



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 21 MAY 2024

CONTENTS**PAPERS LAID****QUESTIONS (*Oral*)****MOTIONS****ANNOUNCEMENTS****BILLS (*Public*)****ADJOURNMENT****QUESTIONS (*Written*)**

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, GCSK | Minister of Land Transport and Light Rail |
| Dr. the Hon. Renganaden Padayachy | Minister of Finance, Economic Planning and Development |
| Hon. Georges Pierre Lesjongard | Minister of Energy and Public Utilities |
| Hon. Mrs Fazila Jeewa-Daureeawoo, GCSK | Minister of Social Integration, Social Security and National Solidarity |
| Hon. Soomilduth Bholah | Minister of Financial Services and Good Governance |
| Hon. Kavydass Ramano | Minister of Environment, Solid Waste Management and Climate Change |
| Hon. Mahen Kumar Seeruttun | Minister of Agro-Industry and Food Security |
| Hon. Maneesh Gobin | Attorney General, Minister of Foreign Affairs, Regional Integration and International Trade |

| | |
|---|--|
| 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 |
| Dr. the Hon. Mrs Marie Christiane Dorine Chukowry | Minister of Commerce and Consumer Protection |
| Dr. the Hon. Anjiv Ramdhany | Minister of Public Service, Administrative and Institutional Reforms |
| Hon. Ms Naveena Ramyad | Minister of Industrial Development, SMEs and Cooperatives |

PRINCIPAL OFFICERS AND OFFICIALS

| | |
|---|-------------------------------------|
| Mr Speaker | Hon. Sooroojdev Phokeer, GCSK, GOSK |
| Deputy Speaker | Hon. Mohammad Zahid Nazurally |
| Deputy Chairperson of Committees | Hon. Ashley Ittoo |
| Clerk of the National Assembly | Ramchurn, Ms Urmeelah Devi |
| Adviser | Dowlutta, Mr Ram Ranjit, CSK |
| Clerk Assistant | Gopall, Mr Navin |
| Clerk Assistant | Seetul, Ms Darshinee |
| Clerk Assistant | Naika-Cahanee, Mrs Prishnee |
| Adviser, Hansard | Allet, Mrs Marie-Hélène Caroline |
| Assistant Hansard Editor | Hurdoss, Miss Doushika |
| Parliamentary Librarian and Information Officer | Jeewoonarain, Ms Prittydevi |
| Acting Serjeant-at-Arms | Seegobin, Mr Somduth |

MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 07 of 2024

Sitting of Tuesday 21 May 2024

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. Prime Minister's Office

Ministry of Defence, Home Affairs and External Communications

Ministry for Rodrigues, Outer Islands and Territorial Integrity

- (a) Certificate of Urgency in respect of the Supplementary Appropriation (2023 – 2024) Bill (No. III of 2024). (In Original)
- (b) The Annual Report and Report of the Director of Audit on the Financial Statements of the Media Trust for the year ended 30 June 2023.
- (c) The Audited Financial Statements of the Independent Broadcasting Authority for the year ended 30 June 2023.

B. Ministry of Finance, Economic Planning and Development

- (a) The Financial Statements and Report of the Director of Audit on the Financial Statements of the COVID-19 Solidarity Fund for the year ended 30 June 2023.
- (b) Estimates of Supplementary Expenditure (2023-2024) of 2024.

C. Ministry of Health and Wellness

The Optical Council (Registration of Opticians) Regulations 2024. (Government Notice No. 88 of 2024)

ORAL ANSWERS TO QUESTIONS

PHARMACEUTICAL PRODUCTS – PRICE INCREASE – PROPOSED MEASURES

The Leader of the Opposition (Mr S. Mohamed) (*by Private Notice*) asked the Minister of Commerce and Consumer Protection whether, in regard to the increase in the price of pharmaceutical products, notwithstanding the coming into operation on 12 May 2023 of the Consumer Protection (Pharmaceutical Products) (Maximum Mark-Up) Regulations 2023, published under Government Notice No. 49 of 2023, she will state if Government proposes to introduce additional urgent measures to alleviate the burden of consumers.

Dr. Mrs Chukowry: Mr Speaker, Sir, the health of the population is high on the agenda of this Government.

Let me remind the House that the budget allocated for the pharmaceutical products is not less than Rs1.5 billion.

A patient may choose to either be treated free of charge in Government hospitals or in private. Hence, essentially, the consumers will be affected by prices on the market if they choose to go to the private medical practitioners. I am informed that approximately 75% of the population attend public health institutions and the remaining 25% have recourse to services in the private sector.

Mr Speaker, Sir, at source, pharmaceutical products are affected by the availability of active pharmaceutical ingredients, the cost of production and pricing strategies of manufacturers. I am informed by the Ministry of Health and Wellness that since the COVID-19 pandemic, there has been a constant shortage of active ingredients for the manufacture of medicines at the international level. This shortage directly impacts on the final price of medicines.

The prices are also affected by –

- longer shipping routes for sea-freight consignments;
- the demand emanating from certain countries prepared to pay higher prices than Mauritius.

It is to be noted that retail prices of pharmaceutical products are impacted by three most significant components: the percentage mark-up, the import cost such as freight and insurance, and supplier prices.

The purpose of the mark-up system is to help importers/wholesalers and retailers to cover costs such as administration, distribution, storage, transport also includes an element of profit, while proposing a fair price to consumers. The import cost of the pharmaceutical products includes the cost, freight and insurance.

In May 2023, the Regressive Maximum Mark-Up mechanism was implemented with the objective to ensure that the retail prices of pharmaceutical products are more affordable to consumers. If the pharmaceutical product is a categorised product as per the established classes, then the product is segregated into the appropriate band value and the corresponding maximum mark-up applies.

This new mechanism replaced the previous one of 1977, wherein a special allowance of 2% for landed costs and a mark-up of 35% was applied on all pharmaceutical products.

Mr Speaker, Sir, the new mark-up mechanism applies a gradual reduced mark-up along with an increasing imported cost of pharmaceutical products such as those medicines which are more costly carries a lower maximum mark-up. Regressive maximum mark-up on eight classes of pharmaceutical products, namely Anticancer, Antidiabetic, Antihypertensive, Cardiovascular, Inhalers, Biologicals, Vaccines, and Antacids.

The new mechanism categorises medicines based on their price brackets with a corresponding mark-up percentage.

Medicines priced at Rs500 or less constitute 67% of the total of medicines imported are given a maximum mark-up of 35%. Those priced between Rs500 and Rs5,000, which account for 27% of imports, have a maximum mark-up of 32%. Medicines falling in the Rs5,000 to Rs15,000 range and which make up 3% of imports have a maximum mark-up of 29%. Finally, medicines priced above Rs15,000, and representing 3% of the total imports, have a mark-up of 26%.

The remaining three classes of medicines (Analgesic, Anthelmintic and Anti-fungal) of pharmaceutical products have a fixed percentage mark-up of 30% and account for approximately 21% of all pharmaceutical products.

Mr Speaker, Sir, I am informed that following the introduction of the new mark-up mechanism last year, my Ministry conducted an analysis of its impact over a period of one year as compared to evolution of price under the previous mark-up mechanism.

The analysis has been carried out on 8,300 medicines across the classified medicines and non-classified medicines. The classified medicines comprise of eight classes: Anticancer, Antidiabetic, Antihypertensive, Cardiovascular, Inhaler, Biological, Vaccine and Antacid. The non-classified medicines comprise of Analgesic, Anthelmintic and Anti-Fungal medicines.

From the analysis conducted, it has been observed that the new mark-up mechanism had an immediate effective impact on the overall classes of classified medicines with a general fall of 4.6% in the retail prices of medicines which is due to reduced mark-up percentages, an average fall of 1.2% in the international prices of medicines and an average fall of 2.4% in the import cost of medicines under those classes. Six classes of medicines have been effectively impacted, namely Antihypertensive, Cardiovascular, Antidiabetic, Anticancer, Inhaler, and Biological.

The details of the analysis are as follows –

For Antihypertensive medicines which are the most consumed medicines and account for 30.4% of the import of medicines, despite an increase of 1.5% in the international prices of Antihypertensive medicines, the average maximum prices of Antihypertensives have decreased by an average of 1.9%, which is due to an average fall of 1.1% in the import cost and -0.8% in the prevailing exchange rates.

For Cardiovascular medicines which account for 17% of the import of medicines, despite an increase of 4.6% in the international prices of Cardiovascular medicines and an average increase of 4.9% in the prevailing foreign currencies and a stable freight cost (import cost), the maximum prices of cardiovascular had been reduced by 3.0% due to a reduced applicable mark-up percentage.

For Antidiabetic medicines which account for 13.2% of the consumption of medicines, the maximum prices of medicines have witnessed a reduction of 2.8%, which is attributed to an average fall in the import cost of the medicines of 1.6%, an average fall of 0.5% in the supplier prices and an average fall in value of the prevailing foreign currencies of 0.6%.

For Antacid medicines, which account for 8.0% of the consumption of medicines, the maximum prices of medicines have not been impacted by the introduction of the new mechanism. Despite an average fall of 1.9% in value of foreign currencies, the maximum retail prices of antacid have continued to increase by an average of 6.6%. This is due to an average increase of 12.1% in the international prices of antacids and 6.5% increase in the import cost.

For Anticancer medicines, which accounts for 5.5% of the consumption of medicines, the maximum prices of medicines have witnessed a reduction of 14.1% which is attributed to an average fall in the import cost of the medicines of 10.4%, an average fall of 10.7% in the suppliers' prices and an average fall in value of the prevailing foreign currencies of 0.1%.

For Biologicals products, which account for 3.3% of the consumption of medicines, despite an average gain in value of 2.9% in the prevailing foreign currencies, the maximum prices of medicines have witnessed a reduction of 4.6%, which is attributed to an average fall in the import cost of the medicines of 2.5% and an average fall of 3.0% in the suppliers' prices.

For Inhalers, which account for 3.3% of the consumption of medicines, despite an average increase in the cost of imports of inhalers of 0.9% and an increase in the average international prices of inhalers of 1.1%, the maximum prices of inhalers have witnessed a fall of 0.9%, which is mainly attributed to a reduced applicable mark-up percentage.

For Vaccines, which account for 0.5% of the consumption of medicines, despite an average increase in the cost of imports of inhalers of 1.8% and increase in the average international prices of vaccines of 4.5%, the maximum prices of vaccines have been stable due to the reduced applicable mark-up percentage and a fall in the prevailing foreign currencies of 0.2%.

For the non-classified medicines, all the three classes, that is, Analgesic, Antifungal and Anthelmintics have witnessed a significant, immediate fall in their retail prices of 6.1%, which is mainly attributed to a general fall in their import cost of 4% and international supplier prices of 1.6%.

Furthermore, after the implementation of the new mechanism, a continuous effective price decrease impact has been observed on the classified medicines pertaining to five classes, namely Cardiovascular, Antidiabetic, Antacid, Anticancer and Biological. The retail prices of

medicines under these five classes have been witnessing constant average fall of 1% on each consignment basis. This is mainly attributed to an average fall in the import cost and reduced maximum mark-up percentages. In addition, the continuous positive effects of the new mechanism have been observed on the non-classified medicines with a general fall of 1% on each consignment.

In sum, the implementation of the new mechanism has been a value added to the consumers as the mechanism has been effective in protecting the consumers against higher prices of pharmaceutical products.

With the new mechanism, more than 80% medicines have witnessed a fall in their retail prices as compared to the old mechanism of mark-up which was being practised since more than four decades. The mechanism is proving its sustainable effectiveness with a continuous fall in their prices on consignment basis, which are being transmitted to the consumers to ensure the welfare of the consumers.

Mr Speaker, Sir, it is to be highlighted that the Ministry of Health and Wellness is playing a major role in ensuring that essential medicines are affordable and accessible to all citizens.

To address the high prices of drugs in Mauritius, the Ministry of Health and Wellness has embarked on several strategic initiatives aimed at reducing public healthcare costs and enhancing procurement efficiency.

One of the key strategies involves participating in the Small Island Developing States (SIDS) Pooled Procurement mechanism. By collaborating with other Small Island Developing States, the said Ministry is able to leverage collective bargaining power to negotiate better prices for essential medicines. This pooled procurement system enables Government to purchase drugs in larger quantities at reduced costs, which significantly alleviates the financial burden on our healthcare system and, ultimately, on patients.

