocratique.

Au moment venu, le peuple retournera aux urnes pour choisir ses dirigeants et renouveler sa confiance dans l'équipe dirigeante. Nous leur rendrons cette liberté de choisir, et un peuple qui a la liberté de choisir, M. le président, choisira toujours la liberté.

Merci, j'en ai terminé.

The Deputy Speaker: Hon. Bérenger, please!

(11.22 p.m.)

Mr P. Bérenger (First Member for Stanley & Rose Hill): *Thank you.* M. le président, ce que nous reprochons au Speaker actuel, c'est son parti pris, son *bias*, son parti pris révoltant, et la façon qu'il a joué ou mal joué son rôle de Speaker. Après ce que le Leader de l'Opposition a dit, je ne serai pas...

(Interruptions)

An hon. Member: *Eta mové batiara !*

Mr Bérenger: *Sa batiara-la sa ?*

(Interruptions)

Ki senn la? Who said that? Dibout si to enn zom!

(Interruptions)

The Deputy Speaker: Hon. Bérenger! Hon. Member...

(Interruptions)

Mr Bérenger: *Sa batiara-la!*

The Deputy Speaker: Hon. Members! Hon. Bérenger...

(Interruptions)

Let me speak! What I heard right now, I surely did hear somebody uttering some words. I don't know who it was. But I heard you saying '*batiara*'! First of all, you withdraw the word '*batiara*'.

Mr Bérenger: He is no longer here!

The Deputy Speaker: This is what I am saying. I heard you also saying, please withdraw the word '*batiara*'.

Mr Bérenger: I withdraw the word '*batiara*', but the person who said that, and ran away, is that!

(Interruptions)

The Deputy Speaker: Wait! Wait! I will give you the floor.

Hon. Bérenger, I take note of what you said. You come with a point of order with whoever said it, I will take note. But, right now, please continue.

Mr Bérenger: I will put him to order *différemment*.

An hon. Member: *To menacé ki...*

Mr Bérenger: *Ki sann-là, toi ki pou empes mwa?*

(Interruptions)

The Deputy Speaker: Hon. Member! Hon. Member!

(Interruptions)

Order! Order in the House! Hon. Bérenger...

(Interruptions)

Order in the House! Hon. Quirin! Once again...

(Interruptions)

Hon. Member, please! Hon. Ms Joanna Bérenger, one second! One second! Hon. Patrick Assirvaden, you have a point of order?

Mr Assirvaden: Yes, Mr Deputy Speaker, Sir.

The Deputy Speaker: Ok. We will hear the point of order of hon. Patrick Assirvaden. Hon. Bérenger, please, we will hear his point of order. He has a point of order.

Mr Assirvaden: Mr Deputy Speaker, Sir, I saw *l'honorable* Dhunoo and *l'honorable* Nuckcheddy prononcer le mot 'corrompu' à l'égard de *l'honorable* Bérenger.

(Interruptions)

Je l'ai vu. Je l'ai vu. L'honorable Dhunoo et l'honorable Nuckcheddy ! I am waiting for your ruling.

(Interruptions)

An hon. Member: *To enn capon!*

The Deputy Speaker: Hon. Quirin! Hon. Patrick Assirvaden, I didn't hear where these words came from. Okay.

(Interruptions)

Hon. Balgobin, are you chairing? I didn't hear it.

Mr Assirvaden: Et ensuite, M. le président, il s'est sauvé comme un, pas un lâche, mais à peu près...

The Deputy Speaker: This is not a point of order. You made a point of order, I heard it. This is what you expect from the Chair, that when you have a point of order, he takes it. I took it, I said I didn't hear where it came from, and it's obvious with all the brouhahas in the House. But I took your point of order, it's on record. Shall we allow hon. Bérenger to proceed? Please, hon. Bérenger!

Mr Bérenger: M. le président du séance, après ce que le Leader de l'Opposition a dit, l'excellent discours, je ne serai pas long, mais il est important de rappeler que ce que nous reprochons au *Speaker* actuel, c'est avant tout son parti pris révoltant en faveur du gouvernement et son comportement indécent, et sans précédent, en sa capacité de *Speaker*. Après ce que le Leader de l'Opposition a dit, et étant donné que tout ce que nous faisons, ici, est diffusé en direct à la télévision, il n'est pas nécessaire de m'étendre beaucoup sur le parti pris du *Speaker* actuel et sur son comportement indécent, et sans précédent, car toute la population, séance de l'Assemblée législative après séance, a vu, en direct, à la télévision, le parti pris révoltant en faveur du gouvernement et au détriment de l'Opposition du *Speaker* actuel.

Ce matin même, pas quatre mois de cela comme nous le dit l'honorable Ganoo, ce matin même, à peine mon collègue, Reza Uteem, avait commencé à parler qu'il a été arrêté et interrompu par le *Speaker*, mais ensuite le Premier ministre a pu dire n'importe quoi au longueur avec la bénédiction du *Speaker*, et quand le Premier ministre a terminé, quand il a fini de déblatérer de dire n'importe quoi, quand le deuxième orateur de l'Opposition a voulu prendre la parole, l'honorable Lobine, le *Speaker* lui a refusé la parole. C'est sans précédent ! Sans précédent, ce matin, en prétextant qu'il venait de recevoir la liste des orateurs. *How bad faith ...*

Mr Ganoo: Mr Deputy Speaker, Sir, on a point of order!

The Deputy Speaker: Hon. Bérenger,...

(Interruptions)

Hon. Joanna Bérenger! Hon. Ganoo, please!

Mr Ganoo: Mr Deputy Speaker, Sir, unfortunately I was not in the House this morning...

(Interruptions)

But let me...

The Deputy Speaker: Hon. Members, please let him make his point. I am giving everybody a fair chance of talking. So, let's...

Mr Ganoo: This is a point of order, Mr Deputy Speaker, Sir.

The Deputy Speaker: Yes.

Mr Ganoo: The Standing Orders provide, Mr Deputy Speaker, Sir. The hon. Member has been a former Prime Minister; he knows that after the Prime Minister has spoken, he should be followed by the hon. Minister who has moved the Bill.

(Interruptions)

Alle guette dans Standing Orders!

Mr Bérenger: He raised on a point of order. What is the point of order?

(Interruptions)

The Deputy Speaker: Please don't crosstalk!

(Interruptions)

An hon. Member: On a point of order!

The Deputy Speaker: Wait!

(Interruptions)

Honourable Minister, I take it as a point of clarification. Please continue!

Mr Bérenger: He is supposed to have been a Speaker. He can't make the difference between a point of clarification and a point of order.

The Deputy Speaker: Hon. Bérenger, we are not going on the conduct of any Member. Please, stick to your speech!

Mr Bérenger: *So, I was saying* ce matin même, nous avons eu le dernier exemple en date de son parti pris et de sa mauvaise foi. Ce matin ! Cette même population qui voit semaine après semaine, *Sitting* après *Sitting*, en direct à la télévision le parti-pris du *Speaker*, cette même population voit aussi en direct à la télévision son comportement indécent et sans précédent en sa capacité de *Speaker*.

M. le président de séance, je suis dans ce Parlement...

(Interruptions)

The Deputy Speaker: Hon. Members out there, please have some respect for hon. Bérenger, he is a seasoned Member.

Mr Bérenger: Je comprends son indignation. M. le président, je suis dans ce Parlement depuis 1976. Jamais il n'y a eu un *Speaker* qui quitte son siège pour se diriger vers l'Opposition de façon menaçante, comme un tapeur parlementaire pour s'avancer de façon menaçante vers l'Opposition. Jamais il n'y a eu un *Speaker* hurlant et gesticulant comme on l'a vu. En soi c'est un manque de respect au Parlement et *Sitting* après *Sitting*, la population voit en direct à la télévision tout cela. On n'a pas besoin de faire de grand discours, nous avons des oreilles, nous entendons la population, semaine après semaine.

Le récent incident concernant cet individu qui a quitté le Parlement; le récent incident concernant un ministre, je considère particulièrement choquant, inacceptable. Jamais auparavant dans cette Chambre, on a vu un membre du Parlement insultant et menaçant un autre membre.

The Deputy Speaker: Hon. Bérenger, I am very sorry to interrupt you, but we are not here to dispute or debate on the conduct of another Member. It is a motion of...

Mr Uteem: The reaction of the Speaker.

The Deputy Speaker: Let me speak!

Mr Bérenger: This is why we have a motion of no-confidence against the Speaker.

The Deputy Speaker: The Speaker, this is what I want. What I heard is hon. Member. Please, continue!

Mr Bérenger: You stop me and then you tell me to continue! Enfin! Jamais ça ne s'était vu avant. Un membre du Parlement qui menace physiquement et insulte un autre membre du Parlement et ...

(Interruptions)

The Deputy Speaker: Please, continue!

Mr Bérenger: You shouldn't.

The Deputy Speaker: Please, continue!

(Interruptions)

Hon. Mohamed! Hon. Mohamed!

(Interruptions)

Hon. Mohamed!

(Interruptions)

Hon. Mohamed, let the hon...

(Interruptions)

If all of you, on this side...

(Interruptions)

If all of you, on this side are going to continuously talk, if all of you are going...

Mr Bérenger: There were two people disturbing, one has run away, the other one is still present, but he will have to leave here.

The Deputy Speaker: Hon. Bérenger!

(Interruptions)

Hon. Member, please continue!

Mr Bérenger: Yes, thank you.

(Interruptions)

The Deputy Speaker: Hon. Members, that's the last time, what I want is from now onwards, anyone has any point to talk except the one who has the floor, he raises his hand in discipline.

Mr Bérenger: So, I was saying, M. le président de séance, que ça ne s'était jamais vu avant. Un membre du Parlement qui menace physiquement et directement sous le nez du *Speaker* et qui en plus insulte la mère et le père de ce membre, et le *Speaker* n'entend pas! Le *Speaker* ne prend aucune sanction. Il retourne, il parle, il s'excuse et that's it! Ça c'est un *Speaker*!

The Deputy Speaker: From which date of the Hansard would it be?

(Interruptions)

Mr Bérenger: Ça commencer là hein! Enfin! Ki linn deman mwa...

(Interruptions)

The Deputy Speaker: Order, please! One second! Order, please! We have...

(Interruptions)

Order, please! Order! Please, continue! I just want to have everything on record properly.
Hon. Bérenger, I am not stopping you from...

Mr Bérenger: But you are stopping me and you are telling you are not stopping me!

The Deputy Speaker: I am not preventing you from making your speech. I just wanted to know from which date.

Mr Bérenger: Well, now you have it, you were here.

The Deputy Speaker: Thank you very much.

Mr Bérenger: Le 23.

The Deputy Speaker: Please, continue!

Mr Bérenger: I continue until the next time you stop me, *M. le président de séance*.

The Deputy Speaker: Hon. Member! Hon. Chief Whip!

(Interruptions)

Please continue!

Mr Bérenger: Jamais auparavant nous avons vu un *Speaker* et le gouvernement comploter avec préméditation pour provoquer et suspendre l'Opposition pour ensuite venir l'accuser, l'Opposition, de faire des *walkouts*. Nous avons été systématiquement provoqués et tout le monde a vu cela à la télévision, séance après séance, avec préméditation, M. le président.

Le Leader de l'Opposition a rappelé que le Parlement avait été *postponed sine die*, ce qui est interdit par les *Standing Orders*. *Granted*, il y avait le coronavirus, mais il y a une façon de faire.

Pareillement, ce *Speaker* a cassé le record comme on dit. Jamais depuis que notre Parlement existe, un *Speaker* a rejeté une PNQ du Leader de l'Opposition. Jamais! Une première il y a quelques jours de cela ; pas quatre mois, quelques jours de cela. Pareillement, jamais, sans précédent, un *Speaker* qui ordonne *out* toute l'opposition ; du Leader de l'Opposition à tous les autres. Tout cela est sans précédent et il se trouve quelqu'un qui vient de prendre la parole pour justifier tout cela. Quelle honte, M. le président ! Quelle honte ! Mais comme je disais quand on pourrit en politique, on pourrit complètement.

(Interruptions)

The Deputy Speaker: Hon. Members, no crosstalking. Please, continue.

Mr Bérenger: Tout cela est *on record* et j'ajoute un mot.

(Interruptions)

The Deputy Speaker: Hon. Salim Abbas Mamode, please wear your mask and have respect for a seasoned Member. Please!

Mr Bérenger: Donc, M. le président, je reprends ce que le Leader de l'opposition avait aussi dit entre les lignes. Je ne rentrerai pas dans les détails mais le *Speaker* actuel n'aurait jamais dû être choisi comme *Speaker* compte tenu du fait qu'il a été rappelé comme ambassadeur dans le passé...

The Deputy Speaker: No! Hon. Member, you are not contesting the election...

Mr Bérenger: Well, I am...

The Deputy Speaker:and we are not going outside the Speaker tenure of office.

Mr Bérenger: Ce précédent aurait dû nous provoquer à savoir comment se comporterait le *Speaker* actuel et depuis qu'il a été nommé *Speaker*, il y a abus après abus, partie prise après partie prise comme je l'ai expliqué tout à l'heure.

M. le président, nous vivons ces jours-ci le règne d'une majorité dictatoriale et de quelques voyous politiques. Je dis bien quelques, je ne généralise jamais. Nous vivons en ce moment ces moments difficiles, très négatifs, très dangereux même, M. le président, mais ce règne ne durera pas éternellement. Notre Parlement retrouvera ses lettres de noblesse et aura de nouveau un *Speaker* digne de ce nom dans un avenir qu'il nous faut souhaiter aussi proche que possible.

Je vous remercie.

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

(11.40 p.m.)

The Minister of Labour, Human Resource Development and Training (Mr S. Callichurn): Mr Deputy Speaker, Sir, first of all, I would like to thank you.

With your permission, let me state one thing straight away. Whether one likes it or not, debates on this Motion will surely, at one point in time or another, bring our parliamentary system of democracy under the spotlight or, at least, the best the most crucial and most dynamic part of the Parliament.

National Assembly, the House of the people, as we sometimes say enacts laws that we, hon. Members, as representatives of the people are duty bound to debate upon before the House makes an informed decision. As we all know, question times and PNQs offer hon. Members the time and freedom to question the Government of the day and to make the latter accountable. These are not all but there are several avenues available to Members of the House and which they travel at every sitting to bring their humble contribution to debates to fulfil their parliamentary duties as lawmakers.

Again, as all hon. Members know, laws enacted by Parliament have huge impact on the country's present and future life including the kind of society we will leave behind for the future generation. Why I say so, Mr Deputy Speaker, Sir? I say so to bring home one very important point Parliament matters and this Motion, the more so, if we look at it in the most dispassionate manner has something to do directly or indirectly with much cherished parliamentary systems of democracy, a system tried and tested over the years and which has shown its great resilience capacity to absorb all shocks of all political colours at all times and under all circumstances. Throughout the Commonwealth, this system still shines in many countries, in great democracies like India and the UK.

Mr Deputy Speaker, Sir, that is why I said it before Parliament matters and we owe it to all those who have been here before, who did what they did to the best of their ability and human kindness to preserve and uphold the intrinsic values intricately associated with age old traditions that connect hon. Members to the House of the people.