I am informed that this Agreement allows Government to access high-quality medicines at lower prices through direct negotiations, bypassing...

Mr Mohamed: Mr Speaker, Sir, on a point of order. My question is not about medication in the public sector. It is only with regard to the regulation. It is limited to that. So, time is going

by, and I will be very grateful, Mr Speaker, Sir, I know you have no control on the answer, but, please, if you could remind the Minister that maybe she should be relevant. That is all! I am asking you that, please.

Dr. Mrs Chukowry: Mr Speaker, Sir...

Mr Speaker: If the Minister considers that this is the appropriate answer, what can I do? What can you do? I understand. Let the Minister continue!

Dr. Mrs Chukowry: Mr Speaker, Sir, yes, I am being relevant! I am giving facts and figures.

I am informed that this Agreement allows Government to access high-quality medicines at lower prices through direct negotiations, bypassing intermediaries and ensuring that cost savings are passed on to our citizens.

Affordability is of utmost importance to this Government. We are all striving to make healthcare services and essential medicines affordable for every citizen, regardless of their financial situation.

By implementing these measures to control healthcare costs, adopting more efficient and transparent procurement systems and exploring innovative funding models, Government aims to alleviate the burden on individuals and families. Ensuring that healthcare remains within their reach is a top priority for the Ministry of Health and Wellness. And we will continue to explore and implement strategies that support this mission.

Thank you, Mr Speaker, Sir.

Mr Mohamed: M. le président, l'île Maurice et les consommateurs mauriciens et non-mauriciens qui vivent dans ce pays sont d'avis – la très grande majorité et même la totalité – que les prix des médicaments ont pris l'ascenseur. Maintenant, Madame la ministre fait référence à une analyse de marché. Est-ce qu'elle est *ready to table this document right now? Yes or no?*

Dr. Mrs Chukowry: Mr Speaker, Sir, I have already given all the facts.

Mr Mohamed: So, since she is not ready to table the market analysis that she makes reference to, the people will see and will try to understand what she is trying to hide. She has talked about regional issues and countries around us ready to pay more. My question, therefore,

is: why is it that Aspavor, which is an anti-cholesterol drug, is selling for Rs170 in South Africa today and today, the same one is selling in Mauritius for Rs700? Does the Minister have an answer?

Dr. Mrs Chukowry: *Mr Speaker, Sir*, permettez-moi de commencer par une question. Pensez-vous qu'en 2013, les personnes âgées et les plus vulnérables...

(Interruptions)

An hon. Member: Answer the question!

Mr Speaker: Order!

Mr Mohamed: Answer the question *do!*

Dr. Mrs Chukowry: ... auraient ...

(Interruptions)

Mr Speaker: Order! Order, please! Order!

(Interruptions)

Order! Don't do that again!

Mr Mohamed: But she can do what she wants?

Mr Speaker: Don't do that again!

(Interruptions)

Mr Nuckcheddy: *La pa pe harcelle madam la !*

Mr Speaker: Last warning! Order!

(Interruptions)

Dr. Mrs Chukowry: M. le président...

(Interruptions)

Mr Speaker: Order! Order, please!

Hon. Shakeel Mohamed! You are already under last warning!

Mr Ameer Meea: *Kombien warning ena?*

Dr. Mrs Chukowry: M. le président, permettez-moi de commencer par une question. Pensez-vous qu'en 2013, les personnes âgées et les plus vulnérables auraient pu se permettre d'acheter les médicaments ? Non et non ! Ils n'avaient même pas assez d'argent pour se procurer de la nourriture. Permettez-moi de vous rappeler que le coût de la vie était tellement prohibitif.

Notre gouvernement a augmenté la pension d'environ R 10 000 – de R 3 623 en 2013 à R 13 500 aujourd'hui ! M. le président, quand nous avons proposé d'augmenter la pension, qu'est-ce que l'opposition a fait? Vous avez entré une affaire en cour ! Vous avez parlé de corruption électorale...

An hon. Member: La honte!

Dr. Mrs Chukowry: ... vous avez eu recours au *Privy Council* !

(Interruptions)

Mr Speaker: Order!

Mr Ameer Meea: *Reponn kestion!*

Mr Speaker: Order!

Dr. Aumeer: *Reponn lor prix medicament...*

An hon. Member: Out of subject!

Mr Speaker: Order, please!

Dr. Aumeer: *Reponn lor prix medicament...*

Mr Speaker: Order!

Dr. Aumeer: *En 2013, dimounn pan mor!*

Dr. Mrs Chukowry: M. le président, ...

(Interruptions)

M. le président, ...

An hon. Member: *To pena repons!*

Dr. Mrs Chukowry: ...ce gouvernement a augmenté les pensions de vieillesse et d'autres prestations afin qu'ils puissent se permettre même d'acheter les médicaments...

Dr. Aumeer: *Zis ar pension pou pay medicaments? Kan pou manze bwar ?*

(Interruptions)

Mr Speaker: Hon. Dr. Aumeer! You are under a last warning!

(Interruptions)

You were named last time. I did not take any sanction!

Mr Mohamed: First and last!

Mr Speaker: I am reminding you!

Mr Mohamed: First and last!

Dr. Mrs Chukowry: M. le président, notre gouvernement a aussi instauré un salaire minimum pour garantir un niveau de vie décent à tous les travailleurs. Nous avons aussi alloué une allocation de R 2 000 pour les enfants de 0 à 3 ans et nous avons instauré une éducation gratuite du pré-primaire au tertiaire. Ceux qui touchent jusqu'à R 25 000 mensuellement reçoivent une allocation de R 2 000 et ceux qui touchent jusqu'à R 50 000 reçoivent R 1 000.

Nous avons aboli les taxes municipales ; nous avons rétabli les subsides sur les *fees* d'examens du *SC* et du *HSC*...

(Interruptions)

Mr Ameer Meea: *Déprécier roupie par 60 % !*

Dr. Mrs Chukowry: M. le président, lors du discours à la nation le 1^{er} janvier 2008, l'ancien Premier ministre avait dit...

Mr Ameer Meea: *Enn tigit pou al en 1976 tou la !*

Mr Toussaint: *Ekoute!*

(Interruptions)

Dr. Mrs Chukowry: L'ancien Premier ministre avait dit ...

Mr Mohamed: Mr Speaker, Sir, I have one last question!

(Interruptions)

Mr Speaker: I am sure she is nearing the end of the reply.

Mr Mohamed: Please!

Dr. Mrs Chukowry: L'ancien Premier ministre, le Dr. Navin Ramgoolam, avait dit –

« Le gouvernement n'a aucun contrôle sur la hausse des prix. »

Il avait dit : un des points centraux demeure sa position en faveur du ciblage et contre [et contre] le subside universel. Pour lui, ce dernier n'est pas une solution aux augmentations.

Mr Mohamed: Mr Speaker, Sir, since she has not been able to answer the question about the drug on cholesterol, can the hon. Minister tell us why is she ignoring the report of the Commission for Conciliation and Mediation of 2019, the study to assess socio-economic impact on international exhaustion of trademark rights in Mauritius of 2019, and the latest report that

she is aware of, exists, that they are trying to hide, that makes recommendations for the introduction of parallel import in Mauritius specifically in pharmaceutical industries, that would mean that you start protecting consumers and stop protecting friends of the hon. Minister, Hyperpharm, that are friends of his! About that!

(Interruptions)

Mr Speaker: Now, you are imputing motives!

Mr Mohamed: No!

Mr Speaker: You are imputing motives on two counts! First, you said ‘which the Minister is trying to hide’...

Mr Mohamed: Yes, I said it!

Mr Speaker: The second one, ‘protecting favourites’ or whatever you said!

Mr Mohamed: That is a fact!

Mr Speaker: You withdraw these two facts!

(Interruptions)

Hon. Members: Withdraw! Withdraw!

Mr Speaker: You withdraw them before I allow the Minister! You withdraw!

(Interruptions)

You withdraw! If not, I disallow your whole question! This is Standing Order! You don’t have the right to do that! You should know how to put a question!

I am waiting for you!

An hon. Member: *Mille fois Xavier!*

Mr Mohamed: Okay, I withdraw! Is that good?

Mr Speaker: Thank you very much!

Mr Mohamed: Good. Could the hon. Minister tell us why is she not implementing the recommendation of this Competition Commission, the recommendations of Rapport Pacon, the recommendations that her Ministry worked on and that the Prime Minister is aware of, the Ministers of this Cabinet are aware of, the Minister of Foreign Affairs is aware of, the former Minister of Foreign Affairs is also aware of? Why are they refusing to implement parallel import specifically for pharmaceutical products that would mean a breakdown and an obliteration of exclusive rights protection but giving reduced prices to the customers of this country? In the process, they are protecting Hyperpharm!

Mr Speaker: Again! Again, you withdraw the last part. If not, we don't go...

Mr Mohamed: I said Government is protecting it!

Mr Speaker: I tell you, you withdraw the last part!

Mr Mohamed: Okay, I withdraw the last part. I'll make you happy! I withdraw!

Mr Speaker: Not make me happy! You make the House; you make Parliament happy!

Mr Mohamed: No, this part of the House is not happy!

Mr Speaker: You make parliamentary democracy happy!

Mr Mohamed: Fair enough. I will do it for practical reasons! I withdraw it!

Mr Speaker: You are not doing anything more than observing the rules of Parliament!

Mr Mohamed: Your rules! I'll observe it! Your rules!

Mr Speaker: Now you apologise for telling me my rules! You apologise now!

Mr Mohamed: I apologise to you. Thank you.

Mr Speaker: You withdraw and you apologise!

Mr Mohamed: I withdraw. I apologise. Anything else?

Mr Speaker: You keep quiet now!

Mr Mohamed: I keep quiet now! Fair enough! Very good!

(Interruptions)

Mr Speaker: Rest in peace!

Mr Mohamed: You are killing me at the same time!

Dr. Boolell: Rest in peace?

Dr. Mrs Chukowry: Mr Speaker, Sir, I am not ignoring any report!

Mr Mohamed: Table the report then!

Dr. Mrs Chukowry: I am aware...

(Interruptions)

Mr Speaker: Again! Please!

An hon. Member: *Kapav malelve kumsa!*

Mr Speaker: I will ask you to withdraw from the Chamber now!

(Interruptions)

Mr Ramano: *Pou fet to farewell la...*

Mr Speaker: This is what you are looking for instead of putting questions!

An hon. Member: *Prochain manda to pou kone!*

Mr Mohamed: I am looking for a good Speaker!

An hon. Member: *Prochain manda to pou kone!*

Mr Speaker: Now, I will name you!

Mr Mohamed: You know my name!

Mr Speaker: I will name you!

Mr Mohamed: You know my name!

Mr Speaker: I will name you! Hon. Shakeel Mohamed, please walk out from this Chamber!

Mr Mohamed: You forget it's honourable whereas you are not!

Mr Speaker: Hon. Shakeel Mohamed, walk out! I have already named you!

Mr Mohamed: I am taking my good time and I am going! I am picking my stuff! Don't force me out! And no one can!

Mr Speaker: But you will go! I know you will go!

Mr Mohamed: I will go wherever I want!

Mr Speaker: You will finally...

Mr Mohamed: You are a shame!

Mr Speaker: You will obey my order finally!

Mr Mohamed: You are a shame! You are a shame to this Office!

Mr Speaker: I have already named you!

Mr Mohamed: You are worth nothing else! You are a protector of those anti-democrats!

An hon. Member: Shame!

Mr Mohamed: That's what you are!

Hon. Members: Shame! Shame!

Mr Mohamed: You are a shame to this democracy!

Mr Speaker: You will accept my orders!

Mr Mohamed: Your orders?

Mr Speaker: This is just cinema!

Mr Mohamed: I don't care about your orders!

(Interruptions)

Hon. Members: Shame! Shame!

Mr Speaker: You are doing a cinema! Please!

Hon. Members: *Deor!*

Mr Mohamed: You are a shame!

Mr Speaker: Please, walk out!

(Interruptions)

Walk out! Walk out! Walk out please!

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

(Interruptions)

Mr Speaker: Walk out! Walk out!

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

(Interruptions)

Mr Speaker: Walk out! Walk out! Sergeant-at-Arms!

(Interruptions)

An hon. Member: Gorah Isaac!

Hon. Members: *La honte!*

Mr Mohamed: ...*dimoune deor?*

(Interruptions)

Mr Speaker: Collect this man! Sergeant-at-Arms, collect this man! Walk out!

Mr Hurreeram: *Communal!*

An hon. Member: *To fer cinema pou gagne piblicité!*

(Interruptions)

Mr Hurreeram: *Leader l'opposition communal! Deor!*

Dr. Gungapersad: *Twa ki communal!*

An hon. Member: *La honte lor twa!*

(Interruptions)

Mr Speaker: Hon. Members, we have seen this type of cinema! Quiet please! Let's continue.

Mr Ramful: On a point of order, Mr Speaker, Sir. I heard the hon. Member Hurreeram say '*Leader de l'opposition communal*'. You have to ask him to withdraw these words.

(Interruptions)

Mr Speaker: What is it?

Mr Ramful: '*Leader de l'opposition communal*.' He has no right to say that!

Mr Speaker: Yes, you are right. I heard...

An hon. Member: Gungapersad!

Mr Speaker: ... somebody from that side saying '*communal*'! I...

Mr Ramful: I have raised a point of order.

(Interruptions)

Mr Speaker: Hon. Ramful, you are making a point of order; I am giving my ruling. What is more important? Your point of order or my ruling?

Mr Toussaint: *Taler twasi to ale!*

Mr Speaker: I heard somebody saying '*communal*'.

An hon. Member: Gungapersad *sa!*

Mr Speaker: ... and this...

Hon. Members: Gungapersad! Gungapersad!

Mr Ramful: Hurreeram said it!

Mr Speaker: ...and this very same...

(Interruptions)

I am naming you! I am naming you!

(Interruptions)

I am naming you instantly! Serjeant-at-Arms! Collect this man out! Collect this man out!

(Interruptions)

Dr. Gungapersad: With pleasure! You are a shame!

Mr Speaker: I am naming you!

Dr. Gungapersad: You are a shame!

Mr Speaker: I am naming you!

Dr. Gungapersad: You are a shame!

Mr Speaker: Serjeant-at-Arms!

An hon. Member: Cinema!

(Interruptions)

Mr Balgobin: *To si to fer publicité. To si to fer cinema.*

Mrs Luchmun Roy: *MMM pa solidaire!*

Mr Speaker: So, I will come to your point of order.

Mr Ramful: Yes.

Mr Speaker: Let us continue. Time over!

An hon. Member: *Zis pu gagn publicite!*

Mr Speaker: We move to Prime Minister's Question Time!

(Interruptions)

MP Ms Bérenger!

MV WAKASHIO'S GROUNDING – COURT OF INVESTIGATION REPORT – INTER-MINISTERIAL COMMITTEE FINDINGS

(No. B/378) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Report of the Court of Investigation set up to look into the grounding of the MV Wakashio, he will state the findings of the Inter-Ministerial Committee set up to examine the recommendations contained therein, indicating –

- (a) where matters stand as to implementation thereof, and
- (b) if he will now table copy thereof and, if not, why not.

The Prime Minister: Mr Speaker, Sir, as the House is aware, a Court of Investigation was set up on 18 September 2020 to investigate into the casualty at sea of the MV Wakashio which occurred on 25 July 2020. The Court of Investigation was chaired by Mr Abdurrafeek Hamuth,

G.C.S.K, former Puisne Judge and comprised Mr Jean Mario Genevieve, Licensed Marine Engineer and Marine Surveyor and Mr Johnny Lam Kai Leung, Marine Surveyor, as Members.

It is apposite to note that in the aftermath of the grounding of MV Wakashio and prior to the setting up of the Court of Investigation, Government had, on 21 August 2020, set up a Technical Committee on Innocent Passage of Foreign Vessel under the chair of the Secretary to Cabinet and Head of the Civil Service to examine ways and means by which the territorial sea of Mauritius could be protected from incidents such as oil spills which could occur as a result of the innocent passage of foreign vessel.

Moreover, on 28 August 2020, Government also examined the Report of the Preliminary Inquiry on the grounding of MV Wakashio carried out by the Deputy Director of Shipping. It was agreed that the findings and recommendations contained in the Report of the Preliminary Inquiry would also be taken on board by the Technical Committee on Innocent Passage.

On 23 December 2022, Government took note of the Report of the Court of Investigation dated 15 September 2022 and agreed that –

- (i) the Report be not made public;
- (ii) as requested by the Court of Investigation, certain recommendations in the Report be submitted to the Director of Public Prosecutions for action, and
- (iii) an Inter-Ministerial Committee, under my chair and comprising the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management, the Minister of Environment, Solid Waste Management and Climate Change, the Attorney General and the Minister of Blue Economy, Marine Resources, Fisheries and Shipping be set up to examine the recommendations of the Court of Investigation and come up with a way forward.

Mr Speaker, Sir, as regards part (a) of the question, I wish to inform the House that I chaired an Inter-Ministerial Committee meeting on 08 May 2023 to examine the recommendations contained in the Report. During the meeting, it was also agreed that the Technical Committee on Innocent Passage of Foreign Vessel would pursue the implementation of the recommendations made in its Report. In addition, the Inter-Ministerial Committee agreed that the Technical Committee would examine the findings and recommendations contained in the Report of the Court of Investigation and come up with proposals for consideration.

Subsequently, the Technical Committee held three meetings, namely on 19 May 2023, 14 August 2023 and 13 February 2024, respectively, whereby an in-depth analysis of the Report of the Court of Investigation was made, in particular, with regard to the recommendations made therein. It was noted that out of the 60 recommendations contained in the Report, 18 had already been implemented and 34 were being implemented by different Ministries/Departments. The remaining eight recommendations did not require further action.

Mr Speaker, Sir, the second meeting which I chaired on 18 March 2024 laid emphasis on the progress made by the Technical Committee in the implementation of the recommendations made in the Report under four categories, namely –

- First: Legislative amendments as well as enactment of New Legislation;
- Second: Procurement of equipment;
- Third: Training; and
- Fourth: Other related matters.

Mr Speaker, Sir, the Inter-Ministerial Committee took note of the actions initiated by the different Ministries/Departments for the implementation of the recommendations under each category, as follows –

- I. Amendments to existing legislation, namely –
 - (a) The Environment Act: Repeal of the Environment Protection Act and its replacement by the Environment Act which has incorporated a number of recommendations contained in the Report and which was passed in the National Assembly on 14 May 2024.
 - (b) The Merchant Shipping Act for which two consultants were appointed by the International Maritime Organisation in January 2024 for the review of the said Act. They have submitted a report on 29 April 2024 which is currently being analysed by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping.

As regards new legislation, this includes –

- (c) The Merchant Shipping (Liability and Compensation for Oil Polluting Damage) Bill being debated today will have a compensation regime for pollution damage caused as a result of discharge or escape of cargo oil from tankers on par with that

of most overseas jurisdictions. Specifically, the Bill, if enacted, will ensure the payment of adequate, prompt and effective compensation for pollution damage.

- (d) Legislation for the establishment of Areas To Be Avoided – The areas around the coasts of Mauritius and Rodrigues have been demarcated with the objective of providing a safe distance between ship lanes and the shoreline of Mauritius. In this connection, a Merchant Shipping Notice was issued in 2020 to inform the shipping community of the establishment of the Areas To Be Avoided. Moreover, our proposals for demarcation would be forwarded to the International Maritime Organization (IMO) by July 2024 for consideration at its meeting of September 2024;
 - (e) Legislation for the setting up of Aids to Navigation: The Republic of Mauritius will soon sign a Memorandum of Understanding with the Republic of India represented by the Directorate General of Lighthouses and Lightships (DGLL) for the setting up of an “Aids of Navigation Authority/Unit” for Mauritius.
- II. Concerning procurement of equipment, this includes –
- (a) Purchase of Oil Spill Equipment – A number of equipment are already available to combat oil spill and additional equipment has been obtained through donations. Furthermore, the Ministry of Environment, Solid Waste Management and Climate Change has initiated procurement procedures for the purchase of state-of-the-art oil spill combat equipment to enhance preparedness capability regarding oil spill in our Exclusive Economic Zone.
 - (b) Acquisition of a Coastal Surveillance Radar System – the Japanese Authorities hired a consultant to work out the design as well as the bidding documents for the acquisition of a Coastal Surveillance Radar System. The technical specifications for the acquisition of the Coastal Surveillance Radar System were finalised after necessary consultations and tender was launched by the Japanese Authorities on 10 May 2024 with closing date of 10 June 2024.
 - (c) Acquisition of tugs – the Mauritius Ports Authority also intends to procure two big new tugs of about 80 tonnes bollard pull at an estimated cost of Rs1.2 billion and

four small tugs with bollard pull of 15-20 tonnes at an estimated cost of Rs600 m. with the assistance of friendly countries.

III. As regards training –

- (a) the Japanese International Cooperation Agency (JICA) is assisting Mauritius in terms of technical capacity building for the Enhancement of Institutional Capacity in Oil Spill Response for Mauritius;
- (b) Moreover, the National Coast Guard has set up a dedicated Pollution Response Unit for training and experience sharing by oil spill experts from friendly foreign countries.

IV. The other related matters are with respect to –

- (a) Regional assistance – discussions have started with the Indian Ocean Commission (IOC) for assistance with regard to the setting up of a depot of oil spill equipment;
- (b) The Ministry of Environment, Solid Waste Management and Climate Change is coordinating, in terms of assessment, the –
 - (i) implementation of an Integrated Environmental Monitoring Plan to, *inter alia*, monitor the local ecosystem, track its progress towards improved environmental status in the medium and long-term and make recommendations on the restoration techniques to support its recovery;
 - (ii) the National Oil Spill Contingency Plan 2003 has been reviewed in 2023 after consultations with all stakeholders concerned;
 - (iii) Consultancy support for the Coastal Sensitivity Atlas for other sites has been secured to review and update the Oil Spill Sensitivity maps, and tactical and operational maps at two sites, namely from Pointe aux Cannoniers to Le Goulet and from Montagne Jacquot to Le Morne; and
 - (iv) Consultancy Services for the Enhancement of Oil Spill Response has been secured from *Agence Française de Développement (AFD)*.
- (c) Claims to be made – To this effect, an Environmental and Socio-Economic Impact Assessment (ESEIA) to gauge the impacts caused by the grounding of MV Wakashio and of the ensuing oil spill on the environment and on the economic, social, agricultural, health, leisure, cultural, and heritage sectors is being

undertaken. This is a complex exercise and therefore the services of a consultant from WHO is awaited to carry out a public Health Impact Assessment. Concurrently, the Attorney General's Office is working on the part of the Report concerning the Final Compilation, Documentation and Preparation for submission of claims.

Mr Speaker, Sir, I wish to reassure the House that work is in progress for the implementation of the remaining recommendations contained in the Report of the Court of Investigation into the grounding of MV Wakashio. Furthermore, the Inter-Ministerial Committee will pursue its assignment while the Technical Committee will be meeting again shortly to gauge on the progress made by the different Ministries and Departments for the implementation of the recommendations. In this regard, my Office is coordinating with the relevant stakeholders to ensure that necessary actions are taken at their end to ensure the implementation of the recommendations contained in the Report.

Mr Speaker, Sir, with regard to part (b) of the question, Government has decided not to make the Report public. In the Report, it was recommended that some of the matters be referred to the Director of Public Prosecutions for any action deemed necessary. I am informed that the necessary step has already been initiated by the Attorney General's Office. In addition, Government has made claims for reimbursement of expenditures incurred and authorities concerned, including the Attorney General's Office is finalising the claims for compensation. Therefore, it would not be appropriate to table a copy of the Report at this stage, as it may cause prejudice to the initiatives taken so far. Thank you.

Ms J. Bérenger: Comme le Premier ministre l'a dit lui-même, les termes de référence sont très vastes et vont de l'échouage du Wakashio jusqu'à la dégradation des écosystèmes marins, en passant par la décision de saborder une partie du bateau. Donc, le Premier ministre peut-il nous dire s'il est au courant que lorsqu'il prend la décision unilatérale de garder secret le rapport de la Cour d'investigation, il agit contre l'intérêt des milliers de victimes, que ce soient les plaisanciers, les pêcheurs, les habitants, qui souhaiteraient pouvoir entamer des démarches légales ; il les prive de moyens légaux de pouvoir demander des dédommagements, et en même temps agit de manière antipatriotique également ?