Mr Deputy Speaker, Sir, Parliament is an institution and we should respect the institution irrespective of the difference we may have with the person at the head of the institution. Hon. Boolell, earlier, talked about respect out of courtesy. I agree with him. I agree with him that there should always be respect in this House and when I say respect, mutual respect. But let me ask him one question. Does the Opposition clearly respect the

constitutional post the Speaker holds? The answer is no because had they really preached what they say they would not have remained seated whenever the Speaker enters the Chamber since the last three sittings. We have witnessed it today also this morning. Respect is earned when you learn to respect. As a young parliamentarian and even before I was first elected to serve in this House, I always looked at Parliament with much reverence and I shall continue to do so irrespective of the bad influence.

Mr Deputy Speaker, Sir, we have in front of us today this motion tabled by the hon. Leader of the Opposition. It is not the first time that such a motion is being debated in the House. We have been here. We have been here before, but, for this time, it looks like there is something quite strange around. We know it. It is only a few months since the Speaker has assumed office. So the timing of this Motion looks very suspicious. Within such a short period of time, Members of the other side of the House seem to have made a definite and permanent appreciation of the Chair and this Motion says that they have no confidence in the Speaker.

Mr Deputy Speaker, Sir, with your permission, I will share what many among us may not know or may have heard of except for those who have experienced it. A similar Motion was tabled and debated in the House in 1985. The then Opposition was saying that they had no confidence in the Chair. Now, a few years down the road, the same Speaker was elected to serve as Speaker after August 1987 General Elections. The same Opposition that tabled the motion in 1985 was elected to serve as Opposition in 1987. Now, as unbelievable as it may, after 1987, the Opposition was showering words of praise on the same Speaker. I am referring to Ajay Daby.

Mr Deputy Speaker, Sir, we all know that, for the House to perform its business with great efficiency and effectiveness, the rules, guidelines, parliamentary practice and Standing Orders have to be well understood and most importantly be respected. The role of the Chair is equally important and the Chair's responsibility to interpret and to apply the rules has to be respected and adhered to with equally much respect as per the House own decorum and tradition. And the Chair is solely empowered to manage the business of the House.

Now, when one feels aggrieved by the Chair's decision and ruling and interpretation, the written rules and guidelines offer some avenues to deal with such situation. Today's motion is one such avenue, but today's motion is bias and grounded on false pretenses and I would prove it while I speak.

Mr Speaker, Sir, it appears that we are in a similar situation as in 1985 when a similar motion was tabled. Prior to the motion tabled in 1985 and prior to the motion tabled today, the Opposition - I am sorry I have to say it - has almost systematically tried to show some kind of disrespect towards the Chair.

Mr Speaker, Sir, I wish to remind the House that during one of the sittings this year when the House became unruly, and I think, during a walkout of the Opposition, someone shouted from the Opposition –

“Mille fois Maya.”

I guess reference was being made to the former Speaker of the House. Let us not forget, the same Opposition tabled a motion of no confidence against her as well and we debated on that motion. Now that she is not here, they are missing her. Let us be serious, come on! This clearly shows that ...

(Interruptions)

The Deputy Speaker: Please, continue!

Mr Callichurn: This clearly shows that they are used to table frivolous motions. Prior to today's motion, on numerous occasions, unfortunately, we have had the chance to witness the behaviour of some Members sitting on the other side of the House towards the Chair, displaying open resistance, flouting the Chair's decision and ruling when the latter so often has to call Members to order and so on and so forth. Earlier, under your Chair, we witnessed that situation. Some instances of such resistance fall short of mere intimidation. Raising voices and shouting now is a common feature.

Mr Deputy Speaker, Sir, we know too well that when the Chair decides to take actions to bring order in the House or to deal with specific situations involving Members from both sides of the House, the Chair does so within the parameters of written rules, guidelines, Parliamentary practice and Standing Orders. It is a matter of great regret that too often the behaviour of some Opposition Members tends more to drag the Chair into unnecessary situations like nicknaming the Chair, using unparliamentary words and expressions. This is most unbecoming.

Mr Deputy Speaker, Sir, paragraph 25.71 of Erskine May states clearly that criticism of the proceedings of the Speaker's ruling is out of order. There are specific avenues to seek remedy when one feels dissatisfied.

Mr Deputy Speaker, Sir, I don't know about Members on the other side of the House, but as far as we are concerned, Erskine May still remains the Bible of Parliamentary procedures. Now, as far as the Mauritian National Assembly is concerned and in terms of the rules and procedures and guidance over and above Erskine May, we have our own Standing Orders that govern the business of the House and its several committees.

Mr Deputy Speaker, Sir, for the House to function properly and for the proper delivery of the House's business, it goes without saying that complete respect of rules and procedures, Speaker's ruling and courteous behaviour are part and parcel of the Parliamentary responsibility of hon. Members. Erskine May and Standing Orders all stand as a permanent written guidance for all to observe and follow.

Let me say, in the most unambiguous term, this motion is unwarranted. This motion is most uncalled for. Since the very beginning the Opposition, and if not at least a few Members on the other side, have been involved in a political assault towards the Chair for sheer political reasons. We all remember how they first decided to boycott the President Address for the opening session of the Parliament *seulement pour des raisons politiques et politiciennes*. And we all know that walkouts and walk-ins are in the political DNA of some Members sitting on the other side of the House. Since decades this has been their political *modus operandi*.

Mr Deputy Speaker, Sir, during several sittings this year, many have shown disdain and disrespect towards the Chair even when they were being asked to withdraw unparliamentary words uttered during Parliamentary debates. On many occasions, out of nowhere, we have seen how numerous incidents uncalled for are being exploited to create unnecessary disturbance, affecting the business of the House. How the use of abusive language sometimes goes unchecked as long as they don't catch the eye and ear of the Speaker. This is the common feature even when the House is suspended temporarily. Previously, I even heard one hon. Member from the Opposition, during a walkout, insulting Members on this side of the House by calling us '*zotte couma banne zako*.'

Another example, Mr Deputy Speaker, Sir, on 06 May 2020, the Speaker courteously invited one hon. Member to withdraw an unparliamentary word directed towards the leader of the House. Not drawn over his dimensional political ego, the hon. Member vehemently refused when asked to withdraw from the House, the Opposition made their usual political

show, a walkout in general brouhaha, and at the same time uttering a rain of unbecoming remarks.

Mr Deputy Speaker, Sir, I think, that a few statistics may help to shed more lights on such unparliamentary behaviour. In February this year, on four sittings, around 20 incidents took place. In March this year, on two sittings, we had around 15 incidents. In May 2020, this year, on four sittings, we had around 7 incidents and one walkout. In June this year, on seven sittings, some 20 incidents took place and two walkouts, one from the whole Opposition and another one involving only one party from the other side of the House.

During these several incidents, and at one time, the Chair was referred to as being a coward and one other time being shameful. Again, I must say, during these incidents, a few Members were trying to impute motives and make unfounded allegations towards our colleagues. Use of abusive languages, use of unparliamentary words and crosstalkings are rampant, and if put together, all these incidents are at the origin of several instances of chaotic disturbance. On numerous times, when call to order, when call to show restraint, when rulings are pronounced, some still find times to create more disturbances. It seems that such environment is the new normal of the Opposition.

Mr Deputy Speaker, Sir, the First Member for Rose Hill and Stanley, albeit an experienced Parliamentarian and political leader, had on several occasions and even outside the House, the cheek to publicly drag the Chair into political controversies and such shameful remarks as *mal élevé* or loudspeaker, among others. This is a mere political bullying of the Chair to my opinion.

Starting from the 80s and 90s till today, this political *modus operandi* from some Members of the Opposition has lamentably failed, which explained why they are still in the Opposition. And it looks like they want to transform this venerable institution into their own personal political platform.

Mr Deputy Speaker, Sir, now, we all know perfectly well the unprecedented socio-economic situation of the country is facing. During debates on several occasions in this House, no serious alternative proposals came from the Opposition bench, except a litany of politically motivated opinions on measures contained in Bills debated. On one occasion, during parliamentary debates on the Appropriation Bill 2020-21, the Opposition did their *énième* walkout out for sheer political arrogance and *naïveté*.

The Appropriation Bill was voted in their absence. They then started to criticise the Chair and the Government and tried to put the blame on our shoulders. This is not about unfairness. It is all about a thoughtful political stratagem they had recourse to in order to hide the weaknesses of their failed political strategies.

Mr Deputy Speaker, Sir, as per parliamentary rules and procedures and parliamentary traditions rooted in decades' long experiences, the Chair is duty-bound to uphold the parliamentary rules, to see to it that the business of the House is conducted in the most proper manner.

Free from the wild, disorderly and unnecessary interruptions; free from unparliamentary remarks; calling Members to order when required so that Members can hear and understand what is being debated irrespective on which side of the House they sit; and as often as necessary, rulings, based on rules and procedures and standing orders, are pronounced.

Having said so, Mr Deputy Speaker, Sir, I must add that the Chair has the full and undisputed authority to ensure that the business of the House does not get interrupted unnecessarily; the Chair can summon disruptors to withdraw or face the risk of being named or suspended, amongst others, as per the rules and procedures.

Mr Deputy Speaker, Sir, now, if the First Member of Belle Rose and Quatre Bornes and also the Leader of the Opposition and on whose name this motion stands, felt genuinely strongly about his disapproval of the manner in which the Speaker is doing his job, there were numerous other avenues than this motion to seek redress.

On behalf of the Opposition, he could have very well taken the lead to meet and discuss matters relating to the conduct of the business of the House within the four corners of the Speaker's office as often as necessary.

As hon. Members and gentlemen, things could have been sorted out in the easiest manner than this motion; in case if he really felt, the Chair was acting unfairly, unjustly and unwisely. Which I must say, in the view of Members from this side of the House, has never been the case.

Mr Deputy Speaker, Sir, to conclude, let me repeat again.

This motion is irrelevant and uncalled for.

The timing of this motion is meant and was perhaps destined exclusively to meet the political expediencies of the Opposition.

Thank you.

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

Hon. Mrs Jutton, please!

(12.01 a.m.)

Mrs T. Jutton (Second Member for Vieux Grand Port & Rose Belle): Mr Deputy Speaker, Sir, thank you.

This august House...

Mr Armance: Non, she is the Government side, I am the Opposition side.

Mrs Jutton: It's about catching the eye.

(Interruptions)

The Deputy Speaker: Hon. Member, first thing is I have a tentative list given by the Whip of Opposition and Government. Your turn is next, after hon. Mrs Jutton. You will have your turn. Please, continue!

Mrs Jutton: This august House is verily a sacred sanctuary, the highest legislative authority of a country. This House is the sovereign institution of this Republic vested with the power to come up with new legislations or amend existing ones for the benefit of our people and even vested with sovereignty to amend the Constitution. It is in this very House, on Tuesdays during PQs and PNQs that our institutions, Government bodies, Ministries are made accountable for their actions or even inaction in certain cases.

Mr Deputy Speaker, Sir, hon. Members of this House are required to observe certain established Parliamentary customs, conventions, etiquettes and rules and are required to abide by discipline and maintain the decorum of this House *et bien entendu, on est régi par les* Standing Orders which are, as the hon. Leader of Opposition himself stated earlier, the Bible of the House. Well, allow me to refer to some of the Standing Orders and rules of the National Assembly, and I read section 40 (2) –

“It shall be out of order to use unbecoming words or expressions or to use offensive language about Members of the Assembly.”

Subsection (3) –

“No Member shall impute improper motives to any other Member.”

Well, Mr Deputy Speaker, Sir, I think any lay person watching the parliamentary proceedings and debates will have noticed how often these two Standing Orders are not adhered to at all. For reference, just to cite a few from Hansard - Debate No. 17, page 110 to 127; Debate No. 19, page 82; Debate No. 20, page 39.

Mr Deputy Speaker, Sir, all these are but a few. Allow me to refer to section 42 of our Standing Orders about relevancy in debates. I wonder how many times, the Speaker has had to remind some Members, on the other side of the House, to stick to the debates and not to be irrelevant. Alas! Again, just for reference sake, Debate No. 20, page 29 of Hansard. Well, Mr Deputy Speaker, Sir, what should the Speaker do when a Member tries to transform this House into a platform for irrelevant political discourse. Unfortunately, a few Members think that they are still in an electoral campaign, fuelled by the seniors who see general elections happening every next day, the juniors are not to be blamed. Do they expect the Speaker to condone such behaviour? Do they expect the Speaker to allow that we waste the time of this august Assembly? Or, do we expect that the Speaker accepts their whims and caprices? Of course, not! I believe that what is happening is that the Opposition is still not over the shock of the vote of no confidence that *lepep* gave them in 2014 and 2019. That was a vote of no confidence. When they said 40 plus 40, what did *le peuple admirable* do? Well, give them a vote of no confidence. So, we can understand today, where they are coming from. Speaking about interruptions, Mr Deputy Speaker, Sir, crosstalking and noise clearly disrespecting the orator at that specific time. Well, Mr Deputy Speaker, Sir, I think if I have to refer to Hansard, the whole night will go by. I have in front of me such an exhaustive list.

Mr Deputy Speaker, Sir, the Opposition is behaving as if now they have discovered the Standing Orders, now they realise that the Speaker is the one responsible for the smooth running of the House. People listening to them would think that the Standing Orders were written by this Government. Today, they are claiming that the Speaker has a lot of power, *qu'il faut changer les Standing Orders, j'ai même lu qu'il y a trop de droits au Speaker*. Now, at one time they were sitting on this side of the House, why did they not change things? Why did they not reduce their powers? This is nothing but showing their inability to stop this Government that is performing very well and I believe that we should not waste the precious time of this august Assembly. Referring to the sitting of the 07 July 2020, one Member kept

imputing improper motives to the Leader of the House, insulting the latter and even went as far as threatening.

The Hansard, Debate No. 24 of 2020, at page 106 is self-evidence, another Member kept provoking; I won't repeat these demeaning words here. I again refer to page 107 of that Debate, I am not raising anything about conduct here, I am only stating what was said, and the Speaker said once: 'Listen to my ruling!', and a second time, 'Listen to my ruling!' Yet, *c'était la sourde oreille*. And the Speaker kept saying, 'Listen to my ruling!' a third time. *Et le pauvre*, even a fourth time. It's all on Hansard; the evidence from Hansard is undisputable. Well, this situation has been well summarised by another hon. Member on this side of the House, who said that the Opposition failed to comply. They are called to order, but they don't like it and this is why, maybe, they come up with a vote of no confidence. They are all bestowed with the privilege of free speech, but look how they behave. This morning, I even heard a Member from the other side of the House *lancer à un membre de ce côté-ci*, I quote: '*Pourriture!*' This is a clear violation of the decorum of the House. In fact, we should have had more strict measures to condemn such behaviour, such undignified behaviour from Members ruins the decorum of this august Assembly.

Mr Deputy Speaker, Sir, I stated some previous instances where Standing Orders were breached. I would also like to ask you, insinuating that the hon. Prime Minister is lying, isn't that imputing an improper motive as per Section 43? Well, I believe there seems to be a deliberate intent by some Members to provoke or to induce the House in error, or maybe just to make a show.