The Prime Minister: Ce n'est pas correct du tout de dire cela, M. le président, parce que tous les partis qui ont été affectés par le *oil spill* du MV Wakashio ont fait et peuvent toujours faire des réclamations au gouvernement. Je viens de répondre ; je crois que l'honorable membre n'écoute pas ! Le gouvernement est en train de compiler toutes les réclamations pour éventuellement pouvoir réclamer à l'assurance, aux propriétaires and *whoever. Depending on what advice we get from our legal adviser, we will claim all those amounts to the relevant persons.*

Let me say again, ce n'est pas une décision unilatérale. Est-ce que l'honorable membre pense que je décide par moi-même ? Nous avons non seulement un Conseil des ministres et un gouvernement, mais je me réfère déjà à l'avis légal que nous avons reçu. Nous avons agi d'après l'avis légal.

Let me repeat again what I have stated. The Court of Investigation Report had recommended enquiries on certain aspects. Those parts of the Report have been referred by the Attorney General's Office to the Director of Public Prosecutions on 09 February 2023 for necessary action. The Report of the Court of Investigation has not been disclosed so as not to jeopardise any further investigations by the relevant authorities. Furthermore, the State of Mauritius wishes to lodge a case against the interested parties responsible for the grounding and ensuing oil spill.

Therefore, Mr Speaker, Sir, disclosing the Report would be disclosing the approach that the State will take to pursue its claim against the interested parties. I hope the hon. Member will understand, especially when there are evidences contained in the Report and where people have deponed. Now, if those evidences are in the public domain - any lawyer will know -, this will clearly jeopardise any action that may be advised to be taken by the DPP.

Ms J. Bérenger: Je comprends surtout que ce n'est pas dans l'intérêt des victimes que de ne pas avoir accès au contenu de ce rapport pour pouvoir entamer des démarches légales. Le Premier ministre peut-il nous dire si la responsabilité de ses ministres, notamment les ministres de la Pêche et celui de l'Environnement, a été engagée dans le contenu du rapport de la Cour d'investigation par rapport aux termes de référence b, c, d et f ?

The Prime Minister: Mr Speaker, Sir, we know what kind of demagoguery the Opposition always comes up with! I have answered and I have stated why this Report cannot be made public at this stage. Of course, when the time comes and when this is not going to cause any prejudice at all, Government will decide then whether to make it public. So, at this stage, I have already answered.

Now, more so, why is it that we have to be very careful in making this Report public? We have already claimed part of the reimbursement of expenditures that have been incurred. In fact, I think we have made a claim for an amount of Rs540 m., out of which only Rs60 m. have been paid so far. This is what I have been informed. Now, what has been undertaken by the insurance company in the meantime is surprising; maybe not for some. The insurance company Okiyo Maritime Corporation, in the meantime, had lodged a case before the Supreme Court in November 2021 for the setting up of a limitation fund in the sum of Rs719 m. I can inform the House, so far, we have compiled a claim of nearly Rs2.3 billion, and this is the kind of action that is being undertaken by the insurance company. Now the hon. Member wants us to make this Report public. In what interest will it be? Clearly, we know in the interest of the one who is contesting to put a limit on liability!

Mr Speaker: So, we move to the next question! MP Ittoo!

Mr Ramano: *Al pran konsey ar Bruno Laurette!*

Ms J. Bérenger: Can I have a ...

Mr Ittoo: B/379. Thank you.

Ms J. Bérenger: *To konsians pa kler twa!*

Mr Ramano: *Ale pran konseye ar Bruno Laurette!*

Mrs Luchmun Roy: *Get sa pe koz konsians!*

(Interruptions)

**SSR INTERNATIONAL AIRPORT – VIP LOUNGES – ACCESS CRITERIA –
2005 TO 2014**

(No. B/379) **Mr A. Ittoo (Third Member for Vacoas & Floréal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the VIP lounges at the Sir Seewoosagur Ramgoolam International Airport, he will state the criteria applicable to obtain access thereto from 2005 to 2014.

The Prime Minister: Mr Speaker, Sir...

(Interruptions)

Mr Speaker: Order! Order, both sides!

Ms J. Bérenger: Oil spill *to pa ti al dir! To ti dormi!*

Mr Speaker: Order!

The Prime Minister: Mr Speaker, Sir, I am informed by the Airport Terminal Operations Limited (ATOL) that during the period 2005 to 2013, the following lounges were operational at the Sir Seewoosagur Ramgoolam International Airport –

- The State Lounge which was reserved for the President, the Prime Minister, Visiting Head of States and Head of Governments as well as other VVIPs;
- “La Terrasse” VIP Lounge which was used for both arriving and departing VIPs and Government officials. It was also used as a Commercial Lounge for Premium passengers;
- The “Amédée Maingard” Lounge, which was operated and managed by Air Mauritius, and used for its premium passengers, that is, First and Business class travelers as well as frequent flyers; and
- The General Aviation Mauritius (GAM) Lounge, which was meant for private jet passengers. It was also used as a commercial lounge.

Mr Speaker, Sir, I am further informed that as from September 2013, all terminal operations were transferred to the new terminal, except for the State Lounge which remained operational in the old terminal.

Currently, the following lounges are operational at the Sir Seewoosagur Ramgoolam International Airport –

- The State Lounge;
- The VIP Departure and Arrival Lounges;
- The “Amédée Maingard” Lounge;
- The ATOL Lounge, which is operated as a commercial lounge by ATOL; and
- The Jet Prime Lounge, managed and operated by Jet Prime Ltd, and is part of the Airport Holdings Ltd.

Mr Speaker, Sir, the provision of VIP facilities to Government officials, VIPs and foreign visiting dignitaries is an international practice and is a privilege granted to VIPs and other dignitaries by virtue of their status. It ensures swift immigration formalities, streamlined security processes, and access to exclusive amenities.

It has been a long standing practice in Mauritius as well to grant access to VIP Lounge to the Head of State, Head of Government and other Ministers, high-ranking Government officials, local dignitaries, members of the Diplomatic Corps at Ambassador level, and foreign visiting dignitaries.

Prior to year 2000, access to the lounges was being granted in line with an established list which was based on the table of precedence and also included high ranking officials from the executive, legislative and judicial organs of Government, the Public Service and members of the Diplomatic Corps. VIP facilities were also granted to the next of kin, normally spouse and children of the persons on the approved list. Furthermore, requests emanating from Ministers and Members of the National Assembly for other persons were considered on a case-to-case basis.

Mr Speaker, Sir, in the year 2000, the existing eligibility criteria for the grant of access to the VIP lounges at the Sir Seewoosagur Ramgoolam International Airport was reviewed and approved by the then Government and the established list comprised, amongst others, the following –

- (i) Heads of States, Prime Ministers and Ministers, and all Members of the National Assembly as well as their spouse and children;

- (ii) Visiting dignitaries;
- (iii) Senior Government officials;
- (iv) Ambassadors and Heads of international organisations;
- (v) Heads of religious bodies;
- (vi) Persons conferred awards such as GOSK and GCSK or equivalent;
- (vii) Chairperson and Commissioners and Members of the Rodrigues Regional Assembly;
- (viii) Officers of the rank of Deputy Permanent Secretary and above, proceeding on mission; and
- (ix) Other persons as per the discretion of the Prime Minister.

Requests from other personalities to access the VIP Lounge were also considered by the Prime Minister's Office on a case-to-case basis. These dignitaries were allowed to be accompanied in the VIP lounges by meeters and greeters.

Mr Speaker, Sir, the criteria applicable to obtain access to the VIP lounges at the SSR International Airport from 2005 to 2014 was the same as approved in the year 2000.

Mr Speaker, Sir, in reply to PQ B/192 of 2018, the House was, amongst others, informed that an exercise for the review of the policy regarding access to VIP lounges at the airport had been initiated since 2016 with a view to ensuring more effective control on their utilisation, including the prevention of any misuse and abuse of the facilities.

In fact, it was noted that cases of abuse and misuse had been identified whereby people well acquainted with former dignitaries, parliamentarians and former ministers had been granted VIP facilities despite not being eligible for same, especially during the period 2005 to 2014.

Mr Speaker, Sir, my Government reviewed the policy regarding access to VIP lounges in 2021 and the main amendments comprised, *inter alia*, the following –

- i) The number of meeters and greeters were limited to two persons only and any additional meeter/greeter would be required to pay for the facilities, and
- ii) Some categories of persons were added and some were removed from the eligibility list. However, upon request, those removed could be granted fast track facilities on a case-to-case basis through the normal channel. Alternatively, they could have recourse to private lounges at the airport against payment.

The revised eligibility list comprises, amongst others, the following –

- (i) Heads of States, Prime Ministers and Ministers, and all Members of the National Assembly as well as their spouse and children;
- (ii) Visiting dignitaries;
- (iii) Senior Government officials;
- (iv) Mauritian and Foreign Ambassadors, and High Commissioners accredited to Mauritius;
- (v) Persons who have been conferred award as GOSK and GCSK or equivalent;
- (vi) High Ranking Officials drawing basic salary from Rs94,500 and above;
- (vii) Chairpersons of Commissions;
- (viii) Chairperson and Commissioners and Members of the Rodrigues Regional Assembly;
- (ix) Officers of the rank of Deputy Permanent Secretary and above, proceeding on mission;
- (x) Chairpersons of Parastatal Bodies; and
- (xi) Visiting dignitaries and other persons subject to the approval of the Prime Minister.

In 2022, some adjustments were made to the eligibility list by adding Chairpersons of Tribunals such as the Public Bodies Appeal Tribunal, the Employment Relations Tribunal as well as inclusion of former Chief Justice, and Minister Counsellors of the Ministry of Foreign Affairs, Regional Integration and International Trade.

Mr Speaker, Sir, it is worth noting that for security reasons, all passengers, including VIPs have to go through the walk-through detector and their luggage is screened through X-Ray scanner. Meeters and greeters also have to go through the walk-through detector and any handbags are also screened. In addition, officers from the Immigration Services, Anti-Drug and Smuggling Unit and the Mauritius Revenue Authority are deployed in the VIP lounges to reinforce security.

I wish to highlight that since the implementation of these measures, there is in place an improved process at the level of the Home Affairs Division of my Office for the grant of access to VIP lounges, such that –

- i) Eligible persons have to make a written request to the Home Affairs Division by way of an application form which was designed for this purpose;

- ii) The request should be made at least 48 hours before the scheduled arrival/departure time;
- iii) The particulars of meeters and greeters should also be submitted; and
- iv) The requests are scrutinised and approved at the level of the Home Affairs Division in line with established criteria and the approved list is forwarded to Airports of Mauritius Limited.

Mr Speaker, Sir, as highlighted earlier, there have been cases of abuse in regard to access to VIP facilities at the airport in the past. In my reply to the PQ B/316 at the Sitting of 14 May 2024, I informed the House of the grant of VIP facilities to Mrs C. L. at the request of hon. Richard Duval. We know pretty well about this case, whereby the previous Government had allowed access to VIP facilities to a person who was involved in drug trafficking.

I would also seize this opportunity to add that one person namely, Mrs N. S., who is now abroad, had during the period 2005 to 2014, been granted access to the VIP Lounge at the Sir Seewoosagur Ramgoolam International Airport on not less than 89 occasions under the names of Mrs N.S. and N.O.

(Interruptions)

Mr Speaker, Sir, I am further informed that such requests for VIP facilities were made by the Private Office directly to the airport authorities and were not made through the normal channel. Moreover, VIP facilities were granted to other persons close to the former Prime Minister but who were not eligible for such facilities. It is appalling to note to what extent the grant of VIP facilities had been abused of, and we know who was condoning such practices.

Mr Ittoo: Thank you, Mr Speaker, Sir. Can the hon. Prime Minister state whether request for access to ‘La Terrasse’ Lounge in favour of Mrs C. L. was made through the Private Office of the Prime Minister’s Office?

The Prime Minister: Mr Speaker, Sir, I am informed that the request for access to ‘La Terrasse Lounge’ in favour of Mrs C. L. was made by the then PPS, hon. Richard Duval, through the Home Affairs Division of the Prime Minister’s Office. The latter declared in his request that Mrs C. L. was his cousin, which was a deliberate false information. I am tempted to say that it reminds me of this song – *‘cousin cousine, faire moi content belle cousine’*.