During debates on the COVID-19 (Miscellaneous Provisions) Bill (No. I of 2020), Mr Deputy Speaker, Sir, at a time, when the whole nation has been facing unprecedented times, facing untold, unseen and unenvisioned issues, trying to ease up the lockdown, while also grappling to keep the virus at bay, at precisely such a solemn moment of our history instead of cooperating and be united to fight against the invisible enemy, there were constant attacks and even the use of demeaning words towards the Leader of the House. I refer again here to Hansard, Debate 13 of 2020, at page 15.

Mr Deputy Speaker, Sir, earlier today I believe everyone in this House witnessed how and on which tone a Member from the other side has been addressing the Chair, and even pointing fingers - *comme l'a souligné l'honorable Bérenger un peu plus tôt*. Well, it is shameful to try to hide such indiscipline behind a vote of no confidence. Mr Deputy Speaker,

Sir, being a fervent gener advocate and always advocating for more respect towards women, and especially women parliamentarians, I was appalled by the words uttered by another hon. Member from the other side of the House. The insulting words and tone still resound in my ears, and I won't repeat the sentence here. *Mais je peux dire que cette personne l'a dit avec un sans-gêne époustouflant, traitant les membres de ce côté de la Chambre de 'Zako'.* How can someone, who lacks to show any respect towards others, command respect? Respect is earned. Mr Deputy Speaker, Sir, what is even more shocking is that instead of realising how undignified these words are, it seems that playing the Victim Game to gain sympathy from the population or the Press was on; it was a game.

Mr Deputy Speaker, Sir, I said before that parliamentary behaviour revolves around decorum, dignity and discipline. And during the various examples I raised previously, and a few minutes ago during the intervention of hon. Ganoo, we saw again what dignity is shown, what discipline is reflected and what respect is shown to others into this House by some Members on the other side of the House. Well, Mr Deputy Speaker, Sir, other young girls and women who have been sharing their views and fears on joining politics not a long time back - a few days ago, I was at a Gender Champions Event and actually watching and listening to these, as I stated earlier, I understand now how these girls would be thinking twice, thrice as they say, women do not get the respect they deserve.

Let me also share, Mr Deputy Speaker, Sir, during a session on pre-budget consultations last year, with women across the country, do you know what was proposed, that parliamentarians, especially men, be trained and formed on how to speak and address the women counterparts, and also that any undignified behaviour be deemed as an offence and be subject to some form of punishment.

Well, Mr Deputy Speaker, Sir, I have to say, standing in the House today and witnessing whatever has been said by some, maybe it is indeed time to bring such a proposal, not just for men, but also for women, unfortunately. Mr Deputy Speaker, Sir, I am also reminded of how the previous Speaker, the first lady Speaker of Mauritius has been constantly attacked; and again, while we were proud to have brought about such a gigantic step towards empowering more women and girls and supporting the Sustainable Development Goal 5, which is about women empowerment, my heart goes to her for having had the fortitude to bear so much. And, today, we see the same, the Speaker has been relentless in trying to keep order in the House and maintain the decorum. Yet, he is constantly being accused of being biased. Maybe, they don't hear or they chose not to hear

when the Speaker calls Members on this side of the House to order. For instance, sometime back, he asked hon. Hurreeram to withdraw his words and previously as well. I refer here for instance to page 77 of Debate 08 of 2020.

Mr Deputy Speaker, Sir just like the hon. Prime Minister mentioned earlier, on this side of the House no one questions the percentage of votes by which some Members were elected, and in the same way, even when being on the other side of the House previously, no motion of no confidence against previous Speakers was brought.

Mr Deputy Speaker, as the hon. Prime Minister mentioned earlier again, it is this Government which brought the live broadcasting of parliamentary proceedings and this shows the commitment and the wish to be open and transparent as elected representatives of the people, and all hon. Members of this House should be displaying the professional etiquette and maintain the decorum de *cette auguste Assemblée*. However, I am afraid, the hundreds or thousands of people watching us, especially the youths, I wonder what impression they will have on the representatives of people, those who have been continuously demonstrating a complete lack of respect for the Chair and for the decorum of the House.

Today, coming up with such a motion forces one to ponder whether this motion is being brought to hide the outright indiscipline and bad conduct of some.

Mr Deputy Speaker, Sir, let me come to parliamentary democracy. This House is actually a temple of democracy, and as hon. Minister Ganoo mentioned earlier, having this motion tonight itself is tangible evidence of same. And I am reminded here of Voltaire's words, I quote -

« Je ne suis pas d'accord avec ce que vous dites, mais je me battrai jusqu'à la mort pour que vous ayez le droit de le dire. »

D'ailleurs, as hon. Minister Ganoo stated earlier, we even adjourned the debates on the Finance Bill to allow this motion tonight, again showing the goodwill of this Government. Mr Deputy Speaker, Sir, however, while hon. Members do get such privileges, they should not abuse of same in the garb of parliamentary immunity.

Mr Deputy Speaker, Sir, every time I attend the proceedings of the House, and we all stand up to show respect to the Chair, it is saddening to note, as hon. Minister Callicurn mentioned, that for the previous three or more sittings the other side of the House showed absolutely no respect towards the Chair, not even as a matter of courtesy. And I have to say, I am very dismayed by such a behaviour from so-called honourable Members. Mr Deputy

Speaker, Sir, hence, let me say that *personne n'a le droit de ternir la réputation de cette auguste Assemblée.*

To conclude, Mr Deputy Speaker, Sir, let me say that I have full confidence in Mr Speaker, Sir, and allow me to end on this note: During this testing time with the COVID-19 pandemic, with a much feared second surge of this lethal infection, I would urge all Members, on the other side of the House, to transcend petty quibblings and to work together towards a greater purpose.

Thank you.

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

(00.18 a.m.)

Mr P. Armance (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. Much has been said in the House by the Leader of the Opposition and the Leader of the MMM. Let me state from the beginning that I fully support both Members. I fully support the contents of their speeches and I thank both of them for fighting for the rights of the MPs of the Opposition.

Mr Deputy Speaker, Sir, a few words go in my mind today while referring to the motion of no confidence in the Speakership of Mr Speaker, namely –

- impartiality;
- above politics;
- fairness;
- democracy, and
- dignity.

Mr Deputy Speaker, Sir, this is not a personal motion against Mr Sooroojdev Phokeer, GOSK, this is a motion against the Speaker and his stand, his capacity and willingness in applying the five words, I have listed above.

Let me refer to the incident of this morning, Mr Deputy Speaker, Sir, where my good friend, my colleague, hon. Lobine, who prepared his speech on the Supplementary Appropriation Bill, this morning. He came to the House fully motivated, full of energy to deliver but he was stopped by the Speaker. Despite he was lifting his hand, the Speaker

refused deliberately to see him, and let me quote the Standing Order. Standing Order 39 (1) says –

“A Member desiring to speak shall rise in his or her place and if called upon shall address his or her observations to the Chair.”

But, unfortunately, despite many Members of the Opposition trying to call the Speaker saying that we have an additional MP who wants to intervene on the Bill, he deliberately refused to look at us.

Mr Deputy Speaker, Sir, I have, in my hand, a ruling that the same Speaker gave on Tuesday 30 June 2020. I can give you a copy if you want. He rules as follows –

“In case two or more Members rise at the same time, the Chair shall call the Member who first catches his eye to address his or her observations.”

This is his own ruling that he had on 30 June and today, on 15 July, he just completely forgot what he said. He refused to raise his eyes to watch, look at the Opposition and he gave the floor to the hon. Prime Minister.

Hon. Ganoo was claiming that he applied this section of the Standing Order. I agree with him, Standing Order 10 gives the discretion of the Speaker to choose the intervener or Standing Order 11 of the same section says that when the Leader of the House or the mover of the motion speaks, no one can talk after him. But it says also –

“(....) unless the Leader the House has indicated to the Speaker his or her intention (...).”

When did the Leader of the House, this morning, indicate to the Speaker that he wants to take the floor and this will prevent hon. Lobine from taking the floor to give his views on the Supplementary Appropriation Bill? This was between the Prime Minister and the Speaker, because we were not aware of it. The Whip of the Opposition was not aware of it. None of the Members of the Opposition was aware of it. They can say no, it is a fact. This happened this morning.

The Deputy Speaker: Hon. Armance, with all due respect, you are expressing your opinion or were you party to that conversation?

Mr Armance: I did my point.

The Deputy Speaker: It is your opinion.

Mr Armance: Yes.

The Deputy Speaker: You weren't party to that conversation?

Mr Armance: I give my point, I told you about it.

The Deputy Speaker: Thank you very much. It is your opinion. Continue!

Please continue!

Mr Quirin: Les guignols.

Mr Armance: Mr Deputy Speaker, Sir, you, yourself, before the debate...

Mr Dhunoo: Mr Deputy Speaker, Sir, on a point of order.

The Deputy Speaker: You have a point of order?

Mr Armance: I am not giving way. Why is he coming with a point of order? I haven't even spoken.

The Deputy Speaker: Hon. Armance, he has a point of order, let's hear it.

Mr Armance: On what?

Mr Dhunoo: On a point of order, Mr Quirin is using unparliamentary word and he has to withdraw....

The Deputy Speaker: Hon. Quirin! Continue!

Mr Dhunoo: ... addressing people like *guignols* or something like that.

The Deputy Speaker: I didn't hear that. Continue!

(Interruptions)

Hon. Bhagwan! Hon. Quirin, you withdraw this word, please straight away!

(Interruptions)

Order, please! Hon. Quirin, you withdraw the word straight away.

(Interruptions)

Hon. Bérenger, don't crosstalk while I am addressing to a Member!

(Interruptions)

Hon. Quirin, please!

Mr Quirin: Why should I?

The Deputy Speaker: Hon. Quirin, withdraw the word ‘*guignol*’!

Mr Quirin: It is not unparliamentary. I won’t withdraw. I am sorry.

(Interruptions)

The Deputy Speaker: Order, please! Hon. Quirin, it is my ruling and you are not contesting it.

Mr Quirin: I am sorry, it’s not unparliamentary. The word ‘*guignol*’ was not addressed to anyone. Okay.

The Deputy Speaker: Hon. Quirin, I gave my ruling, you withdraw this word. Hon. Quirin!

(Interruptions)

Order, please! Hon. Quirin, please!

Mr Quirin: Please, yes.

The Deputy Speaker: Withdraw the word, I have given a ruling.

Mr Quirin: It was not addressed to anybody. But if you want me to withdraw, I withdraw.

The Deputy Speaker: Thank you very much.

Mr Mohamed: On a point of order.

The Deputy Speaker: Yes.

Mr Mohamed: Thank you, Mr Deputy Speaker, Sir. Since hon. Dhunoo is back, maybe he could be honourable enough to withdraw what he said about hon. Bérenger just now, about running away, okay and then run away. It was him. So, maybe if you could ask him, instead of him trying to ...

The Deputy Speaker: You made your point of order?

Mr Mohamed: Yes.

The Deputy Speaker: Wait! Hon. Dhunoo, did you say the word? Which word were you...

(Interruptions)

Order, please! Let me do my job. Which word did he say?

Mr Mohamed: He said the word ‘*corrompu*’ and then run away like something which I won’t say.

The Deputy Speaker: Good. Hon. Dhunoo, did you say the word ‘*corrompu*’ to the address of hon. Bérenger?

Mr Dhunoo: Mr Deputy Speaker, I don’t think I am in a Court or at the CCID to give any explanation. I didn’t run away.

(Interruptions)

The Deputy Speaker: Order! Order! Order!

Mr Dhunoo: I didn’t say anything.

The Deputy Speaker: Order! Order on this side of the House!

Mr Dhunoo: You are imputing motives.

(Interruptions)

The Deputy Speaker: Hon. Members, please!

Mr Dhunoo: This is imputing motives, accusing me.

The Deputy Speaker: Hon. Dhunoo,...

Mr Dhunoo: I was taking a point of order.

The Deputy Speaker: I am addressing to you. Did you say the word to the address of hon. Bérenger?

Mr Dhunoo: I did not say anything about that.

The Deputy Speaker: Thank you very much. Please, continue!

(Interruptions)

Hon. Quirin!

Mr Quirin: I withdraw.

(Interruptions)

The Deputy Speaker: Hon. Armance, please continue!

Mr Armance: Yes, I will continue, I think hon. Quirin has been misled. It’s not *guignol de l’info*, he is being confused. So, somewhere there is a *guignol*.

(Interruptions)

The Deputy Speaker: Okay, please continue with your speech!

Mr Armance: Yes, I will. Mr Deputy Speaker, Sir, before we start with the debate, I will mention about the debate of 1993, Debate No.14 of Wednesday 09 June, and I have in my hand a document from Hansard where Mr Razack Peeroo took the floor. He was then the Whip of the Opposition and we all know he is also a former Speaker of this august Assembly and it is good to note what he said on that day. Can I quote?

“Mr Deputy Speaker, I would like to state that right from the beginning that this motion has been brought before this House with the sole objective of upholding the dignity of the Chair, of what institution which is the Speakership. Either to-day will be a great day for parliamentary democracy or it will be a sad one. Either to-day public morality will prevail in this House or it will be baffled.”

Mr Speaker, Sir, I am very sorry to say that: today is a sad day. If the Leader of the Opposition, after so many attempts to call the Speaker to task where he failed, we had no other options than to put this Motion of no-confidence against Mr Speaker and it's a shame for democracy. It's a shame for this august Assembly. You know, let me tell you why we are only few months away from the General Election. It's the first time, I think, in history that after nearly 7 to 9 months, the Speaker is called to task for a motion of no-confidence, Mr Deputy Speaker, Sir.

Other Members of the House gave examples of what happened and they only look on one side. Let me give you one of the examples where the Speaker has been impartial. During the debate on the Covid Bill, Mr Deputy Speaker, he stopped the debate because hon. Xavier-Luc Duval was not wearing his mask properly whereas few minutes afterwards, hon. Ivan Collendavelloo, the then Deputy Prime Minister had...

(Interruptions)

The Deputy Speaker: Hon. Dhunoo! I am exceptionally again calling you to order, I don't need crosstalking please.

(Interruptions)

Mr Armance: Mr Speaker, Sir, I am not giving way to his point of order.

(Interruptions)

I am not giving way to his point of order.

The Deputy Speaker: Order! Order on this side!

Mr Armance: He is losing the time of the House.

The Deputy Speaker: Order in the House!

Mr Armance: Yes, he is losing the time of the House, not me. Can I continue please?

The Deputy Speaker: One second,...

Mr Armance: There is no point of order.

The Deputy Speaker: Hon. Armance, if somebody has a point of order, I will take it. So you will give me the time to hear his point of order.

Mr Dhunoo: On a point of order, Deputy Speaker, I am referring to section 40 (3), no Member shall impute, he is saying that there is no mask but he is not wearing his mask himself. Tell him to wear his mask properly.

(Interruptions)

The Deputy Speaker: Hon. Dhunoo! You made your point, very good. Continue, please continue!

(Interruptions)

Order, please! Let him continue...

An hon. Member: *Chokra!*

The Deputy Speaker: Hon. Members, please allow hon. Armance to continue. You were doing very well. Please continue.

Mr Armance: Je suis de plus en plus convaincu que l'honorable Quirin avait raison maintenant.

(Interruptions)

I was saying the then Deputy Prime Minister, hon. Collendavelloo, had a very long speech in the House, not wearing the mask properly and *deux poids deux mesures*. He was not stopped and, in the case of hon. Duval, the sitting was even suspended, Mr Deputy Speaker. This is

clear deux poids deux mesures. Comment on peut classifier ça, M. le président ? Comment on applique la loi d'un côté et de l'autre côté on ne voit rien and he was sitting there in the Chair smiling like that with hon. Collendavelloo. I have a picture of it. Everyone has seen it on the TV. How many times in this House have we heard the words: Repeat it! Repeat it! Repeat it!

(Interruptions)

How many times? Withdraw! Withdraw! Withdraw!

(Interruptions)

An hon. Member: Withdraw yourself!

The Deputy Speaker: Please continue!

Mr Armance: Mr Deputy Speaker, no I am not joking. This is a fact. Everyone in Mauritius knows about that, even my son of 10 years old knows about that. Hon. Bérenger just said before me. He left his chair, walked toward hon. Bhagwan like a bouncer...

Mr Bhagwan: *Heureuseman ena baraz.*

(Interruptions)

Sa, li ti pu ale manzer ar mwa.

The Deputy Speaker: Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan! He has the floor. So please bear with it. I know it's one o'clock.

(Interruptions)

Hon. Armance, please continue! Don't let yourself be distracted. Keep on going.

Mr Armance: What I am trying to say, Mr Deputy Speaker, *il essaie d'intimider l'opposition*. We have seen a Speaker with no dignity and no principle, Mr Deputy Speaker, Sir, I think the name of 'loud Speaker' now fits the person properly.

The Deputy Speaker: Hon. Armance,...

Mr Armance: He said that, I never said, I am taking from what has been said before. Hon. Jutton mentioned the words 'loud Speaker', I have the right to talk about it.

The Deputy Speaker: I know; just be careful where you are trending.

Mr Armance: She opened the door...

(Interruptions)

The Deputy Speaker: Continue, continue!

(Interruptions)

Continue please!

Mr Armance: Why can't the Speaker respect us as some human beings? Why shouting? Even in Primary, Secondary, Tertiary or Pre-Primary School, shouting is no more allowed. Why every time he has to come and shout to the House? We are humans. We are adults. We have been elected to serve in the House. You know, we are not bound to listen blindly to the 'loud Speaker', sorry to the Speaker. We are not bound. Every time, he has to say something, he has to shout and we have to be afraid of him and refrain from over action because we are elected Members, Mr Deputy Speaker, Sir. We are paid to do our job in this House and shouting will not prevent any of us, on this Opposition side, to do our job. Maybe now this is clear to him and if it is not clear to him, can you please pass on the message to him that even if he keeps on shouting on us, we are not going to stop doing our job on the Opposition side.

(Interruptions)

The Deputy Speaker: Please continue, continue!

(Interruptions)

Continue!

Mr Armance: She has been painful in her speech and now she is disturbing me, Mr Deputy Speaker, Sir. Another example I can give you about the way the Speaker runs the business now. The Office of the Leader of the Opposition and the Office of the Chairman of the Public Accounts Committee (PAC), those two Offices used to be opened from Monday to Saturday. He deliberately closes the Office on Saturday for God knows why. Is it because the Leader of the Opposition and the Chairman of the PAC work too hard? Why is it now that they are refrained access to the Office on Saturday? What has changed in his mind? What has brought these changes and we don't have any reason why Mr Speaker is doing so. Even the hon. Leader of the Opposition mentioned: we are not even allowed to use the Committee Room for doing press conference as it has been done in the past for many, many, many years, Mr Deputy Speaker, Sir.

Let me conclude on a more positive note, Mr Deputy Speaker. The fundamental principle of our democracy is based on sacrosanct principles of separation of power. This is clearly mentioned in our Constitution and I maintain this is the base of our sovereign and democratic State. We have the Legislatures, the Executive and the Judiciary. Therefore, the role of the Speaker is to uphold his principle of separations of power.

We, on both sides of the House, form part of what we call the legislation and our role as Opposition is to ask questions and query the Executive. There are checks and balances required for a democratic society governed by Parliamentary democracy to function.

Those are the very reasons why I am intervening tonight on this motion as the very principle is under threat and I shall invite hon. Members of the House to assume their responsibility as we are all paid equally in the House and we are all being watched by the people outside this august Assembly.

Let me maybe remind you. When we were thrown out of the House, Mr Deputy Speaker, Sir, not only from the august Assembly here, but within the precinct of the Government House, some of us were compelled by Police officers to leave the precinct of the Government House. See how *bas on est tombé*. This has never ever happened before, Mr Deputy Speaker, Sir. And when it comes to debates during the Committee Stage, let me remind my other friends sitting on the top that the whole debate was wrapped in 17 minutes. Not a single backbencher sitting there had a question to the Minister. *L'Equipe tappe la table!* Not a single question with the *complicité* of the Speaker. I am talking about the Speaker. With that *complicité du* Speaker, not any single backbencher of Government finds it necessary to put a question to the Minister. I can repeat; I have all my time.

The Deputy Speaker: I urge you, continue! Order please! Continue!

Mr Armance: Mr Deputy Speaker, Sir, history will remember that participating in such a deliberate attempt to *museler l'opposition*, make yourself accountable, and we are giving you today, a golden opportunity to go down in history, that you have to uphold the dignity of the House today, by voting in favour of this motion.

I am done. Thank you.

The Deputy Speaker: Thank you very much. I suspend the sitting for about 20 minutes.

At 00.39 a.m. the sitting was suspended.

On resuming at 1.09 a.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Thank you very much. Please, be seated!

Hon. Mrs Mayotte, please!

Mrs S. Mayotte (Second Member for Savanne & Black River): Merci, M. le président, de me donner l'occasion de prendre la parole ce soir, ou ce matin. M. le président, les jeunes députés présents dans cette Assemblée, assistent depuis huit mois maintenant, et ce, tous les mardis, à des débats dans la démocratie, mais également, à des scènes de ménages inédites dans cette auguste Assemblée. Un épisode en guise de pilule chaque mardi, pilule souvent difficile à avaler. J'appréhendais ce genre de scènes de ménages davantage que de savoir comment ça allait vraiment se passer dans l'enceinte du Parlement.

Bien sûr, en tant que nouveaux élèves, nous essayons, dans la mesure du possible, de faire les choses bien, en respectant la ligne de conduite de l'Assemblée nationale, figurant dans le *Standing Orders and Rules of the National Assembly*, et nous retenons nos leçons comme de bons élèves. Ce que j'ai retenu, permettez-moi, M. le président, de le partager avec mes honorables collègues de l'Assemblée nationale, surtout les anciens, en guise de piquêr de rappel. Les travaux parlementaires sont régis par un ensemble de règles qui doivent répondre aux exigences de certains principes de base du Parlement. Ces règles permettent à l'Assemblée de débattre d'une manière organisée, des affaires publiques, et assurent aux citoyens que les députés qui les représentent ici-même dans cette Chambre, qu'ils ont élus, pourront exprimer leur avis et leurs attentes quelle que soit leur allégeance politique. Même si les règlements de l'Assemblée nationale renferment l'essentiel des règles de procédures parlementaires, certaines d'entre elles proviennent d'autres sources de droit, de la constitution, des lois et autres ordres spéciaux, les usages et la doctrine. Les parlementaires jouissent de certains droits qui les protègent. Sans cette protection offerte par ces privilèges, les députés ne seraient pas en mesure d'effectuer leur travail dignement et efficacement. La liberté de la parole est l'un des privilèges individuels fondamentaux. Parce qu'il en jouit, un député ne peut être poursuivi, arrêté, ou emprisonné en raison de parole prononcée, de document déposé, ou d'acte accompli lors d'une séance de l'Assemblée. Au cours d'une séance de l'Assemblée, il y a des règles à respecter, les députés doivent, entre autres, respecter les règlements en tout temps, observer le décorum, s'abstenir de tout ce qui pourrait gêner les interventions de leurs collègues ou nuire au bon fonctionnement de l'Assemblée, occuper la place qui leur a été assignée par le président, et ne pas chercher à s'asseoir à la

place de son collègue, y demeurer assis, et garder le silence à moins d'avoir obtenu la parole. S'abstenir d'employer un langage grossier ou irrespectueux envers leurs collègues ou à l'égard de l'Assemblée. Et enfin, quand ils siègent dans la salle de l'Assemblée nationale, les députés doivent se soumettre également à certaines coutumes parlementaires, comme par exemple, se lever quand le président fait son entrée pour commencer la séance. Est-ce que nos collègues de l'opposition le font? Eviter de passer entre le député qui a la parole et le fauteuil du président, est-ce que nos collègues de l'opposition le font? Oui ! Saluer le président d'une inclination de la tête chaque fois qu'on circule dans l'allée, est-ce que nos collègues de l'opposition le font ? Non ! Les députés doivent observer des règles spécifiques quant à la façon de s'adresser au président, ou à un autre député. L'honorable député qui désire faire une intervention doit se lever et demander la parole au président. Le député qui a la parole doit désigner le président par son titre, soit, M. le président ou *Mr Speaker, Sir*. Un député ne doit pas non plus attaquer la conduite d'un député, imputer des motifs indignes à un député ou refuser d'accepter sa parole. Et parce que nous avons appris tout cela, et que nous les appliquons, nous, les néophytes, et bien, nous sommes traités et considérés comme des guignols.

(Interruptions)

Enfin, pour certains dans cette Assemblée.

The Deputy Speaker: No crosstalking, please!

Mrs Mayotte: Si un député utilise des propos non-parlementaires, il s'expose à une sanction de la part du président.

Bien évidemment, M. le président, j'ai pris le temps également de dresser une liste des propos non-parlementaires. Je vous prie de m'excuser d'avance car ces termes ne viennent pas de moi. Alors, préparez-vous !

Il y a, par exemple : bouffon, imbécile, incompetent, menteur, lâche, bande de guignols, *batiara* !

(Interruptions)

Voler, al diman to papa, my foot, pour ne citer qu'eux. Mais, M. le président, là, je redeviens sérieuse, car là où j'ai été vraiment blessée, profondément blessée, c'est quand j'ai été traitée de « *zako* ».

(Interruptions)

Vous savez, M. le président, j'ai passé une partie de mon enfance en Afrique, et dans certains endroits, si une personne traitait quelqu'un de macaque, donc de singe, cette personne encourait de graves sanctions, allant jusqu'à être expulsée de son village. Bien sûr, ici, dans cette auguste Assemblée, nous avons l'immunité parlementaire.

Je pense, M. le président, qu'il est de la responsabilité de chaque membre...

(Interruptions)

The Deputy Speaker: Order, please! Continue!

Mrs Mayotte: ...de respecter l'institution et le peuple que nous représentons d'être des *role model*. *We may disagree and differ in political opinions and strategies, but, please, no personal attacks and character assassination.*

Il n'est un secret pour personne que le sport de l'injure n'est pas nouveau à l'Assemblée nationale. Nous avons entendu lors du discours-programme une députée de l'opposition déclarer qu'elle s'attendait à un peu plus de fraîcheur de la part des jeunes députés de la majorité.

Eh bien, M. le président, nous aussi nous nous attendions à un changement dans le comportement des membres de l'Opposition.

Ça a été le cas pour moi, également, une ou deux fois. Alors, j'ai entendu tout à l'heure mon collègue, l'honorable Armance, dire que même dans les écoles primaires et secondaires, il est interdit de crier. Peut-être bien que nous devons coller quelques pancartes dans cette salle pour interdire de hurler et de se mettre en compétition avec le *Speaker*.

(Interruptions)

Je dois avouer, M. le président, que j'ai, moi-même, une ou deux fois, été frustrée, parce que le président n'a pas remarqué que j'ai essayé, par un *catch of the eye*, de prendre la parole et je crois que ça nous est tous arrivé, une ou deux fois ou même plusieurs pour les anciens, ici, dans cette auguste Assemblée.

Mais, M. le président, je pense que nous devons convenir que nous devons faire des fois des compromis, parce que le temps qui nous est alloué, conformément aux *Standing Orders*, est limité et que nous devons respecter cela.

Il y a des cas où les députés de l'opposition ont eu plus de temps pour s'exprimer et ce fut des moments où, moi-même, comme je vous le disais, je me suis sentie frustrée, pensant

que le président ne voulait pas me donner ma chance. Mais, M. le président, cela ne devrait pas être une des raisons pour nous de loger une motion de blâme contre le président. Il est compréhensible que le président doit refuser, *ipso facto*, une déclaration qui contient des propos violents, injurieux ou blessants ou qui imputent des motifs indignes à un député ou mettre en cause sa conduite.

Il revient également au président de déterminer ce que constitue un propos non parlementaire. Tout à l'heure M. Quirin a jugé que 'guignol' n'était pas non parlementaire. Normalement, la définition de guignol, le guignol c'est une marionnette qui est tirée par des ficelles, et nous traiter de guignol c'est nous traiter de marionnettes, je suis désolée.

Son jugement dépend de la nature des propos et du contexte dans lequel ils sont prononcés. Par exemple, un mot considéré comme non parlementaire au cours d'un débat, pourrait être déclaré recevable dans d'autres circonstances, selon la matière d'une discussion.

On se demande tout de même, M. le président, si dans de pareil moment, certains élus ont conscience de l'institution dans laquelle ils siègent et du respect qu'elle appelle.

Le président étant élu par la majorité, il est évident qu'être dans l'opposition peut facilement susciter une certaine frustration par la position adoptée par la présidence. Maintenir la discipline et l'ordre dans cette Assemblée n'est pas une tâche facile.

M. le président, j'ai remarqué que de nombreux députés pensent que pour faire valoir un point, ils doivent élever leur voix plus haut que celle du président. Mais, que doit faire le président à ce moment-là? Eh bien, il doit monter sa voix plus haut dans ses aigus pour se faire entendre et là, le président devient un '*Loud Speaker*', enfin, pour les membres de l'opposition.

La provocation n'est qu'un jeu pour ceux qui sont ici depuis plusieurs années, et qui, au lieu d'être un exemple pour la jeune génération de parlementaires, sont maintenant de véritables références d'irrespect et de vulgarité qui sont également devenus des rois, pas du *Moonwalk* comme Michael Jackson, mais du *Walkout*.

(Applause)

M. le président, la situation devient pathétique. Cette scène de déjà vu, nous nous attendons à ce qu'elle se produise et se reproduise chaque mardi. Un président qui ramène un député à l'ordre, le député le défie et persiste, il le ramène à l'ordre une deuxième fois, il persiste et le président qui hurle: « *I order you out!* » Et que font ses collègues à ce moment-

là ? Que choisissent-ils de faire? Ça se passe chaque mardi. Eh oui! Alors, pas encore le *Moonwalk* ? Ce serait tellement mieux que vous fassiez un *Moonwalk* pour nous ici, dans cette Assemblée, au lieu de faire un *walkout*.

Non, que choisissent-ils de faire, sérieusement? Je pense, M. le président, qu'ils devraient réfléchir un peu plus avant de recommencer avec les *walkouts*. Réfléchissez à ceux qui ont voté pour vous. Réfléchissez à ceux qui vous attendent chaque mardi, ici, dans cette Assemblée, et qui comptent sur vous, qui attendent des choses de vous. Il est évident que c'est la solidarité entre les membres de l'opposition qui prime et non l'intérêt du pays, car tout le monde suit celui qui a été expulsé. Notre responsabilité envers ce peuple est grande. Nous avons un peuple qui vit dans l'attente d'une main tendue, dans l'attente de nous voir à la tâche.