(Interruptions)

I am further informed that the Private Office was involved and the then Prime Minister, Dr. Navin Ramgoolam, used his discretion to favourably consider the request of the then PPS Richard Duval and authorised Mrs C. L. to access ‘La Terrasse’ Lounge on government’s hospitality, *s’il vous plaît!*

Mr Speaker, Sir, it is not a secret that the then Prime Minister was acting as if the VIP Lounges at the SSR International Airport and the airport itself were his private properties. Most of the time, when it concerns his allies, cronies and intimate companions, abuse of privileges was of the order of the day. It is a glaring fact that a drug-trafficker was allowed access to a VIP Lounge on the discretion of the then Prime Minister. That was how Mauritius was governed under the reign of the Labour Party and their Leader, Navinchandra Ramgoolam.

Mr Speaker: The Table has been advised that PQs B/381, B/382, B/385, and B/388 have been withdrawn.

Time over! Questions to other Ministers! I now call MP Mrs Foo Kune-Bacha!

DENGUE FEVER –REPORTED CASES – DEATH RATE & HOSPITALISATION

(No. B/389) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Wellness whether, in regard to Dengue fever, he will state the number of reported cases thereof on a yearly basis since 2019 to 2023 and from January 2024 to date, indicating the number of persons having –

- (a) been hospitalised, and
- (b) passed away as a result thereof.

Dr. Jagutpal: Mr Speaker, Sir, according to the WHO, there has been a significant rise in the global cases of dengue exceeding 5 million cases in 2023 compared to the global annual average of 500,000 cases over the past decades and has been spreading across 129 countries. Moreover, about half of the world’s population is now at risk of dengue with an estimated 100 to 400 million infections occurring each year. This global explosion of cases has been partly attributed to climate change with a greater intensity of precipitation and torrential rains, the El Niño phenomenon and the higher average temperatures.

For example, in 2023, there were 1.6 million cases of Dengue in Brazil and for the first two months of 2024, 1 million cases have been reported thereat.

In the context of the resurgence of dengue fever around the world, stagnant water following cyclones and torrential rains which contributed towards overgrown vegetation in Mauritius had accelerated the proliferation of the vector mosquitoes transmitting the dengue virus. These meteorological disturbances will likely continue to influence the evolution of the situation.

Mr Speaker, Sir, with regard to dengue fever in Mauritius, the Communicable Diseases Control Unit of my Ministry has recorded a total of –

- 18 imported and 134 local cases in 2019;
- No imported cases while 228 local cases in 2020;
- 1 imported case in 2021. No local cases;
- 14 imported cases in 2022. No local cases;
- 15 imported cases and 209 local cases in 2023, and
- 13 imported cases and 6081 local cases as at 19 May 2024, out of which, 255 are active.

With regard to part (a) of the question which pertains to the number of patients with dengue fever hospitalised prior to 30 January 2024, all dengue fever cases were admitted in health institutions. However, following a change in the treatment protocol, and the setting up of Domiciliary Monitoring Unit (DMU) in each health region as from 31 January 2024, patients are being admitted based on a triage method. Since January 2024, 1247 persons have been hospitalized in both private and public sector.

Mr Speaker, Sir, no death attributed to dengue fever was recorded for the years 2019 to 2023. Unfortunately, 8 patients have passed away due to dengue fever since the beginning of this year. Thank you.

Mrs Foo Kune-Bacha: Merci. Depuis le début de l'épidémie, il y a eu des milliers de cas confirmés de dengue, mais ce chiffre ne reflète qu'une partie du nombre de cas réels car ceux qui se soignent par eux-mêmes ne sont pas testés.

Est-ce que l'honorable ministre peut nous dire si son ministère est en train de mettre en garde et d'informer le public que contrairement aux autres virus, les personnes infectées une

deuxième fois par la dengue, courent un grand risque que la deuxième infection soit sévère ? Donc, une deuxième infection risque d'être beaucoup plus mortelle que la première infection. Étant donné ce fait, qu'est-ce que son ministère est en train de faire pour protéger ceux plus à risque ?

Dr. Jagutpal: Mr Speaker, Sir, the first part of the question is related to whether patients are being treated on their own at home. Dengue is a notifiable disease and you need to do a test to know whether you are dengue positive or not. The test is available only at hospitals or private clinics. So, it is deemed that the doctors report the cases to the Communicable Diseases Section of my Ministry. It would be unfair to say that the majority of people are staying at home unless they have been diagnosed by a doctor. This is a notifiable disease as per the regulations. The doctor has to notify the disease.

Now, the second part of the question is if someone has contracted the disease for the first time, is it riskier the second time? So far, in Mauritius, we have had 8 cases of dengue fever attributed to death and most of these cases are associated with comorbidities. So, at this point in time, we can't say that those who have contracted dengue for the second time are prone to severe infections.

In fact, if there had been more severe infections, the Ministry of Health would have surely communicated with the doctors and all stakeholders so that the second cases be given more attention and probably be called into centres to be kept under observation.

Mr Speaker: You may ask for clarification!

Mrs Foo Kune-Bacha: Est-ce que l'honorable ministre peut nous dire si son ministère a l'intention de considérer le vaccin Dengvaxia qui, d'après l'OMS, est prescrit à ceux qui ont déjà eu la dengue au moins une fois ?

Dr. Jagutpal: Mr Speaker, Sir, the WHO is only giving access to the vaccine to countries where dengue is endemic. So, for the time being, unless we have a recommendation from WHO that these vaccines should be given to vulnerable cases or especially to those who have contracted the virus more than two times, we can then implement such measures. For the time being, access to the vaccine is restricted to countries where dengue is endemic.

Mr Speaker: Next question! MP Quirin!

VICTORIA HOSPITAL – NURSING OFFICER – ALCOHOL INFLUENCE

(No. B/390) **Mr F. Quirin (The Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Wellness whether, in regard to a Nursing Officer of the Victoria Hospital being allegedly under the influence of alcohol whilst on duty, on or about 30 April 2024, he will state if an inquiry has been initiated thereinto and, if so, indicate the sanctions taken in relation thereto, if any.

Dr. Jagutpal: Mr Speaker, Sir, following a video on Social Media showing a Charge Nurse in ward 15, who was allegedly under the influence of alcohol, an Enquiry Committee was set up by the Ag. Regional Health Director of Victoria Hospital to look into the matter.

Pending the report of the Enquiry Committee, officers who were on duty in that ward during the shift on that day have been transferred to other Health institutions.

Upon the findings of the Enquiry Committee, appropriate disciplinary actions, if so warranted, will be initiated against the officer under section 42 of the Public Service Commission Regulations.

Mr Speaker, Sir, it is worth highlighting that on 19 March 2024, a one-day training programme on the combat against alcohol consumption at the workplace was launched by the Ministry of Public Service, Administrative and Institutional Reforms. The primary objective of the workshop was to address the issue of alcohol consumption within the workplace and to develop strategies to combat this problem. The workshop aimed to equip public officers with the skills to identify alcohol-related issues among employees and effectively address them.

In the same vein, all Regional Health Directors have been requested to carry out close monitoring at all levels with special attention to officers working on night shifts. Moreover, my Ministry has set up independent squads to carry out surprise checks in hospitals, especially during night shifts. Thank you.

Mr Quirin: M. le président, un tel comportement venant d'une *Charge Nurse*, comme l'a si bien précisé l'honorable ministre, pourrait effectivement mettre en danger la vie des patients. De ce fait, ne pense-t-il pas que face à une faute professionnelle aussi grave, son ministère devrait prendre une sanction exemplaire afin de décourager celles et ceux qui consomment de l'alcool durant les heures de travail dans les hôpitaux ?

Dr. Jagutpal: Mr Speaker, Sir, I share the view of the hon. Member that we have to take sanctions. Nursing Officers' cadres working in the hospital have a supervision levels. For example, the Charge Nurse is supervised by a Ward Manager who in turn is supervised by a Nursing Supervisor. So, there is a clear established supervising team to supervise, not only for alcohol, but for behaviour of staff working in the health sector where it is very important to see critical patients and so on.

Now, we also have to operate under the legal parameters before we assume that someone has consumed alcohol and is he behaving in such a manner. So, we have to look at it in a holistic way to ensure that we are respecting the provisions under the Public Service Commission before we take any sanction, as appropriate.

Mr Speaker: MP Bodha!

SADALLY COMMUNITY CENTRE – RELOCATION

(No. B/391) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the Community Centre of Sadally, Vacoas, she will, for the benefit of the House, obtain from the Sugar Industry Labour Welfare Fund, information as to where matters stand as to the bids launched for the relocation thereof to another appropriate premises.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I am informed by the Sugar Industry Labour Welfare Fund that a bidding exercise was launched in February 2023 in order to secure to house the Community Centre at Sadally, Vacoas. The procurement process has already been completed and the centre has now been relocated to Moreau Road, Vacoas.

Mr Speaker, Sir, I am also informed that the Community Centre was inaugurated on 23 March this year and is in operation.

Mr Bodha: I have two questions. May I ask the hon. Minister what is the duration of the lease of that building and whether it can be revoked?

Mrs Koonjoo-Shah: Mr Speaker, Sir, I can inform the House that the premise is being rented against a monthly payment of Rs40,000, as recommended by the Valuation Department. The duration of the lease agreement is for a period of two years.

Mr Bodha: I have a second question, Mr Speaker, Sir.

Mr Speaker: Please!

Mr Bodha: I hope that the hon. Minister has been advised by the Sugar Industry Labour Welfare Fund that the Community Centre is too far away from the region of Sadally. May I ask the hon. Minister if she can ask the Sugar Industry Labour Welfare Fund to have a meeting with the residents of Sadally on the possibility of relocation nearer to the region?

Mrs Koonjoo-Shah: Mr Speaker, Sir, I thank the Member for the question and I also refer him to my reply of last year of hon. Fourth Member for Vacoas & Floréal. As a matter of fact, on 01 April 2019, the Community Centre was housed in a rented building at corner Sadally Avenue, as he knew. The inhabitants of that locality, particularly the ones who lived close to the Community Centre at that time were completely against the project. They did not want to have activities, stating in petitions that the activities were causing nuisance, disturbance and noise. They complained about the lack of adequate parking facilities and the road being too narrow.

Therefore, Mr Speaker, Sir, the Sugar Industry Labour Welfare Fund at its 982nd meeting which was held in 2021, decided to rent a new building *précisément* to rehouse the Community Centre. I was present for the inauguration with my hon. friend, Mr Ittoo. So, I am very privy to the information about how the Community Centre is and I can reassure the House that it is operating nicely.

Mr Speaker: MP Dr. Boolell!

CYCLONE BELAL – DAMAGED FISHERMEN BOATS – FINANCIAL COMPENSATION

(No. B/392) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to the fishermen, he will state the number thereof who have reported damage caused to their boats following the passage of cyclone Belal, indicating the financial compensation paid thereto as at date.

Mr Maudhoo: Mr Speaker, Sir, the Government requested the Development Bank of Mauritius to put the Belal Rehabilitation Loan Scheme for the benefit of planters, breeders, fishermen and micro-enterprises who have been affected by the cyclone. Under the Scheme, a

potential beneficiary affected by the cyclone will be eligible for a loan facility of up to Rs500,000 at an interest rate of 1% repayable over a period of 4 years.

Mr Speaker, Sir, I am informed that the DBM has approved loan facilities amounting to Rs24.8 m. to 172 registered fishermen for the repairs of their boats and engines, and also for the replacement of their fishing traps. As of date, the bank has already disbursed Rs22.5 m. under the Scheme.

Mr Speaker, Sir, with regard to financial compensation, Government approved Rs1 m. for the payment of a special support of Rs10,000 to fishermen for repairs to their boats damaged by the cyclone in addition to the bad weather allowance. The registered fishermen with damaged boats were requested to report to the fisheries post of their locality at latest 09 February 2024; at the closing date, 66 applications were received for damaged boats.