M. le président, nous sommes ici pour travailler. Nous avons été élus et nous sommes payés pour y rester et travailler dans l'intérêt de la population. Nous ne pouvons pas passer notre temps à pousser le *Speaker* à bout, à le faire sortir de ses gonds, à le traiter de tous les noms pour faire monter sa colère et ensuite vouloir faire son procès et le condamner.

Beaucoup de jeunes de ce pays qui veulent contribuer à la politique y réfléchiront à deux fois avant de se lancer.

(Interruptions)

The Deputy Speaker: Hon. Member, please! Hon Quirin, please, keep order in the House! You are constantly talking ! Please, continue!

Mrs Mayotte: Ça fait peur, M. le président. Je ne dis pas que tous les membres de l'opposition sont comme ça, mais nous savons qui ils sont et le genre d'insultes et le genre de remarques qu'ils font.

M. le président, notre pays traverse un moment difficile. La COVID-19 est toujours d'actualité. Alors, ne perdons pas notre temps dans des procès, des *walkout*, des insultes, des médisances et des pièges. Pour nos enfants, pour la sécurité de tout un chacun, pour l'avenir du pays, pour vous, pour moi, cessons ces enfantillages et cette guerre de pouvoir au détriment de la population. *Put Mauritius and its people first*, et faisons de l'Ile Maurice un endroit où il fait bon vivre, où règne la paix et l'harmonie sociale.

Je vous remercie, M. le président.

(Applause)

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

(1.26 a.m.)

Mr R. Dhaliah (Second Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir.

M. le président, je vous remercie de m'accorder le privilège de partager mon point de vue par rapport à cette motion de blâme de l'honorable Leader de l'opposition et dans la même foulée, répondre à plusieurs membres de l'Opposition. L'exposé du Leader de l'opposition sur le Speaker est truffé de méchanceté, et démontre à quel point la frustration entre cet honorable membre de l'opposition, qui doit toujours regretter de ne plus être de ce côté de la Chambre, après la déroute de son parti et de son leader.

M. le président, la démarche de l'honorable Leader de l'Opposition de déposer une motion de blâme contre le Speaker, frise le ridicule. Elle est une insulte. Avant d'agir ainsi, il aurait dû se regarder dans un miroir car il oublie les nombreuses fois qu'il a provoqué les membres du gouvernement. Ces provocations, couplées d'accusations gratuites ont souvent été, avec raison d'ailleurs, stoppées par le Speaker. Il oublie le passé de son parti dans le gouvernement, au temps où le Speaker d'alors faisait la pluie et le beau temps pour sanctionner les membres de l'Opposition de l'époque. Si je ne me trompe, le MMM et l'honorable Paul Bérenger étaient alors dans l'opposition - enfin, comme ça a été très souvent le cas depuis la formation du MMM.

Mr Deputy Speaker, Sir, this motion of no-confidence against the Speaker has been made by the hon. Leader of the Opposition, and I understand that he has done so on behalf of all Members of the Opposition. I wish to remind the House, especially the Members of the other side of this Assembly that this motion is an opportune because we are still facing the unprecedented COVID-19 Pandemic along with the sufferings from its pangs on the health, social and economic fronts. The threat of COVID-19 is still very serious in many countries, notably the US, India, Australia, South Africa, amongst others.

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social and economic fronts. The threat of COVID-19 is still very serious in many countries, notably the US, India, Australia, South Africa, amongst others.

In the present circumstances, the precious time of this House could well have been devoted to more serious issues and challenges facing our population and this country. But in a democracy, we respect the Opposition and have agreed to debate on this motion which they consider as imperative for them.

Mr Deputy Speaker, Sir, the debate on this motion requires the understanding of parliamentary rules and regulations governing its proceedings and the role of the Speaker.

The rules and regulations of the proceedings of the National Assembly have been clearly spelt out in its Standing Orders. On the other hand, the role of the Speaker is as old as Parliament itself and has evolved significantly over time. The role of the Speaker is multifaceted. He is the president of the House, he acts as the referee and he is the representative of the National Assembly.

Mr Deputy Speaker, Sir, as hon. Minister Alan Ganoo mentioned several names in his speech, since 1957, we have had 11 Speakers of the National Assembly at different points in time. Most of them have been in politics prior to them being appointed Speaker of the National Assembly. It is worth pointing out that the incumbent to the post of Speaker is not new to politics, especially the Mauritian politics.

Hon. Phokeer started politics in 1983 and was elected to this House in 1991. From 2000 to 2004, he occupied the post of Ambassador to Egypt. In 2004, he was appointed special advisor to the then Minister of Agriculture. In 2015, he was appointed Ambassador to the US in Washington.

After the General Elections of November 2019, he was appointed as Speaker of this august Assembly. Here, I must reiterate that since 1979, all the Speakers had been involved in politics and hon. Phokeer is not the only one.

In light of what I have just indicated, it is clear that the incumbent has long standing-experience in the Mauritian system of Government and politics. It is also important to highlight that he is presently not a Member of any political party to ensure impartiality and independence in the House.

Mr Deputy Speaker, Sir, as Members in the House are aware, the Speaker acts in accordance with the Standing Orders which provide, amongst others, the following –

- He decides on who can speak. Members of the Assembly do not have the automatic right to speak during debates.
- He is responsible for maintaining order in the House and, at the same time, ensuring that Standing Orders are upheld.
- His rulings on parliamentary rules and procedures are final and cannot be challenged.

In addition, the Speaker decides on issues that are allowable and those which are not. He may rule issues out of order when they are vague, out of scope, that is, not sufficiently related to the subject matter being debated, cover issues or any considered in-depth during debates, do not make sense or not relevant to the debate. I have purposely mentioned these important basic rules for the benefit of the population who has the opportunity to follow live the debate. They will, thus, better understand the issue being discussed.

Mr Deputy Speaker, Sir, in my view, the Members on the other side of the House failed to understand or pretend not to understand these basic rules enunciated in the Standing Orders. Had they adhered to these rules or had they acted as true Parliamentarians in a democracy, this motion would have been useless and the precious time of the House would not have been wasted and this very time could have been used for other important issues.

Mr Deputy Speaker, Sir, before tabling the motion of no confidence against the Speaker, have Members from the other side of the House questioned their own behaviours, let alone their reputed use of unparliamentarily language? I would highly advise the Members of the Opposition to first take a look at themselves before questioning the Speaker's impartiality.

The words that some Members on the other side of the House have uttered do not honour the decorum. When they are being asked to withdraw the unparliamentarily words, they would often refuse, and hence, waste the time of the House with all nonsensical shows. Failure on their part to withdraw unparliamentarily words and expressions after being given a few chances by the Speaker, results in them having to withdraw from the House. This is as per the Standing Orders which are being followed strictly by the Speaker. This is what Members of the Opposition have tagged as impartiality.

Now, I wonder whether they are questioning the clauses of the Standing Orders or simply not willing to follow them.

Mr Deputy Speaker, Sir, earlier the Leader of the Opposition referred to few instances where, supposedly, the Speaker showed partiality. Allow me to refer to some concrete examples where the Opposition Members have intentionally tried to obstruct the proceedings of this Assembly. I am going to refer to some incidents which occurred in this House recently and which are still fresh in our memory and easy to recall.

At the sitting of 28 February 2020, the Speaker, under the Standing Order 74, was of the view that an offence may have been committed in breach of Section 6(1)(t) of the National Assembly (Privileges, Immunities and Powers) Act, and allowed the then Deputy Prime Minister to move with a motion. Hon. Shakeel Mohamed, as usual, started raising a point of order against the decision of Mr Speaker. He is a learned counsel by profession, articulates very well to impress people, but his behaviour in Parliament *laisse à désirer*.

Mr Mohamed: On a point of order!

The Deputy Speaker: Hon. Dhaliah, please. Hon. Mohamed has a point of order.

Mr Mohamed: Since I appreciate the hon. Member saying I articulate it very well, let me try to articulate that one well.

The Deputy Speaker: Make your point of order, please!

Mr Mohamed: I am trying to make it in an articulate manner. You see, the Standing Orders make it very clear, that you, no one in the House, can criticise any hon. Member present in the House unless they do so because if they do so, and they do it in the capacity in which I am here, that's what he is trying to do, in my capacity as Whip and as my capacity as a Member of the Opposition, Member of Parliament, he can only do so by a substantive motion. He cannot come and criticise me right now. This whole substantive motion, today, is about whether the Speaker has acted, as you have explained, rightly so, at the beginning, properly or not, that's all. It's not about judging anyone else here. This is not the whole purpose and purport of this motion. Now, if he has to do in it, maybe, I will just give him some free advice. He can come and do it by way of substantive motion, not like this.

The Deputy Speaker: No need of free advice, hon. Mohamed. You made your point. From what I grasped, he is positively praising you. Hon. Member, you should stick to the debate and go on the Speaker, please.

Mr Dhaliah: Thank you, Mr Deputy Speaker, Sir. So, I was referring like you said, positively.

The Deputy Speaker: Hon. Member, please continue!

Mr Dhaliah: Hon. Mohamed could hardly reply when he was asked to indicate the section to which he was referring and that can be referred to the Hansard. When he was asked to sit down, he lost his temper and started using the unparliamentary word ‘coward’. He had gone to the extent that the Speaker had to remind him that he was usurping the right of the House. He does not even understand the elementary parliamentary rules that require Members of the House to resume their seat when the Speaker is on his feet. He is even at a loss to the extent that he starts talking and shouting in a sitting position. The Speaker had to remind him that he has to respect the Standing Orders and the House. He created such a ruckus in the House that he influenced other Members of the Opposition who got swayed by him. He was asked to withdraw the word ‘coward’.

(Interruptions)

The Deputy Speaker: Hon. Dhaliah, please, don’t draw inferences as to ...

(Interruptions)

Let me talk! Don’t draw inferences! Please continue with your speech! You don’t have any point of order now?

Mr Mohamed: I have another one. The Standing Order says that no Member shall read and what he is doing right now is doing exactly that, read from an iPad. That is my point of order. How about that one?

The Deputy Speaker: Thank you very much. Hon. Member...

(Interruptions)

Order, please!

(Interruptions)

Hon. Mohamed, you are giving the ruling as well.

(Interruptions)

So, just stay quiet! Let me do my job!

(Interruptions)

Let me do my job! Wait! Wait! Hon. Dhaliah, you can refer to extracts of your speech and try to debate.

Mr Ganoo: Mr Deputy Speaker, Sir, Standing Order and Erskine May say that a Member cannot read but he can make reference to his copious notes.

The Deputy Speaker: Totally in line, hon. Minister. Totally in line with what I have just said. One second! You have a point of order too. Okay.

Mr Armance: Mr Deputy Speaker, Sir, I will refer to Standing Order 40 Content of Speeches. The hon. Member mentioned Members of the Opposition, that is following hon. Shakeel Mohamed. Can he come with substantive names or he withdraws what he said because he is imputing motives?

The Deputy Speaker: Hon. Member, let him continue with his speech! Please continue!

Mr Dhaliah: Thank you, Mr Deputy Speaker, Sir. I was referring to the sitting of 28 February, 2020 and Standing Order 74 just for the record. When the Speaker asked to withdraw the word ‘coward’ and the Speaker drew his attention that it was unparliamentary, he refused in the first instance and then agreed to withdraw the word, but immediately afterwards came up with the word ‘cowardly’. This demonstrates his bad faith in complying to Standing Orders.

(Interruptions)

The Deputy Speaker: Hon. Member, don’t go as to the conduct. Proceed! Don’t go as to the conduct of other Members! Proceed!

Mr Mohamed: He used the words ‘bad faith’, he withdraws that. He accused me of bad faith. That is unparliamentary.

The Deputy Speaker: Then...

Mr Mohamed: So, I ask that he withdraws the words ‘bad faith’.

The Deputy Speaker: I hear it one time. When I would not hear it, I’ll say ‘beg your pardon’. Please withdraw!

Mr Dhaliah: I withdraw.

The Deputy Speaker: Thank you very much. He hears it one time. Continue!

Mr Dhaliah: So, immediately after, the hon. Leader of the Opposition started his part of the game to challenge the Speaker’s ruling, the behaviour of the Leader of the Opposition was so disrespectful that the Speaker had to draw his attention that he was going out of

bounds by challenging the authority of the Chair. Finally, the Speaker had no choice than to ask the Leader of the Opposition to withdraw from the Chamber. The latter refused categorically and went to the extent of affirming 'I want the Police to come and get me'. He even insulted the Chair by saying: 'You are biased! Unfit to be in the Chair! You are a shame!'

The Deputy Speaker: Hon. Dhaliah, is that part of the Hansard?

Mr Dhaliah: Yes, it is part of the Hansard.

The Deputy Speaker: Quote, please!

Mr Dhaliah: Same incident on 28 February 2020. Finally, the Speaker had to name him. All Members of the Opposition left the Chamber and the Speaker had to suspend the sitting for a while.

(Interruptions)

I am relating to what is in the Hansard.

The Deputy Speaker: Thank you very much. Continue! Continue!

Mr Dhaliah: Mr Deputy Speaker, Sir, this is clearly an attempt to defy the authority of the Chair and I wonder whether such behaviour should be tolerated in this august Assembly, which is the temple of democracy, and now have the guts to come forward with a motion of no-confidence in the Speaker. This is really the tail is wagging the dog and this is totally unacceptable.

Another incident worth highlighting was at the sitting of 11 June 2020. I mention it again that I am again referring to the Hansard of 11 June 2020 in this House, involving hon. Bhagwan. So, 11 June 2020, hon. Bhagwan started interrupting the proceedings of the House and the Speaker asked him whether he was aware of the Standing Orders. He behaved in such a way that he started using unparliamentary words like '*voleur*.'

(Interruptions)

As usual, exactly! When asked to withdraw, he refused and the Speaker had no alternative than to order him out.

The Deputy Speaker: This time he is talking about you, don't worry! Continue! Continue!

Mr Dhaliah: This is not the first time that he has been behaving in such a way. On top of that, he is among the Members who reckon long parliamentary experience and has even been a Minister.

Mr Bhagwan: *Mo eli en tête de liste même. Vini.*

Mr Dhaliah: Such a behaviour from him is repulsive!

(Interruptions)

And you can imagine the example he is setting to the new and young generation.

(Interruptions)

The Deputy Speaker: Hon. Dhaliah! Hon. Bhagwan, with all due respect, the word is very bad, it reflects badly on yourself.

Mr Bhagwan: *En passant*, I was saying.

The Deputy Speaker: No, withdraw it unconditionally!

Mr Bhagwan: Okay. Next time, I'll do it.

The Deputy Speaker: Next time, I hope it doesn't happen. Thank you very much. Hon. Dhaliah, please continue!

Mr Dhaliah: Thank you, Mr Deputy Speaker, Sir. So, I was saying such a behaviour from him is repulsive and we can imagine the example he is setting to the new and young generation of parliamentarians in this House.

(Interruptions)

His very acts and behaviours depict that of a frustrated man.

The Deputy Speaker: Hon. Dhaliah, don't go into the conduct. Go as to how it affects the Speaker.

(Interruptions)

Mr Bhagwan: *Talere mo pou coz lor STC la.*

The Deputy Speaker: Hon. Bhagwan, please! Go as to how it affects the Speaker!

(Interruptions)

Please quiet! Continue!

(Interruptions)

Hon. Leader of the Opposition! Continue, please!

Mr Dhaliah: Most of the time they have been sitting on the bench of the Opposition. Had it been on this side of the House, I have no doubt he would have acted completely contrary to what he is doing now. His very behaviour is a disgrace to the democracy of Parliament. You would all recall he even refused to withdraw from this House and the Speaker had to solicit the Sergeant-at-arms to intervene.

Mr Deputy Speaker, Sir, I wish to refer to yet another incident which occurred at the sitting of 15 June 2020 during the PNQ session. The Leader of the Opposition was interrupting the proceedings of the House to such an extent that the Speaker had to remind him of basic parliamentary manners. The hon. Leader of the Opposition had even gone to the extent to order the Speaker to sit down. This is all *le monde à l'envers*. The sitting had to be suspended. Finally, when the session resumed, the Leader of the Opposition conveyed his apologies to the Chair. It is clear that he conceded that he was wrong and now he brings a motion of no-confidence against the Speaker.

Mr Deputy Speaker, Sir, on 16 June 2020, when the Speaker gave the floor to the then Deputy Prime Minister to address on the Appropriation Bill, the Members of the Opposition displayed posters against the then Deputy Prime Minister in this very House. They again created a scene or comedy which was well orchestrated by them to compel the Speaker to get them to withdraw from this Assembly. This collective action was preplanned and was in breach of Standing Order 48. They were ordered to withdraw from the House and the precincts of the Assembly for the remaining of that day's sitting. They were ordered to withdraw from the House and the precincts of the Assembly for the remaining of that day's sitting.

Mr Deputy Speaker, Sir, the Opposition has failed in their duties and responsibilities vis-à-vis the population of this country. They have acted in such a way as to push the Speaker to the extent of ordering them out of the House so as not to participate in the proceedings during the Committee of Supply for the Budget Estimates 2020-2021.

If they did not genuinely want to listen to the address of the then DPM, they could have walked away silently and come for the Committee of Supply. They have chosen to kick away the opportunity given to them to question Ministers on the budgetary provisions of their respective Ministries. It seems that the Opposition is very short of arms and ammunition to face this Government, at least, in Parliament. They do not have concrete proposals to counter

the measures put forward by the Government and they prefer to walk away. Sorry! They preferred to run away rather than walk away from their parliamentary duties. *Voila ki appel galoper, sauver pour ne pas dire l'autre mot qui me vient en tête.*

(Interruptions)

It would be unparliamentary.

Mr Deputy Speaker, Sir, the Members on the other side of the House have developed the habit of using unparliamentary words disrespecting the ruling of the Chair and challenging the authority of the Speaker. The behaviour of the Members on the other side is seen to be more and more unbecoming towards this House. This is unacceptable and cannot be tolerated from hon. Members of the Opposition, most of whom are seasoned and experienced politicians. What example are they setting to the new Members from their side? I believe it should have been the other way and a motion of no confidence should have been against the Leader of the Opposition and his team.

Mr Deputy Speaker, Sir, at the sitting of 30 of June 2020, during the reply of the hon. Prime Minister to the PNQ, another incident in the House led to hon. Bérenger, leader of a party, a former Prime Minister, a former Leader of the Opposition and now a Member of the Parliament on the Opposition side being ordered out of the House for unparliamentary word '*lâche*' which he refused to withdraw at the request of the Speaker.

Here, I must remind the hon. Members of the Opposition that in 2014, the then Prime Minister and the then Leader of the Opposition had chosen to close the National Assembly for more than nine months as they were engaged in *koze kozer*...

(Interruptions)

Can you imagine that the National Assembly had been closed for such a long period during normal time...

The Deputy Speaker: Go to the debate! Go to the debate!

Mr Dhaliyah: and where there was no COVID, no pandemic and no curfew. On the other hand, this Government had ensured that sittings of the National Assembly were held in spite of COVID-19, the lockdown and the curfew. This is the point I am trying to make. Despite the sanitary curfew, we are having parliamentary sessions.

And here, we must all thank the Speaker for the special arrangements made for the Assembly to meet while respecting the social distancing in the wake of the pandemic. The

Members of the Opposition have always taken the Mauritians for granted. Anyway, we all know the outcome of their anti-patriotic actions when the electorates of this country sanctioned them during the General Elections of not only 2014, but 2019 as well. The results of the election clearly demonstrate the trust and faith the people of Mauritius have placed especially on our Prime Minister, hon. Pravind Kumar Jugnauth, to take this country to newer heights for further progress, prospects and prosperity.

Mr Deputy Speaker, Sir, during the Second Reading of Anti-Money Laundering and Combating the Financing of Terrorism (Miscellaneous Provisions) Bill 2020, hon. Mohamed gave an extensive definition of patriotism relating it to the practice where the Opposition has to agree to everything the Government says or does. Hon Mohamed and his group have their own definition of patriotism. They are the true patriots because they have been covering up their leader and his *coffre* with Rs220 m. in cash...

(Interruptions)

The Deputy Speaker: Don't go over there hon. Dhaliah. Be mindful of the time and...

Mr Dhaliah: Okay.

The Deputy Speaker: ...don't go outside the debate!

Mr Dhaliah: Thank you, Mr Deputy Speaker.

Mr Mohamed: On a point of order!

The Deputy Speaker: Wait, wait. Let us hear the point of order of hon. Mohamed.

Mr Mohamed: The point of order - let's be fair to him - he can't do otherwise he has to read what he has written, isn't it?

The Deputy Speaker: Thank you very much for being fair. Continue, continue. Continue and go to the point.

Mr Dhaliah: Mr Deputy Speaker, Sir, this is not the first Motion of no-confidence against the Speaker brought by the same Opposition in this House. The House will recall a similar Motion presented in this Assembly in April 2017 against the then Speaker, Mrs Maya Hanoomanjee...

(Interruptions)

The Deputy Speaker: Hon. Member, no crosstalking! Continue, continue !

(Interruptions)

Hon. Toussaint! Hon. Toussaint! Hon. Minister, I am addressing you.

(Interruptions)

Hon. Toussaint, I am addressing you. Please, respect the House. Please! Okay. Go to the debate and be mindful of the time, please.

Mr Dhaliah: Thank you. So, I was referring to: That the House will recall a similar motion presented in this Assembly in April 2017 against the then Speaker, Mrs Maya Hanoomanjee. While the motion was being debated three members of the MMM were expelled from the House for speaking without permission. Following that expulsion, the all Opposition walked out in sign of protest and the session resumed without any Members of the Opposition being present. Consequently, the Motion was dismissed.

But now do you know what the same Opposition is saying about the previous Speaker. They are claiming '*mille fois* Maya'. I am sure that this Opposition will after some time come forward to say not '*mille fois* Phokeer' but '*million fois* Phokeer'.

L'honorable Shakeel Mohamed oublie, comme les autres membres de l'opposition, qu'il y a des centaines de milliers de mauriciens qui suivent régulièrement les travaux parlementaires à la télévision, à travers les radios publiques et privées et sur les réseaux sociaux. Le langage, son langage comme celui de ses amis condamnés à vivre éternellement dans l'opposition suffisent pour que le public tire ses propres conclusions sur les motifs pour ne pas dire le *hidden agenda* de l'opposition de toujours tenter de malmener le Speaker. Et lorsque ce dernier, avec raison d'ailleurs, ramène de l'ordre dans la Chambre, l'honorable et ses amis brandissent l'argument : la démocratie est en danger. La liberté des membres de l'opposition est bafouée. Fallait-il que le *Speaker* reste tranquille, laisse les membres de l'opposition croire qu'ils sont dans une basse-cour ? Fallait-il que le *Speaker* laisse le bulldozer sans chenilles débiter ses insanités ou encore ses arguments qui ne tiennent plus la route ?

(Interruptions)

Fallait-il laisser celui qui a encore perdu son poste de Leader de l'opposition continuer avec ses insultes; les insultes reprises maintenant par le prochain Leader du MMM, la jeune maman de Vacoas qui ose traiter les membres du gouvernement de '*zako*'?

(Interruptions)

Est-ce que le *Speaker* doit être silencieux dans de telles circonstances ?

(Interruptions)

Ms J. Bérenger : Excuse me...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Order, please! Continue, hon. Member.

(Interruptions)

Order, please! Hon. Ms Joanna Bérenger, you want to make a point of order to me or to some of your colleagues.

(Interruptions)

Hon. Ms Joanna Bérenger, point of order to me?

Ms J. Bérenger: Oui.

The Deputy Speaker: Yes.

Ms J. Bérenger: J'aimerais savoir de qui l'honorable membre parle, s'il vous plaît ? Parce qu'il a cité la jeune députée maman de Vacoas, j'aimerais savoir de qui il parle.

The Deputy Speaker: One second, let me hear you. What is your point - they were making noise?

Ms J. Bérenger: J'aimerais savoir de qui l'honorable membre parle car il a cité la jeune députée maman de Vacoas. J'aurais aimé savoir de qui il parle sinon qu'il retire ses propos, s'il vous plaît?

The Deputy Speaker: Is this a point of clarification or a point of order?

Ms J. Bérenger: He is imputing motives. He should clarify...

The Deputy Speaker: Is he imputing motives to you?

Ms J. Bérenger: On a point of personal explanation!

(Interruptions)

The Deputy Speaker: Order! Order! Please, order!

Ms J. Bérenger: On a point of personal explanation!

The Deputy Speaker: Order please! Order please! I want to hear what hon. Ms Joanna Bérenger has to say.

Ms J. Bérenger: L'honorable membre a cité : « *La jeune maman de vacoas* » donc, j'aimerais savoir de qui il parle exactement, s'il vous plaît.

The Deputy Speaker: It is a point of clarification, you mean?

Ms J. Bérenger: Yes, it is a point of clarification.

The Deputy Speaker: Hon. Dhaliah, are you giving way?

Mr Dhaliah: No, I am not giving way.

The Deputy Speaker: Just for the benefit of the House, he has given way.

(Interruptions)

It started with a point of order, then, it went on a point of clarification. I am listening very carefully even if it is almost two in the morning.

Mr Dhaliah: I am not giving way, but...

The Deputy Speaker: Thank you very much, but for the benefit of the House, that Member you were referring to, is it Ms Joanna Bérenger?

Mr Dhaliah: Yes.

The Deputy Speaker: Thank you very much.

Mr Dhaliah: I think, not only me, all of us who were around in this House...

(Interruptions)

The Deputy Speaker: I will listen again; I will listen to as much.

An hon. Member: *Mo pas ene zako en tout cas moi hein.*

The Deputy Speaker: Order!

(Interruptions)

Order! Order!

(Interruptions)

Order! Order, a last time in the House!

(Interruptions)

Order! I will come to your point of order!

An hon. Member: *Pas rente ladan toi!*

The Deputy Speaker: Hon. Quirin! Apologise and I will go where and what I see. Withdraw these words and apologise for your behaviour.

Mr Quirin: Which word? Which word?

(Interruptions)

The Deputy Speaker: Hon. Quirin!

Mr Quirin: Which word you are talking about?

The Deputy Speaker: Apologise about the way you have been speaking!

Mr Quirin: Apologise for what?

The Deputy Speaker: Hon. Quirin, don't raise your voice!

Mr Quirin: I am telling you, you want me to apologise for which word?

The Deputy Speaker: For what you have just said.

Mr Quirin: What word?

The Deputy Speaker: I suspend the sitting for 10 minutes.

At 2.00 a.m. the sitting was suspended

On resuming at 2.07 a.m. with the Deputy Speaker in the Chair

The Deputy Speaker: Please, be seated!

Hon. Quirin, did you utter anything while you did not have the floor?

Mr Quirin: Sorry!

The Deputy Speaker: Did you utter anything, any word while you did not have the floor? Did you say anything while you did not have the floor? *Est-ce que vous avez prononcé*
...

Mr Quirin: No, not at all!

Mr Bérenger: You are asking him to withdraw. What is he supposed to withdraw?

The Deputy Speaker: One second, hon. Bérenger, you do not have the floor.

(Interruptions)

Hon. Quirin, as a gentleman, I give you the benefit of the doubt. I leave it to your conscience.

Please, continue!

Mr Dhaliah: Merci, M. le président, soyez rassuré ...

The Deputy Speaker: Wait! Yes, do you have a point of order?

Ms J. Bérenger: Yes, on a point of order. Since the hon. Member just mentioned my name and that I supposedly say the word ‘Zako’ he is imputing improper motives. I have never said that and I would like him to withdraw what he just said or to give evidence when and at what time I said this?

(Interruptions)

The Deputy Speaker: Order! Order! Order! Order!

(Interruptions)

Order please! Order please!

(Interruptions)

Order please! Order please!

The Deputy Speaker: Hon. Ms Joanna Bérenger, with all due respect, I was in the House. Thank you very much. Continue!

(Interruptions)

Mr Dhaliah: Merci, M. le président ...

The Deputy Speaker: One second! Do you have a second point of order, right now? I have already given my ruling; I was here in the House. Thank you very much. Please continue!

Mr Dhaliah: Merci.

The Deputy Speaker: Please continue!

Mr Dhaliah: M. le président, donc, je disais en dépit de tout ce que l’Opposition peut faire comme commentaires dans la Chambre, en essayant de *disrupt the proceedings* de l’Assemblée, ici, de ce côté de la Chambre, je dirai à la population que nous continuerons d’œuvrer pour le peuple, pour notre République. Nous poursuivrons nos efforts pour que

notre pays continue de progresser et que le *Speaker* se rassure, nous sommes de tout cœur avec lui.

Il a notre soutien indéfectible, je lui souhaite du courage pour continuer à faire son travail et cette motion n'a pas sa place dans cette Chambre. Je suis heureux d'avoir pu le dire à ma façon.

Mr Deputy Speaker, Sir, I wish to conclude by stating that in light of my foregoing submissions, I do not support this motion which should be rejected and sent outside this House. The unjust do not agree that they have done any injustice. In fact, the unjust present their injustice in the veil of their selfishness as if they had pulled off the biggest act of justice and this is what is happening in this House on the Opposition side.

Regardless of whether the MSM and its allies have been in Government or not, we have always respected the Speaker of this august Assembly and this is the example we are setting to the new and younger generations of politicians in this House and this is the least that we can ask Members on the other side of the House to do to earn the respect of the Mauritian population.

With these words, Mr Deputy Speaker, Sir, I reiterate our full confidence in the Speaker, hon. Sooroojdev Phokeer, and that the motion of the Leader of the Opposition be dismissed. Long live the Republic of Mauritius.

Thank you, Mr Deputy Speaker, Sir.

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

(2.12 a.m.)

Mr P. Assirvaden (Second Member for La Caverne & Phoenix): Merci, M. le président, il est 2h13 du matin, on est mercredi. J'ai écouté M. le président, avec attention, non pas le discours de l'honorable Dhaliah. J'ai l'impression que l'honorable Dhaliah a pris, pour les trois dernières semaines, toutes les pages du *Hansard* pour venir lire ici. C'est ce qu'il a fait, j'ai l'impression, M. le président.