Mr Speaker, Sir, subsequently, a survey was carried out by the Fisheries Protection Officers posted in the 13 fisheries posts around the island accompanied by the officer of the Fishermen Welfare Fund to confirm the damages reported were, in fact, caused during cyclone Belal. The survey report was submitted in April 2024 and 51 fishermen were found eligible, the other 15 boats were damaged due to wear and tear. Arrangements have already been made to effect the payment of Rs10,000 to each of the 51 fishermen by the end of this week. I also wish to inform the House that the Fishermen Welfare Fund caters for accidentally damaged boats during the performance of fishing activities, the financial assistance is Rs10,000 per fisherman and this scheme does not cover boats damaged during the passage of the cyclone.

Mr Speaker, Sir, this Government has already been proactive in providing financial assistance whenever any natural calamities have occurred whether it concerns the agricultural sector, the fisheries sector, breeders, beekeepers and micro-enterprises.

Dr. Boolell: May I request upon the hon. Minister to expedite because there have been complaints, that there is undue delay in relation to the 51 fishermen who have been affected.

Mr Maudhoo: Yes, Mr Speaker, Sir, as I already said, by the end of this week, all the 51 fishermen will be paid the allowance.

Mr Speaker: MP David!

CONSTRUCTION AND UPGRADING OF AMENITIES AND ASSOCIATED WORKS – CONTRACT & BIDDING

(No. B/393) **Mr F. David (First Member for GRNW & Port Louis West)** asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the contract for the Construction and Upgrading of Amenities and Associated Works bearing Procurement Reference N° ENV/22-23/Q21/ONB, he will state the –

- a) start and closing dates of the bidding process thereof;
- b) number of bids received;
- c) name of the successful bidder/s, and
- d) date of the award thereof, indicating the value thereof.

Mr Ramano: Mr Speaker, Sir, tenders for the Framework Agreement for the Construction and Upgrading of Amenities and Associated Works bearing Procurement Reference No. ENV/22-23/Q21/ONB were launched on 15 September 2023. The closing date for the submission of proposals was initially scheduled for 17 October 2023.

However, my Ministry took cognizance of several requests for clarifications from prospective bidders and extended the closing date for submission of proposals to 12 December 2023. The opening of bids was effected on 14 December 2024 at the level of the Central Procurement Board. Eight bids had been received. The bids were evaluated at the level of the Central Procurement Board and on 16 April 2024, it informed my Ministry that the Board had approved the award of contract for the Framework Agreement for the Construction and Upgrading of Amenities and Associated Works for a Period of Three years to the following lowest substantially responsive bidders –

- (i) Prakash Foolchund Contractor Ltd for the amount of Rs325,478,500 exclusive of VAT, and
- (ii) First Grade Construction Ltd for the amount of Rs356,458,840 exclusive of VAT, which is 23% higher than the cost estimate and subject to negotiation be carried out as per the Directive No.61 of the Procurement Policy Office at time of call-off.

Mr Speaker, Sir, Letters of Notifications were issued to the successful and unsuccessful bidders on 26 April 2024 in accordance with section 40 (3) of the Public Procurement Act 2006 and no challenge has been received after the lapse of the seven days' notification. The contract for the Framework Agreement for the Construction and Upgrading of Amenities and Associated Works for a Period of Three years has been awarded to the lowest responsive bidder (Prakash Foolchund Contractor Ltd) on 21 May 2024.

As regards the second bidder, a Negotiating Team will be set up to negotiate the final contract price in accordance with Directive No.61 of the Procurement Policy Office so that the final negotiated price is not higher than 15% of the estimated cost.

Mr David: M. le président, le document d'appel d'offres précise à la section 1.5 que les travaux seront effectués *over the whole island* et à la section 1.6, que pour permettre l'exécution simultanée de ces travaux dans différentes régions, le *Framework Agreement* devra permettre la sélection d'un maximum de 10 contracteurs. Le ministre peut-il nous expliquer comment et pourquoi son ministère est passé de 10 contracteurs à deux privilégiés pour trois ans de travaux ?

Mr Ramano: M. le président, il n'y a pas de privilégié. Tout le *process*...

Mr Speaker: Hon. David, let me ask you to withdraw that word '*privilégiés*'. You have gone too far.

(Interruptions)

You are insinuating.

Mr David: Le ministre peut-il nous dire comment, contrairement à l'appel d'offres qui prévoyait dix...

Mr Speaker: First, you withdraw the word.

Mr David: Je retire le mot '*privilégiés*'.

Mr Speaker: So, your question remains a question. Okay, hon. Minister, reply.

Mr Ramano: M. le président, comme je l'ai mentionné dans ma réponse que les *bids were evaluated at the level of Central Procurement Board and of the 16 April 2024, it informed*

my Ministry that the Board had approved the award of contract for the Framework Agreement. Donc, M. le président, tout le processus d'évaluation a été fait niveau du *Central Procurement Board* et comme je l'ai mentionné encore une fois dans ma réponse, il y a huit soumissionnaires, mais il y a seulement deux qui sont considérés comme *responsive*. Il y a le premier à qui le contrat a été alloué directement. En ce qui concerne le second, du fait que l'offre dépasse les 23%, donc ce qui fait que selon les directives qui sont prévues par le *Procurement Policy Office, Directive No. 61* donc dans ce cas de figure, les négociations sont prévues pour qu'on puisse ramener ce chiffre 23% plus bas.

Mr Speaker: Clarification!

Mr David: Clarification. Nous parlons d'un pactole d'environ R 340 millions répartis sur 36 mois, ce qui fait en moyenne un montant des travaux de R 9.4 millions que se partagent chaque mois deux chanceux.

(Interruptions)

Puis-je demander au ministre s'il ne voit pas là dans l'attribution de ce contrat juteux la perception de favoritisme ?

(Interruptions)

Mr Speaker: No. Let me remind you. You cannot impute motives. Your question should be...

(Interruptions)

Please, there's only one Speaker. Are you paid my money? Do you get my money?

(Interruptions)

You get less. I was telling you, you cannot impute motive, your question should be factual. You cannot ask the opinion, the impression of the Minister, you cannot. This is against the Standing Order, you know that. So, I guess you do not have any supplementary question.

Mr David: I have one.

Mr Speaker: You have one?

Mr David: Yes

Mr Speaker: Can you manage one?

Mr David: Yes.

Mr Speaker: Please.

Mr David: Puis-je demander au ministre comment son ministère compte s'adapter si l'un des deux contracteurs lors des trois prochaines années pour R 340 millions de travaux devait se retrouver débordé par la surcharge des travaux, être à court de main-d'œuvre ou tout simplement se retrouver exclu des marchés publics ?

Mr Ramano: M. le président, je souhaite ici rassurer l'honorable membre, qu'il n'y a pas eu de pactole ni de jackpot ni de coffre en ce qui concerne ce *tendering procedure*, et je pense que l'honorable membre qui est très mesuré dans ses propos doit surtout éviter de mettre en doute la crédibilité du *Central Procurement Board*. Autre chose que j'aurais souhaité souligner à l'honorable membre, comme c'est prévu dans le *Framework Agreement*, et c'est prévu, je le mentionne, M. le président –

“Notwithstanding the award of the Framework Agreement to the respective contractors, the Ministry reserves the right to employ its own workers or another contractor under an entirely separate contract after any bidding exercise.”

Ce qui fait, M. le président, il n'y a aucun risque de *deadlock*, il n'y a aucun risque de monopole. Donc, le ministère est souverain pour prendre toute décision nécessaire si jamais il y a blocage au niveau de l'implémentation des projets.

Mr Speaker: At this stage, I suspend the Sitting for one and a half hour.

At 1.04 p.m., the Sitting was suspended.

On resuming at 2.41 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! Hon. Members, following the point of order raised by hon. Ramful... I notice the absence of hon. Hurreeram. So, I will wait for him to come back to take the necessary action.

ANNOUNCEMENT

HON. S. MOHAMED – S.O. 48 – NAMING

Hon. Members, I named the Leader of the Opposition, hon. Shakeel Mohamed earlier today for disregarding the authority of the Chair and for his grossly disorderly conduct for uttering the following outrageous words to my address when ordered to leave the Chamber –

- “You are a shame to this Office!”
- “You are worth nothing else!”
- “You are the protector of those anti-democrats!”
- “You are a shame to this democracy!”
- “I don’t care about your orders!”

MOTIONS – S.O. 17(3) & S.O. 29(1)

The Deputy Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. Shakeel Mohamed, I beg, under Standing Order 17(3), to take the time of the House for urgent business.

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

The motion was, on question put, agreed to.

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

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

The motion was, on question put, agreed to.

The Deputy Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. Shakeel Mohamed, I beg to move that hon. Shakeel Mohamed, be suspended from the service of the Assembly for today's Sitting and the next four Sittings unless unreserved apologies are tendered to the House.

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

The motion was, on question put, agreed to.

ANNOUNCEMENT

HON. DR. M. GUNGAPERSAD – S.O. 48 – NAMING

Mr Speaker: Hon. Members, I named MP Gungapersad earlier today for having wilfully obstructed the proceedings of the Assembly and for having uttered the words “You are a shame”, to the address of the Chair.

It is to be noted that the hon. Member had already left his seat and came back in the Chamber and uttered these outrageous remarks, thereby challenging the authority of the Chair by his grossly disorderly conduct.

MOTIONS – S.O. 17(3) & S.O. 29(1)

The Deputy Prime Minister: Mr Speaker, Sir, in view of your decision to name Dr. the hon. M. Gungapersad, I beg, under Standing Order 17(3), to take the time of the House for urgent business.

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

The motion was, on question put, agreed to.

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

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

The motion was, on question put, agreed to.

The Deputy Prime Minister: Mr Speaker, Sir, in view of your decision to name Dr. the hon. M. Gungapersad, I beg to move that Dr. the hon. M. Gungapersad, be suspended from the service of the Assembly for today's Sitting and the next three Sittings unless unreserved apologies are tendered to the House.

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

The motion was, on question put, agreed to.

Mr Speaker: Next question! I now call MP Lobine!

TOWN CENTRE, VACOAS – TRAFFIC CONGESTION – COMPREHENSIVE SURVEY/STUDY

(No. B/394) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Minister of Land Transport and Light Rail whether, in regard to the recurrent traffic congestion within the town centre of Vacoas and its adjoining regions, he will state if a comprehensive survey/study has been conducted to determine the causes thereof and, if so, table copy thereof and, if not, why not.

Mr Ganoo: Mr Speaker, Sir, it is an undeniable fact that traffic congestion has increased and is becoming more recurrent across the country, especially within urban areas. The main factor that contributes to the growing and recurrent traffic congestions is the development and expansion of major towns which leads to an increase in vehicular traffic entering and exiting the towns and their adjoining areas. Furthermore, the number of registered vehicles on our roads has also increased considerably during the last decade from 465,052 to 676,441 owing to the increase in quality of life of our citizens.

Mr Speaker, Sir, the town centre of Vacoas and its adjoining regions are of no exception as regards traffic congestion. Prior to the extension of the Metro Express corridor, my Ministry and

Metro Express Ltd engaged on a stakeholder consultation exercise in these regions involving the TMRSU, the RDA, the NLTA, the Police, Municipal Councils, L&T and RITES and following surveys conducted, new road schemes and related infrastructural works were identified.

Accordingly, in regard to the town of Vacoas, two signalised junctions, namely –

- junction of Swami Sivananda Avenue with St Paul Road known as the CEB junction, and also
- junction of St Paul with Independence Road and John Kennedy Road known as the Savoy Junction is critical in the traffic delays and queuing occurring during peak hours.

Following assessment made and as recommended by the TMRSU, actions to mitigate the traffic congestion at Vacoas and its surroundings have already been initiated and are as follows –

- (i) Implementation since November 2022 of a Contraflow Scheme allowing Independence Road during morning peak hours from 7 hours to 9.30 hours on weekdays and actions are being taken on the conversion of that road into a two-way traffic road on a permanent basis in view of the increasing traffic congestion thereat whereby traffic light vehicles only coming from Savoy Junction through Independence Road will right turn onto Club Road to join Swami Sivananda Avenue. Parking will not be allowed along Independence Road for which a Public Relation Exercise is being conducted by the Municipality of Vacoas-Phoenix.
- (ii) The provision of an additional lane with adequate storage capacity along St Paul Road between Savoy Junction and Swami Sivananda Junction near CEB, Land vesting exercise has been completed and the RDA will undertake this road construction project. Hence, the double of the initial number of vehicles will be able to proceed through the junction in the same allocated green time.
- (iii) Improvement of the turning radius of Independence Road onto St Paul Road at Savoy Junction. The traffic signal plans will thereafter be optimised for the new configuration at the above junctions.