Nous débattons, M. le président, une motion de *no confidence* qui est, à mon avis, quelque chose d'extrêmement importante, importante, grave. Et si aujourd'hui nous sommes dans cette Chambre, dans l'hémicycle, à débattre la motion du Leader de l'opposition, ce n'est pas de gaieté de cœur car, il faut bien le dire, non seulement nous avons eu ici l'Opposition mais l'île Maurice entière.

Nous avons été témoins d'un acharnement du *Speaker* à l'encontre des membres de l'opposition. C'est qu'il y a eu, M. le président, obstruction à notre travail parlementaire. Il y a eu obstruction à la parole des députés de l'opposition, la parole du député de l'opposition qui est une fonction du Parlement. C'est notre travail à nous de débattre, de poser des questions, de ne pas être d'accord, de questionner les ministres. C'est le travail propre à tout parlementaire, l'opposition et Gouvernement, mais ici nous avons eu un acharnement et l'obstruction à notre fonction de parlementaire. Voilà la raison pour laquelle le leader de l'opposition a dû, après sept ou huit mois après les dernières élections générales, présenter cette motion contre le *Speaker*.

Qu'est-ce que nous reprochons, M. le président, au *Speaker* ? Voyons d'abord la forme. Nous avons, en 2020, un *Speaker* qui ne parle pas, il hurle! Depuis 52 ans, j'ai connu deux *Speakers*. J'ai connu Kailash Purryag, j'ai connu Razack Peeroo, deux *Speakers* et vous bien sûr, M. le président. J'ai connu deux *Speakers*, Kailash Purryag ou Razack Peeroo qui parlaient très peu.

Ils parlaient avec le regard qui était un regard d'acier et l'opposition et le Gouvernement respectaient le *Speaker*. Le *Speaker* que nous avons il crie, il hurle, il menace, il s'est permis, je crois l'honorable Bérenger ou quelqu'un d'autre avait fait référence à cela. Je n'ai jamais vu un *Speaker* quitter son *Chair*. Le *Chair* qui est le symbole même de l'autorité d'un *Speaker*. Sans ce *Chair*, le *Speaker* est nu.

Il quitte son *Chair* menaçant les députés de l'opposition, heureusement, moi je suis un peu loin, menaçant les députés de l'opposition, quittant son *Chair* le doigt devant avec le poing. Du jamais vu, ça c'est la forme. L'honorable Armance faisait référence, lors du discours de l'honorable Xavier-Luc Duval.

J'étais en train de lire un document, l'honorable Duval faisait son discours. En levant la tête, le *Speaker* était déjà dans son bureau. Il avait quitté son *Chair*. Je n'ai même pas entendu, j'ai demandé au Clerc qu'est-ce qui s'est passé. Le *Speaker* a suspendu la séance. Il est parti, pourquoi? Parce que l'hon. Duval ne tenait pas son masque comme il le fallait. Il a quitté son *Chair*, quitté l'hémicycle pour vous dire et le même jour, l'honorable Collendavelloo a fait son discours de 90 minutes sans son masque. Le *Speaker* n'a rien vu, le *Speaker* n'avait pas remarqué que l'honorable Collendavelloo n'avait pas son masque.

En regardant la télé ou en lisant les journaux, nous avons remarqué que, effectivement, l'honorable Collendavelloo avait fait son discours sans masque, et le *Speaker* a

interrompu l'honorable Duval, parce que son masque n'était pas à sa place. Pour vous dire, M. le président, ça c'est la forme. Je ne vais pas parler pendant des heures, il est déjà 2h20, pour vous dire c'est la forme. Il y a aussi le fond.

Le fond du problème de ce que nous présentons aujourd'hui. J'ai entendu le fond du problème, ministre Ganoo dans son discours, parlait des visées sinistres de l'opposition. De dire que nous contestons le *Speaker*, que nous critiquons le *Speaker*, qu'on se tenait mal, c'est un peu normal. Mais je pense que le fond du problème, Ganoo a la mémoire courte. Le 17 juillet 2018, le fond du problème, Ganoo était de ce côté-ci, ici. Il était expulsé par Madame Maya Hanoomanjee; oui, expulsé l'honorable Ganoo. Et qu'est-ce que M. Ganoo avait dit ce jour-là?

'10 fois monn leve mo lamain li pan trouve moi ditou.'

L'honorable Ganoo, et ici...

(Interruptions)

Non, non ! Après, après!

Vous aurez l'occasion d'expliquer après, parce que j'ai beaucoup de choses sur vous ; après, à la fin.

The Deputy Speaker: Hon. Assirvaden! Talk to me!

Mr Assirvaden: Yes, yes.

The Deputy Speaker: You are doing well! Continue!

Mr Assirvaden: Oui, ça va. Il disait, c'était *unfair*. Unfair!

The Deputy Speaker: Keep to this debate!

(Interruptions)

Mr Assirvaden: *Taler l'ampoul pou éclate laba la!*

The Deputy Speaker: Hon. Assirvaden, you are doing very well! Keep to this debate.

Mr Assirvaden: Il faudra le tenir en laisse.

The Deputy Speaker: Please! Hon. Members from there, please, don't disturb!

Mr Assirvaden: Il faudra le tenir en laisse.

The Deputy Speaker: Continue! Continue about this discussion.

Mr Assirvaden: Pour vous dire, l'honorable Ganoo avait refusé de quitter l'hémicycle ce jour-là. Refusé, alors qu'il était expulsé, et on nous reprochait, on reprochait au Leader de l'opposition qui refusait de quitter l'hémicycle. Ceci dit, l'histoire a voulu que c'est l'honorable Collendavelloo qui avait présenté une motion *without notice* pour le suspendre des travaux parlementaires ce jour-là. Pour vous dire, il a la mémoire courte et l'honorable Ganoo avait demandé, je cite, au Premier ministre Pravind Jugnauth de remplacer Maya Hanoomanjee, afin d'avoir la sérénité dans le Parlement. C'était en juillet 2018, vous avez la mémoire M. Ganoo. Et M. Ganoo insistait; en 2018 le Speaker, et je cite...

The Deputy Speaker: Hon Assirvaden, come to the motion of no confidence!

(Interruptions)

Come to the point! Then you can explain the problem. I am not going to...

Mr Assirvaden: M. le président, je rafraîchis la mémoire de M. Ganoo de ce qu'il a dit. L'honorable Ganoo a bien dit en 2018, apparemment, au *Speaker* d'alors, le *Speaker* ne peut pas supporter les contradictions. Il affirme que Maya Hanoomanjee cite les *Standing Orders* basique uniquement pour épater la galerie. Ça quand il était ici, et il continue...

Mrs Diolle: On a point of order!

The Deputy Speaker: One second.

Mr Assirvaden: Yes.

The Deputy Speaker: Hon. Mrs Diolle has a point of order. I'll hear all the points of order.

Mr Assirvaden: Non, mais on peut...

The Deputy Speaker: I'll hear all the points of order.

(Interruptions)

Come on!

Mr Ganoo: But, Mr Deputy Speaker, Sir, I have a point of order!

(Interruptions)

Mrs Diolle: Mr Deputy Speaker, Sir...

The Deputy Speaker: One second! Hon. Minister, hon. Mrs Diolle has a point of order first. She caught my eyes first.

(Interruptions)

Hon. Mrs Diolle, please!

Mrs Diolle: Under Section 47 of the Standing Orders, it seems that the debate is about the Speaker, Mr Phokeer and...

(Interruptions)

The Deputy Speaker: Let me hear it!

Mrs Diolle: ...the motion of blame is about the Speaker called Phokeer and it seems that hon. Assirvaden is talking about the previous Speaker and arguments from a previous debate, but I fail to understand the relevancy to the current Speaker.

The Deputy Speaker: Hon. Mrs Diolle, I got your point. This is what I drew the attention of hon. Assirvaden to.

Mr Ganoo: The same point...

The Deputy Speaker: Yes, and you have the same point. This is what I drew your attention to earlier on.

(Interruptions)

One second! Let me talk!

(Interruptions)

Mr Assirvaden: M. le président...

The Deputy Speaker: Let me talk!

(Interruptions)

Mr Assirvaden: Yes, of course.

The Deputy Speaker: Hon. Assirvaden, make the point and then you develop around it, no problem.

Mr Assirvaden: Yes, I am only rebutting what hon. Ganoo said earlier.

Mr Ganoo: This motion of no confidence is against Mr Speaker, not against me.

Mr Assirvaden: Yes. I am rebutting what you said, of course.

The Deputy Speaker: Order!

Mr Assirvaden: Mr Ganoo said ...

The Deputy Speaker: One second! One second! I know it is past two in the morning. I have already made it clear to hon. Assirvaden, hon. Ganoo, that make the point and then you develop around it.

Develop with whatever facts or elements that you have required. But make the point first about the 'Speaker bias impartiality' then you develop around it. I am going to give you ample...

Mr Assirvaden: I stand guided, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. I appreciate.

Mr Assirvaden: Je disais simplement ce que l'honorable Ganoo disait, que ...

(Interruptions)

Oui, oui.

Maya Hanoomanjee se comportait comme un amateur de recherche de la grandeur face au peuple.

The Deputy Speaker: No, let me stop you here!

(Interruptions)

Please, order! Let me stop you here! Make the point and then develop it.

Mr Assirvaden: I am making the point.

The Deputy Speaker: The point should be about the Speaker, then you develop further down with regard to whatever other Member.

(Interruptions)

Please!

Mr Assirvaden: Mr Deputy Speaker, M. Ganoo voulait nous montrer le standard d'un *Speaker* alors que, lui-même, deux ans de cela, il critiquait le standard de l'ancien *Speaker*. C'est ce que je disais.

The Deputy Speaker: *Vous avez très bien compris, honorable Membre! C'est ça que je veux dire.* I need you to debate about the present Speaker, not about the past Speaker. Please, go on!

Mr Assirvaden: M. le président, je peux comprendre.

The Deputy Speaker: You are doing very well in developing your arguments. I am going to hear! Come on!

Mr Assirvaden: Venons sur le fond. Laissons M. Ganoo à ses rêveries! M. le président, sur le fond, et Madame Hanoomanjee avait dit qu'il avait un problème psychologique.

(Interruptions)

Elle avait dit, il a un problème psychologique.

(Interruptions)

The Deputy Speaker: One second! One second! Hon. Assirvaden...

Mr Assirvaden: M. le president, venons-en...

(Interruptions)

The Deputy Speaker: Order! Order! Hon. Assirvaden...

(Interruptions)

No, right now after you said that, I really want you to draw my attention on which date that was said.

Mr Assirvaden: Le 17 juillet 2018, l'ancien *Speaker*, Madame Hanoomanjee avait tenu des propos, vous me permettez de citer les propos, certainement.

(Interruptions)

The Deputy Speaker: Wait! Wait!

Mr Assirvaden: I repeat it.

The Deputy Speaker: Wait! Wait! Wait!

Mr Ganoo: On a point of order!

The Deputy Speaker: Wait! I have asked you, you have answered. Very good, I appreciate. Hon. Ganoo, you have a point of order?

Mr Ganoo: Yes. Where was that cited? In what situation? Was it in the House?

Mr Assirvaden: Let me answer.

The Deputy Speaker: Yes, yes, let him!

Mr Ganoo: I challenge you, this was not said in the House.

Mr Assirvaden: Oh!

Mr Ganoo: I challenge you!

The Deputy Speaker: Hon. Ganoo, please!

Mr Assirvaden: Je peux? Je peux?

(Interruptions)

Deputy Speaker: I know. So, I am letting the hon. Member to continue. Continue!

Mr Assirvaden: Vous voulez que je dise ou je passe dessus ?

The Deputy Speaker: You don't have to read it! Go to the point! Go to the point!

Mr Assirvaden: Okay!

Mr Ganoo: Where was it said?

Mr Assirvaden: Ça été dit par Madame Hanoomanjee, y avait dit je crois que Alan Ganoo à un problème psychologique, dans le *Week-End* ...

(Interruptions)

Pas dans cette Chambre, non, mais dans un journal. Voilà!

Mr Ganoo: On a point of order! The hon. Member cannot cite from a statement which was made in the Press, Mr Deputy Speaker.

The Deputy Speaker: Hon. Member, you are a gentleman, you withdraw it.

(Interruptions)

Hon. Member, you are a gentleman, you withdraw it.

Mr Assirvaden: Venons-en sur le fond - non, elle avait dit ça, il a un problème. Ce n'est pas moi qui le dis.

(Interruptions)

Ce n'est pas moi qui le dis, non ! Demandez au Dr. Jagutpal, pas à moi !

(Interruptions)

The Deputy Speaker: Order!

Mr Assirvaden: M. le président, sur le fond...

The Deputy Speaker: Sur le fond, s'il vous plaît !

Mr Assirvaden: Sur le fond, M. le président, le Speaker de l'Assemblée nationale, le pourquoi de cette motion du leader de l'opposition. Le 9 juin 2020, l'honorable Bérenger a fait référence à cela. Pour la première fois dans l'histoire parlementaire mauricienne, le Speaker de l'Assemblée nationale refuse la *PNQ* du Leader de l'Opposition sans donner aucune raison valable ; il agit comme un *goalkeeper* pour le gouvernement. Alors que la *PNQ*...

(Interruptions)

Mais laissez-moi développer ce que j'ai à dire.

The Deputy Speaker: Allez-y, je vous écoute.

Mr Assirvaden: Alors que le Leader de l'Opposition avait des renseignements spécifiques sur le budget, pour l'intérêt public, pour l'intérêt de la population, il a demandé au ministre des Finances, mais le Speaker refuse sans donner de raison valable, pour dire...

(Interruptions)

Ce n'est pas fini, M. le président, malheureusement. Le 16 juin 2020, alors que l'honorable *ex-Deputy Prime Minister* faisait son discours, au sein de l'Opposition, on considérait qu'il n'avait pas le droit moral de rester comme ministre, et ce jour-là, M. le président, symboliquement, les membres de l'Opposition avaient mis un masque noir...

(Interruptions)

Ce jour-là - je vais parler des pancartes, ne vous tracassez pas. Attendez !

The Deputy Speaker: Hon. Nuckcheddy, please maintain some order and decorum in the House.

Mr Nuckcheddy: I am maintaining order, Mr Deputy Speaker.

The Deputy Speaker: Yes. So, don't talk when another Member is talking.

(Interruptions)

No, no! You don't follow them! Go on, please, hon. Assirvaden.

Mr Assirvaden: On portait des masques symboliquement ce jour-là, M. le président, pour démontrer dans cette Chambre qu'on considérait que l'honorable Collendavelloo n'avait

pas le droit moral, après tout ce qui a été dit, de rester comme ministre. Et le jour où il allait parler, on est sorti en tenant des feuilles de papiers A4, pas des pancartes, des papiers A4 pour vous dire qu'on demandait la démission du ministre Collendavelloo.

Ce jour-là, le Speaker - alors qu'il n'y a pas mal de *walk out*. Quand des membres de l'hémicycle parlent, pas mal de parlementaires décident de ne pas écouter au discours et décident de sortir - certains se sauvent en disant des mots dans le couloir comme l'honorable Dhunoo, comme j'ai entendu un peu plus tôt. C'est pour vous dire, M. le président...

(Interruptions)

Oui, il avait dit. Je l'ai vu ! Je l'ai vu ! Voilà, c'est lui !

(Interruptions)

The Deputy Speaker: Hon. Member! Hon. Member!

(Interruptions)

Mr Assirvaden: C'est lui ! C'est lui ! C'est lui-même!

(Interruptions)

Je l'ai vu ! Je l'ai vu !

The Deputy Speaker: Hon Dhunoo, please!

(Interruptions)

Mr Assirvaden: En plus, il s'est sauvé !

(Interruptions)

An hon. Member : *To croire mo per pou dir mwa !*

Mr Assirvaden: Il s'est sauvé ! Tu as peur!

The Deputy Speaker: Hon...

Mr Assirvaden: Tu as peur de Bhagwan toi !

Mr Abbas Mamode: Mr Speaker, on a point of order!

(Interruptions)

An hon. Member: *Moi mo peur Bhagwan?*

(Interruptions)

The Deputy Speaker: Wait! Are all of you going to talk at the same time? Order, please! Yes? One second! I'll come to you.

Hon. Dhunoo, it's not proper to be crosstalking, saying whatever you said from a sitting position when I haven't given you the floor. So, please refrain from doing it again. Good? Now,...

(Interruptions)

One second! There is a Member behind you who wants to take a point of order. I will listen to him.

Mr Armance: On a point of order! From a sitting position hon. Dhunoo uttered the mot 'couillon'. He has to withdraw that.

(Interruptions)

The Deputy Speaker: Hon. Armance, I know how to do my job. You don't have any doubt? Okay! So, what I just said is, whatever he said - if you didn't listen to me and you weren't minded to pay attention to what I was saying while I was talking - I said, I didn't hear what he said, but, whatever he was saying, I asked him to refrain from doing it. I'm sure that's already been clear. So, I have already given my ruling on that.

Continue, hon. Assirvaden! Continue !

Mr Assirvaden: M. le président, ce jour-là, quand on demandait au *Deputy Prime Minister* de démissionner, le *Speaker*, après qu'on ait quitté la Chambre, il nous avait expulsés pour toute la journée, nous privant ce jour-là de tout exercice du *Committee of Supply*. Le *Committee of Supply*, un exercice pour tous les parlementaires se permettant de questionner les ministres !

The Deputy Speaker: One second! What I want to be clear, are you contesting the fact that Mr Speaker is allowed to order all the Members out? No?

Mr Assirvaden: No, I am giving examples...

(Interruptions)

The Deputy Speaker: Let him talk; I am talking to him. Now, the point you are trying to make is: by so doing, Mr Speaker was of bad faith? He was of bath faith, so, prove the bad faith.

Mr Assirvaden: M. le président, il a été *bais*, il a été *unfair* vis-à-vis de l'Opposition ce jour-là.

The Deputy Speaker: Yes, prove it. Prove it!

Mr Assirvaden: *Comment?*

(Interruptions)

The Deputy Speaker: Prove it! Show! Yes, cogent evidence.

Mr Assirvaden: Sorry!

The Deputy Speaker: Cogent evidence. Continue ! Give evidence.

(Interruptions)

Mr Assirvaden: M. le président, ce jour-là, il nous privait de nos droits de députés élus de poser des questions aux ministres. Et le *Committee of Supply*, ce jour-là, avait pris fin en 17 minutes. Du jamais vu dans cet hémicycle ! Cela avec la bénédiction, je dirais, du *Speaker*. 17 minutes ! Alors qu'il savait que c'était le rôle de l'opposition ce jour-là de questionner les ministres. Ceci dit, M. le président, il n'y a pas que ça. Le 23 juin 2020 ! Vous qui demandez les dates, je vous les donne, M. le président.

Le 23 juin 2020, le *Speaker* est *in the Chair*, le ministre Hurreeram quitte sa place, il se met au milieu de l'hémicycle, en direct à la télé, il menace le député Shakeel Mohamed. Il tient des propos dégradants à l'encontre de Shakeel Mohamed qui est dans l'hémicycle, et à l'encontre de ses parents.

Le *Speaker* est là, il n'entend rien, il ne voit rien. Ce jour-là, je me suis posé la question : est-ce que le *Speaker* n'a pas un problème du côté gauche? Parce que, ce jour-là, tout le monde a vu, tout le monde a entendu. Seul le *Speaker* n'avait rien vu ni entendu, M. le président. Il a fallu les protestations des membres de l'Opposition pour que l'honorable Hurreeram présente ses excuses après.

Le 30 juin 2020, le Premier ministre, ici, dans cet hémicycle, attaque lâchement, en citant un rapport, l'honorable Béranger ! L'honorable Béranger réplique par le mot 'lâche' ; il est expulsé.

Vous dites que ce *Speaker*, c'est un *Speaker* qui commande *the respect* et qui est impartial ! On se pose la question. Il laisse le Premier ministre parler à sa guise et ce n'est pas fini, le même jour, le Premier ministre fait son discours, il traite les membres de

l'Opposition de *coward* et le *Speaker* le permet de continuer. Il arrête l'honorable Shakeel Mohamed pour lui dire laisser le Premier ministre parler, il a le droit de parler. C'est comme si le *Speaker*, ces mots-là le rend - enfin je ne sais pas, pour vous dire.

Donc ceci, M. le président, amène à cette motion pour que le *Speaker* arrive à se ressaisir, à ce qu'il fait amende honorable. Il a encore le temps, c'est 8 mois-9 mois, on peut comprendre. Lorsque l'honorable Shakeel Mohamed cite des extraits d'une correspondance en mail, qu'il a eu avec la Banque Africaine de Développement, le *Speaker* le somme tout de suite de déposer les documents ce jour-là. Ce qu'il fait quelques minutes après. Le *Speaker* décide de rejeter les documents dont l'honorable Shakeel Mohamed faisait référence. Et ce jour-là, l'honorable Shakeel Mohamed a dû quitter sa place pour aller récupérer ses documents là où vous êtes, M. le président, parce que le président refusait de rendre ces documents-là, pour vous dire.

Et le même jour, le Premier ministre est assis à sa place, il cite de larges extraits d'un rapport supposément confidentiel, il cite certaines phrases ou des mots, ce qu'il veut citer, le *Speaker* lui demande de déposer une copie de rapport comme il avait demandé à l'honorable Shakeel Mohamed. Le Premier ministre dit : je ne vais pas déposer de rapport et le *Speaker* lui dit, continuer votre discours. Est-ce que cela est permissible, M. le président? Est-ce que cela donne la crédibilité à ce *Speaker* par rapport au gouvernement et l'Opposition, M. le président?

M. le président, quelqu'un avait écrit et je terminerai dessus. Quelqu'un avait écrit –

« *One of the most important qualities of a Speaker is impartiality. Once elected (...).* »

Écoutez-ça, M. le président.

« *Once elected to the Chair, he owes his loyalty to the dignity of the Parliament.* »

J'espère et je souhaite de tout cœur que le *Speaker* se ressaisisse.

Merci, M. le président.

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

(02.40 a.m.)

Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil): Thank you, Mr Deputy Speaker, Sir. I listened to the mover of this Motion, the hon. Leader of the Opposition, with great attention and heard lots of irrelevant matters and issues. I won't be long. I am going to abide by the contours of the debate and I am happy that while I am intervening on this Motion, the mover of the Motion is here present because he was not here, when some of my colleagues, hon. Members intervened and they did not get that privilege to debate in front of the mover of this Motion.

Mr Deputy Speaker, Sir, I would like to start with saying that this is my first mandate in this House but I have always shown interest in the debates of the House, especially since it is broadcasted live on TV. And it seems to me that the Members on the other side of the House now seize the opportunity given to them by our Prime Minister, hon. Pravind Kumar Jugnauth, to do their show and think that this will permit them to gain some votes. I let them dwell in their dreams.

It seems to me, Mr Deputy Speaker, Sir, that the hon. Members of the Opposition are getting used to waste the time of this august Assembly. It seems that moving Motion of no confidence on the Speaker is becoming their norm. They praise today what they cursed yesterday.

Mr Deputy Speaker, Sir, some of my hon. friends raised that point and you may recall as well that on 04 April 2017, a similar motion was moved by hon. Shakeel Mohamed against the then Speaker. What was not said by the mover in his cinema of 2 hours where again irrelevant points were raised! The point that I want to make today, Mr Deputy Speaker, Sir, is that the same hon. Members who now follow the Leader of MMM whenever he is ordered out for his provocative and unparliamentary gestures, they all now chant '*mille fois Maya*'.

Mr Deputy Speaker, Sir, ever since I learnt that the hon. Leader of the Opposition was coming with a motion of no confidence on the Speaker, I kept wondering where has the Speaker failed in the discharge of his duties. Has he failed, Mr Deputy Speaker, Sir, when he did not take to task - and I insist on that, did he fail when he did not take to task hon. Bérenger - hon. Bérenger *tifi*, not the *papa* - for calling Members on this side of the House '*zako*'?

(Interruptions)

Mr Deputy Speaker, Sir, we all know 'zako' means monkey.

The Deputy Speaker: Hon. Member, it is repetition, you have already made the point of 'zako', move on, yes.

Mr Nuckcheddy: But mention was made for all the Members on this side, okay. And if we go back in colonial times, in that period slaves and black people were called monkeys.

(Interruptions)

That was said!

(Interruptions)

That was said!

(Interruptions)

The Deputy Speaker: Hon. Uteem!

(Interruptions)

Hon. Uteem!

(Interruptions)

Hon. Uteem! Hon. Quirin!

(Interruptions)

Mr Quirin: You are tolerating...

The Deputy Speaker: One second! Hon. Quirin, you are trying to tell me how to do my job, you apologise now! You apologise now, straight away!

Mr Quirin: Don't shout with me, please.

The Deputy Speaker: You apologise straight away!

(Interruptions)

Order!

Mr Quirin: I apologise, but you don't shout.

Dr. Padayachy: *To pas menacer !*

Mr Quirin: *Toi, res trankil toi !*

Dr. Padayachy: *To menace moi?*

(Interruptions)

The Deputy Speaker: Hon. Dr. Padayachy! Hon. Dr. Padayachy! I suspend!

At 2.45 a.m. the sitting was suspended.

On resuming at 2.57 a.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Please, be seated. Hon. Nuckcheddy, continue!

Mr Nuckcheddy: Thank you, Mr Deputy Speaker, Sir. I just want to end up on this issue of ‘zako’. The animalisation of human being remains a malicious form of humiliation to humanity. Mr Deputy Speaker, Sir, if you really want to understand what insult it means to call a human being a ‘zako’, there is a very famous Bollywood movie called PK...

(Interruptions)

I recommend this movie to you.

(Interruptions)

Moreover, Mr Deputy Speaker, Sir, the same people go outside and pretend to be the victims. They hide behind a few media groups and show award-winning acting to try to gain sympathy of the population. If they want to use the media, let me remind them that a section of the press has been trying hard since the seventies to push the leader of the MMM as the Prime Minister. In the seventies, one press even came with several photos of the leader of MMM but this did not help him.

(Interruptions)

This did not help him to become the Prime Minister. The leader of MMM did become Prime Minister of this country.

(Interruptions)

The Deputy Speaker: Stick to the debate, please!

Mr Nuckcheddy: Yes, but I am just setting the scene, okay. The leader of the MMM did accede to the post of the Prime Minister thanks to Sir Anerood Jugnauth and the MSM. And the question that I pose myself, Mr Deputy Speaker, Sir, is: has the Speaker failed when

hon. Bhagwan used to call myself and my other hon. Members on this side of the House *chokra*. Is it just because we are from rural areas?

(Interruptions)

Hon. Bhagwan! Hon. Bhagwan seems to have perpetuated himself in the colonial times.

(Interruptions)

The Deputy Speaker: Order please! Order please!

Mr Nuckcheddy: These hon. Members from the other side of the House...

(Interruptions)

The Deputy Speaker: Hon...

(Interruptions)

Hon. Members, please maintain some order! Maintain some order. I'll come to you.

Mr Bhagwan: *To tire mwa laba ek...*

The Deputy Speaker: Hon. Bhagwan! Yes.

Mr Assirvaden: M. le président, sous votre *speakership*, l'honorable membre tient des propos qui est un danger pour l'unité nationale.

(Interruptions)

C'est un danger pour l'unité nationale. Il ne faut pas le permettre. On est arrivé en 2020. Un élu du peuple tient des propos aussi racistes, inacceptables...

(Interruptions)

An hon. Member: *La honte lor twa!*

(Interruptions)

The Deputy Speaker: One second. Hon. Member, please stick to the debate.

Mr Nuckcheddy: I will stick to the debate...

The Deputy Speaker: I don't need...

(Interruptions)

Just go to the debate conclude. You were about to conclude, you have been doing brilliantly.

Mr Nuckcheddy: Okay, thank you, Mr Deputy Speaker, Sir. Those hon. Members from the other side of the House who are supporting this motion shall question their own behaviour. How many a time have we not heard from the other side of the House phrases like ‘*sorte dehor*’? Has the Speaker failed...

(Interruptions)

...when he allows the Opposition to use the time of the House to appeal to the public to come on the road and when a few, very few people, did oblige to their call, they ran away themselves.

And Mr Deputy Speaker, Sir, when the Speaker enters the House and when we see the hon. Members on the other side of the House maintaining the sitting position is a disrespect to this House. In fact, a motion of no confidence shall be moved against this irresponsible and shameful Opposition. I have heard Members on the other side of the House on a few occasions calling the Speaker to follow the example of House of Commons. Mr Deputy Speaker, Sir, they must, first of all, practice what they preach, as in the House of Commons, it is a common practice that, even the most senior MPs are expected to stop what they are doing and bow as the Speaker goes by.

Mr Deputy Speaker, Sir, who does not remember the word *malelver* uttered by hon. Members on the other side of the House on the 05 of May 2020 towards the Speaker and who refused to withdraw the word, and then had to be ordered out and was followed by all the Opposition.

Mr Deputy Speaker, Sir, on several occasions and even today, point of orders were raised and the Speaker was questioned on his actions and every time the Speaker substantiated his action and proved that he is acting upon the powers conferred to him by the Standing Orders and the Constitution of our country.

Mr Deputy Speaker, Sir, since this session of the Parliament has started, the only time I felt that the decorum and dignity of this House is maintained is when the Members of the Opposition are not present in this House.

Mr Deputy Speaker, Sir, I will conclude and, as conclusion, I would say that the Speaker has always been fair and impartial in this House. He honours the Chair in which he is sitting and now thanks to our Prime Minister hon. Pravind Kumar Jugnauth, with the live broadcasting, the whole world follow the debate of this House and they all can see his impartiality, and only a few people with bad faith will deny this fact.

So, before I end, Mr Deputy Speaker, Sir, I request that this motion shall not be allowed in this House and I am sure that my friends on this side are not going to vote for it as this motion is just an attempt to mislead the population and the mover has political motive underhand.

On this note, I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you. Hon. Mrs Luchmun Roy!

Mrs Luchmun Roy: Thank you, Mr Deputy Speaker, Sir, It's already 3 a.m. in the morning and I move that the debates be now adjourned. Thank you.

Mr Ganoo seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly be adjourned to Tuesday 21 July 2020, at 11.30 a.m.

Mr Ganoo seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

At 3.05 a.m., the Assembly was, on its rising, adjourned to Tuesday 21 July 2020 at 11.30 a.m.