Mr Speaker, Sir, in respect of the adjoining regions, the RDA in collaboration with the TMRSU, are implementing the following works to improve traffic flow and to reduce the existing queue lanes on the approach roads –

1. Provision of a slip lane left turning lane from Floréal Road onto St Paul Road up to Seewa Bappoo SSS for which land acquisition is underway;
2. Additional lane along St Paul Road from Green Avenue up to the junction with Swami Sivananda Avenue, land acquisition is already underway;
3. A third lane along St Paul Road from its junction with Nalletamby Road up to Floréal Road, the design is being undertaken by the RDA in consultation with the LDA with a view to integrating a land drainage project under the National Land Drainage Programme in the region of Floréal;
4. Provision of left turning lane from St Paul Road onto Nalletamby Avenue up to Stevenson Road; works order has been already issued and works are expected to be completed by October this year;
5. Extension of the existing third lane by converting part of the parking spaces along Stevenson Road near the Metro Park and Ride with its junction with Swami Sivananda Avenue.

Mr Speaker, Sir, furthermore, the following junctions are currently being studied by the TMRSU for improvements –

- The junction Sadally Road;
- Allée Brilliant Road;
- Floréal Road.

Secondly, Diolle Junction, Vacoas-La Marie and John Kennedy Road. The above junction improvements would entail the provision of an adequate turning radius and improved lane width to allow for efficient vehicle manoeuvring. The optimisation of the traffic signal timings where applicable will accordingly be looked into. The abovementioned improvements will also require

the relocation of adjacent bus stops, provision of bus laybys where required and elimination of haphazard parking near these junctions.

My Ministry is urging the TMRSU to come up with concrete proposals for implementation to bring about the needed improvements at the above two junctions. Currently, according to the Police, regular Police are being deployed daily during peak hours in the morning and afternoon on weekdays at strategic junctions to ease the traffic flow. In view of increase in traffic throughout the day, a case has been made to the Commissioner of Police for additional manpower to ensure continuous traffic control at four main strategic junctions in Vacoas, mainly at Glen Park, Diolle, Savoy, CEB and Sadally-Allée Brilliant intersections.

Mr Speaker, Sir, the RDA, as part of its Road Decongestion Programme, has already implemented the Palmerstone flyover entry, one of the La Vigie-La Brasserie-Beaux Songes Link Road to alleviate traffic congestion in the region of Vacoas.

Moreover, the RDA is currently implementing phase two of the said link road which consists of a carriageway from La Marie, passing through the village of Henrietta and ending at Beaux Songes. Same is expected to be completed by July next year.

To this end, the Holyrood Bridge has been reconstructed with a carriageway, a width of 7.5 metres and improvements are being brought to the Holyrood Branch Road which will be connected to the La Vigie-La Brasserie-Beaux Songes Link Road, whereby works have already started.

Mr Speaker, Sir, with a view also to reducing the influx of motor vehicles during peak hours, my Ministry has embarked on the modernisation of the transport system to promote the uptake of public transport such as new buses and light rail. In that regard, bus operators are being encouraged to replace their ageing fleet with new buses while the light rail corridor is being progressively extended to other parts of the island to enhance connectivity.

Mr Lobine: Thank you, Mr Speaker, Sir. May I ask the hon. Minister if he can table the comprehensive study conducted by the TMRSU with regard to those implementations that are ongoing or that will be done with regard to alleviating traffic congestion in Vacoas? Can he table same?

Mr Ganoo: Mr Speaker, Sir, there is no formal or official TMRSU study as such. At the time of the implementation of the light rail project, a master plan for traffic diversion was done for the whole region from Curepipe, Quatre Bornes, Vacoas and so on. As I said, Mr Speaker, Sir, with regard to Vacoas itself, the TMRSU, since the implementation of the Metro especially, has been identifying all the issues/problems that give rise to traffic congestion and has come up with the different measures that I have just elaborated.

Mr Bodha: Thank you, Mr Speaker, Sir. Can I ask the hon. Minister whether there is a Traffic Modelling Unit at his Ministry?

Mr Speaker: I don't think this is related to the question.

Mr Bodha: Can I ask the hon. Minister whether he has a traffic modelling unit at his Ministry?

Mr Speaker: That...

Mr Ganoo: The TMRSU is responsible for traffic modelling, Mr Speaker, Sir.

Mr Speaker: So, next question! MP Ms Anquetil!

L'OISEAU DU PARADIS SHELTER – SEWER WORKS – SAFETY MEASURES

(No. B/395) **Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Minister of Gender Equality and Family Welfare whether, in regard to the Relay Shelter at Cap Malheureux, she will state since when sewer works have started thereat, indicating the measures put in place for the safety of the children for the duration of the works thereat.

Mrs Koonjoo-Shah: Mr Speaker, Sir, sewer works are being carried out at Shelter *l'Oiseau du Paradis* situated in Cap Malheureux following problems of blocked kitchen waste pipes and clogged circuits which eventually led to an accumulation of effluence and resulted in the proliferation of insects at the backyard of a shelter, especially during heavy rainfall.

In order to address and remedy the situation, the Ministry of National Infrastructure and Community Development was requested to assist my Ministry to resolve this issue. Following an

inspection by civil engineers of the Ministry, the contract of works was awarded to a district contractor under the framework agreement.

The contractor, Mr Speaker, Sir, took possession of the site which is only a part of the entire compound. The works have started on 15 April this year and is expected to be completed by 14 June of this year. The works are being carried out during daytime when children are in school in order to protect their health and well-being.

Mr Speaker, Sir, to further ensure the safety protection of the residents and the staff of the shelter, the contractor has fixed hoarding green nylon membrane of more than 2 metres high along the perimeter of the construction area. The hoarding membrane used is specially designed for construction sites. It also prevents dust and other debris from spreading outside the construction site. In addition, it seals off the site by keeping the environment clean and minimises health risk, such as respiratory issues that can be caused by dust inhalation.

As a further precautionary measure, Mr Speaker, Sir, access to site is strictly controlled by a locked metal gate. The staffs of the shelter have been requested to be more alert and vigilant with regard to the minors there. The residents have also been sensitised on the dangers within the construction site and instructed not to venture near the site. The security officers have been informed to remain focused and more alert in their work, especially at the areas where works are being carried out. Thank you.

Mr Speaker: You may ask a supplementary or clarification, not new question!

Ms Anquetil: Merci pour vos précieux conseils, M. le président. Alors, peut-on savoir de la ministre pour quelle raison les travaux d'assainissement ont été interrompus depuis hier ? Merci.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I do not have the information that the works have been interrupted. I shall find out and revert back to the House.

Ms Anquetil: Une dernière, M. le président ! Je vous remercie, M. le président. La ministre peut-elle indiquer à la Chambre, si toutes les mesures ont été prises pour protéger les enfants, pourquoi son ministère a demandé au personnel de signer un mémo les rendant

responsables de la sécurité des enfants pendant les travaux alors qu'il incombe au ministère d'assumer l'entière responsabilité ? Merci.

Mrs Koonjoo-Shah: Mr Speaker, Sir, had the hon. Member paid attention to my original reply; I have just laid out, chapter and verse, of all the precautions that are being taken to ensure the safety of both the staff and the residents of the shelter.

With regard to why the caregivers or the staff have been made to sign whatever memo she is making reference to, yes, the Ministry is responsible for the safety of both the staff and the residents, but that is why we have officers who work in that particular institution. I cannot go, stay there and watch over the safety of the children! That is why there are officers who work within that institution! Part of their job is to ensure the safety of the residents, Mr Speaker, Sir.

ANNOUNCEMENT

HON. RAMFUL – POINT OF ORDER – HON. MINISTER HURREERAM – OBJECTIONABLE WORDS

Mr Speaker: Hon. Members, following the point of order raised by hon. Ramful earlier, I have to inform the House that I perused the records and noted that hon. Minister Hurreeram uttered the following words –

“Leader de l’Opposition kominal.”

Therefore, I invite the hon. Minister to withdraw the objectionable words and request him to present his apologies.

Mr Hurreeram: I apologise and I withdraw, Mr Speaker, Sir.

Mr Speaker: Thank you. Next, MP Ms Joanna Bérenger!

SODNAC – PRIVATE CLINIC CONSTRUCTION – OUTLINE PLANNING PERMISSION

(No. B/396) **Ms J. Bérenger (First Member for Vacoas & Floréal)** asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in

regard to the construction of a private Clinic at Sodnac by Vital Care Co. Ltd., he will, for the benefit of the House, obtain information as to when the Outline Planning Permission have been obtained therefor.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, with regard to the area of Sodnac which falls under the purview of the of the Municipal Council of Quatre Bornes, I am informed by the Council that no Outline Planning Permission (OPP) has been issued to Vital Care Co. Ltd.

I am further informed that, in fact, there is no application for an OPP from the said company. The question therefore does not arise.

Mr Speaker: So, we move to the next question!

Ms J. Bérenger: *Puis-je ?* It is not under...

An hon. Member: Clarification!

Ms J. Bérenger: Clarification...

Mr Speaker: The Minister replied that ‘there is no application.’

Dr. Husnoo: The question does not arise. No application!

Mr Juman: There is conflict of interest!

(Interruptions)

Mr Speaker: Order!

Ms J. Bérenger: Can I ask for a clarification?

Mr Ameer Meea: *Li reponn kestion lor liem!*

(Interruptions)

Mr Speaker: Order first! Order first! Repeat your reply!

Dr. Husnoo: I am going to repeat it, Mr Speaker, Sir.

An hon. Member: *Zot bizin deklar lintere!*

An hon. Member: *Ekoute!*

Dr. Husnoo: With regard to the area of Sodnac which falls under the purview of the Municipal Council of Quatre Bornes, I am informed by the Council that no Outline Planning Permission has been issued to Vital Care Co. Ltd. I am...

Mr Speaker: There is no permission issued.

Ms J. Bérenger: Can I ask for a clarification on that?

Mr Speaker: You want to clarify something?

Mr Ameer Meea: Yes, yes, yes!

Mr Speaker: If you want to clarify, okay. I will listen to the clarification.

Ms J. Bérenger: Ma question concerne, donc, la compagnie Vital Care Co. Ltd, dont le ministre est directeur, et je voudrais savoir comment cela se fait-il que l'*Outline Planning Permission*, délivré à son nom lui-même...

An hon. Member: *Dir to mem to kone! Ki to poz kestion!*

(Interruptions)

Ms J. Bérenger: ...est contenu dans l'application *EIA*. Il y a une application...

(Interruptions)

Mr Speaker: Order!

Mr Balgobin: *Inn dir pa'nn donner, pa'nn donner !*

Mr Ameer Meea: *Les li koze !*

Mr Speaker: Order! Order! Hon. Member, take it...

Ms J. Bérenger: Okay, I rephrase, I rephrase!

An hon. Member: *Al apran poz kestion !*

Mr Speaker: Please, listen to me! What's wrong?

(Interruptions)

Mr Ameer Meea: *Eh, les li koze ! Ekout kestion la !*

(Interruptions)

Ms J. Bérenger: *Ress trankil! Trankil!*

Mr Speaker: Order everywhere!

The Minister replied that there is no permission granted and you are asking 'how'! This is a very difficult question and it doesn't apply.

Ms J. Bérenger: It applies.

Mr Speaker: So, you may come back with another question. Go and do your ground work! Another question; your homework! Then, you come to ask the Minister on a specific question.

An. hon. Member: Yes, *Kifer zot pe per?*

Mr Speaker: But here, it is clarification about your answer and the reply.

Ms J. Bérenger: About the company.

(Interruptions)

About the company also, Mr Speaker, Sir!

Mr Speaker: So, I am not going to discuss with you. I have already ruled!

An hon. Member: Thanks!

Ms J. Bérenger: *Ek li pa deklar so lintere ?*

(Interruptions)

Mr Speaker: So, what are you talking about?

Ms J. Bérenger: *Be akòz sa li pa le repon! Parski li ena lintere ladan !*

Mr Speaker: You want to go out?

Ms J. Bérenger: I need to ask questions. I need to do my job.

Mr Speaker: What is your job? Asking fake questions? This is your job? You are paid to ask this category of questions?

Ms J. Bérenger: Yes!

(Interruptions)

An hon. Member: *So la pay se comme goalkeeper!*

Mr Speaker: You should know there is a Standing Order! You should know what is written in the Standing Order; what kind of supplementary question! You don't even know what a supplementary question is!

Next question!

Ms J. Bérenger: *La population vous regarde!*

Mr Speaker: The population is looking at you!

An hon. Member: Get paid to be a goalkeeper!

Mr Speaker: You are paid for...

TOMBEAU BAY – NHDC COMPLEXES – SCAVENGING SERVICES

(No. B/397) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the scavenging services at the National Housing Development Company Complexes in Tombeau Bay, he will, for the benefit of the House, obtain from the District Council of Pamplemousses, information as to the frequency thereof on a weekly basis.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed that the National Housing Development Company Complexes in Tombeau Bay falls under the administrative jurisdiction of the District Council of Pamplemousses.

I am informed by the District Council of Pamplemousses that scavenging services are provided once a week in the residential areas within Tombeau Bay by its private contractor as per an established programme of work. Hence, the same services are provided at the National Housing Development Company Complexes in Tombeau Bay.

Moreover, there are three concrete bins which are used by the residents of the National Housing Development Company Complexes at Baie du Tombeau and these bins are emptied thrice weekly thereat following an arrangement with the syndic.

Mr Ameer Meea: Yes, Mr Speaker, Sir, it is a matter of great concern that scavenging services are provided only once a week at Complex Baie du Tombeau NHDC. So, therefore is the hon. Minister aware of the unhygienic, unsanitary and unhealthy conditions at NHDC Baie du Tombeau and whether consideration will be given to increase the frequency of collection of the garbage?

Dr. Husnoo: Mr Speaker, Sir, I get the impression the hon. Member has not listened to my reply.

Firstly I have said, it is collected on a Monday and three times a week, you have three bins there, these bins are very big, they are about 14 cubic metres. You have three bins there, which are emptied three times a week upon the request of the syndic.

Mr Ameer Meea: Yes, Mr Speaker, Sir, on a clarification, can I ask the hon. Minister clearly, is the garbage collected once a week or is it collected thrice a week? My question is simple.

Dr. Husnoo: My answer is simple as well. It is on Monday; it's collected regularly but then you have three bins which are about...

Mr Ameer Meea: It is collected once a week or thrice a week?

Mr Speaker: No further debate!

Dr. Husnoo: Listen to me! Listen to me!

Mr Ameer Meea: *To kapav repon wi ou non ?*

Mr Speaker: No further debate! Please!

Dr. Husnoo: Why are you making such a noise? Listen to me! Listen!

Mr Speaker: Order! Order, please!

Mr Ameer Meea: It is a simple question!

Mr Speaker: Please! Please! The answer has been given. Now I call the next question. MP Juman!

Mr Ameer Meea: *Pe zwe lor mo!*

PAMPLEMOUSSES – CARDIAC CENTRE – OXYGEN CYLINDER – EXPLOSION

(No. B/398) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the explosion of an oxygen cylinder at the Cardiac Centre in Pamplemousses, he will, for the benefit of the House, obtain from the Trust Fund for Specialised Medical Care, information as to –

- (a) the details thereof, indicating the security measures taken thereafter, and
- (b) if the Centre holds a valid fire certificate, indicating the –

- (i) number of fire extinguishers available prior to and after the incident, and
- (ii) date of the servicing thereof.

Dr. Jagutpal: Mr Speaker, Sir, allow me at the very outset to express from this side of the House, our sincere compassion to the two staff of the Trust Fund for Specialised Medical Care, for the burn injuries sustained during the incident which occurred on 08 May 2024 on their site of work. I paid a visit to them at Victoria Hospital the very next day they were admitted. Their state of health is stable and the female nursing officer has been discharged. We wish them quick recovery from this side of the House.

Outright, I would like to point out that there is a difference between oxygen gas cylinder and combustible gases, used for domestic purposes – what we call cooking gas.

Oxygen in itself is not flammable nor noxious unless –

- it is flammable if there is presence of a spark;
- the valve is in contact with oil or grease;
- or the valve the gas nozzle is opened abruptly, for example the oxygen cylinder falls from a height and the nozzle is suddenly damaged.

Oxygen is a gas which saves lives and is used in medical set up as well as used by sick individuals requiring oxygen at home. On the other hand, a domestic gas cylinder contains liquefied petroleum gas which is highly flammable and noxious to health. In addition, there are also other flammable products used in a medical set up like alcohol.

However, it is important that same are handled with care and attention to avoid any hazard. The present case is an isolated and rare accident. Even worldwide, very few such cases happen.

Mr Speaker, Sir, in regard to part (a) of the question, oxygen gas is supplied to patients mainly from the central medical gas rooms which are connected through piping system to service points; namely the Main Operation Theatre, Minor Operation Theatre, Intensive Care Units, Neonatal Intensive Care Units, Accident and Emergency Department, other Operation Theatres, wards and units.

Moreover, portable oxygen cylinders fitted with appropriate regulators are also used in Hospitals, including the Cardiac Centre and Health Centres to supply oxygen to patients.

In the present case, one Specialised Nursing Officer assisted by one Nursing Aid were preparing a portable oxygen cylinder for transportation of a patient from the operation theatre to the ICU. However, as per preliminary investigation, while the Specialised Nursing Officer was fitting the flow meter in the oxygen cylinder and manipulating the valve, oxygen under pressure came out of the cylinder outlet and hit the electrical wirings of nearby machines, thus producing sparks, which caused the fire outbreak.

On witnessing the incident, staff in the vicinity promptly used their existing fire extinguishers to put out the fire. Immediately, first aid care was given to the two injured staff and they were transported by SAMU to Victoria Hospital for treatment at the Burns Unit. An enquiry is in process, the report of which will determine the exact cause of the incident.

Mr Speaker, Sir, in regard to part (b) of the question, the Trust Fund has already initiated necessary procedures to have a valid Fire Certificate for the Centre since 2023 and same is still in process. On 12 September 2023, the Safety and Health Officer of the Trust Fund has written to the Fire and Rescue Service for necessary inspection. There were 29 fire extinguishers before the incident and the number is still the same. As per section 4.15 of Fire Codes guidelines, inspection of fire extinguishers is done on a yearly basis. The last inspection of fire extinguishers at the Trust Fund, by the representatives of the Fire and Rescue Service was done in May 2022.

Mr Juman: Thank you, Mr Speaker, Sir. Hon. Minister, so, they don't have a valid fire certificate there? Hon. Minister, fire extinguishers have not been serviced for the last 8 to 9 years when it was supposed to be carried out yearly and you just said the last time that it has been done. It was in 2022. So, putting lives of patients, the public and the staff at risk, would you come with corrective measures to do it regularly?

Dr. Jagutpal: Mr Speaker, Sir, I stated earlier in the reply that last time it was done in 2022-2024, it's not 8 years. I agree with you, there is a delay – totally agree with you that there is a delay. I personally talked to the Chief Fire and Rescue Officer and he said that the necessary is being done and I believe that would be done in the next coming days.

Now, at the same time, the officers who are responsible for those who are working there, have been inspecting the different setups to make sure that everything is in order.

Mr Juman: Merci. M. le ministre, on parle de soins intensifs. Il n'y a pas un *fire certificate* – *valid certificate*. Est-ce que c'est le cas dans d'autres départements de notre santé publique ? Est-ce que vous comptez *carrying out an audit*?

Dr. Jagutpal: Mr Speaker, Sir, the government, in fact, carried out audit for the services of all the different buildings owned by the government a few years back – it was in 2022 itself – and out of the thousands of buildings owned by the government, there were minor and major changes to be made according to the different provisions for the fire certificate and all these have been addressed.

I believe in the past, there were PQs asked on this subject and that has been done. And that process is being done on a regular basis – maybe not exactly on a yearly basis, but definitely, these activities have been carried out in a reasonable timeframe.

Mr Speaker: The Table has been advised that PQs B/400, B/408, B/421, and B/435 have been withdrawn.

I now call MP Aumeer!

STATE SECONDARY SCHOOLS - SUPPLY TEACHERS

(No. B/399) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to secondary schools, she will state the number of Supply Teachers recruited annually subject-wise, since January 2015 to date.

(Withdrawn)

TRADE PREMISES INSPECTION – CONTRAVENTIONS

(No. B/400) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Commerce and Consumer Protection whether, in regard to inspection of

trade premises, she will state the number thereof effected since January to April 2024, indicating the number of contraventions issued.

(Withdrawn)

RIYADH, SAUDI ARABIA – MAURITIAN EMBASSY – ALLOCATED BUDGET & STAFF

(No. B/401) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Attorney-General, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Mauritian Embassy in Riyadh in the Kingdom of Saudi Arabia, he will state the –

- (a) budget allocated thereto yearly since the opening thereof to date, and
- (b) number of staff employed thereat, indicating their respective nationalities.

Mr Gobin: Mr Speaker, Sir, the diplomatic relations between Mauritius and the Kingdom of Saudi Arabia were established in August 1978. However, Mauritius did not open an Embassy in Riyadh until the decision of government to open the Embassy in 2017. This is a historic decision taken by Government to open the Embassy in Riyadh in 2017 after which, on the basis of reciprocity, the Kingdom of Saudi Arabia opened a Consulate General in 2018.

I am very pleased to inform the House that the Consulate General of the Kingdom of Saudi Arabia has this year, in 2024, been elevated to the level of a full-fledged embassy with a full-fledged Ambassador of the Kingdom of Saudi Arabia in Mauritius.

Mr Speaker, Sir, I seize this opportunity of this Parliamentary Question to inform the House that since the opening of our diplomatic mission in Saudi Arabia in 2017, the bilateral relations between Mauritius and Saudi Arabia has been enhanced in several areas including – for grants and loans on projects in Mauritius, for tourism, for investment and also on the important subject of Hajj pilgrimage.

With regard to part (a) of the question, Mr Speaker, Sir, I am tabling the information requested.

With regard to part (b) of the question, Mr Speaker, Sir, we have 7 local staff employed at the embassy in the grades of Administrative Assistant, Secretary, Translator/Interpreter, Receptionist, Driver and Messenger respectively.

With regard to their respective nationalities Mr Speaker, Sir, 2 local staff have Pakistani nationality, 1 Palestinian, 1 Yemeni, 1 Sudani and 2 Bangladeshis.

I thank you, Mr Speaker, Sir.

Dr. Aumeer: Thank you. Will the hon. Minister consider for the ease of our pilgrims heading to Saudi Arabia, particularly to the holy centres of Mecca and Medina, opening a Consulate there, considering there is quite a hefty budget located for the Saudi embassy?

Mr Gobin: Mr Speaker, Sir, our Ambassador, his Excellency, Ambassador Soodhun, ever since his posting in Riyadh, has been discharging his duties to the satisfaction not only of the government, but I will say of stakeholders and one and all. We fully appreciate how His Excellency, Ambassador Soodhun, is discharging his duties and I am sure that this year also he will live up to the expectation.

With regard to the specific question of whether we are going to open a Consulate, the House will appreciate that the question of opening a Consulate is not taken unilaterally by any country. It is quite a lengthy process but I reiterate what I have said in so far as the discharge of duties of our Ambassador who is posted to Riyadh.

Thank you, Mr Speaker, Sir.

Mr Speaker: We take the next question. MP Navarre-Marie!

NURSERIES – CASH GRANT – APPLICANTS’ DETAILS

(No. B/402) Mrs A. Navarre-Marie (Fourth Member for GRNW& Port Louis West) asked the Minister of Gender Equality and Family Welfare whether, in regard to nurseries, she will give a list thereof having applied for the cash grant of Rs500,000 since July 2023 to date, indicating the names and addresses of the successful applicants thereof.

Mrs Koonjoo-Shah: I wish to inform the House that the One-Off Cash Grant Scheme aims to assist all the Child Day Care Centres in upgrading their facilities so that they can meet the required standards under the Regulations in force. Since its inception, the scheme has evolved to provide a maximum grant of Rs500,000 per beneficiary, based on the project submitted. In the Budget of last year, the grant was increased by 30% to reach Rs650,000. Since July 2023, eight applications were approved.

Mr Speaker, Sir, with your kind permission, I would like to table the list of applicants for this One-Off Cash Grant as requested by the hon. Member.

Mrs Navarre-Marie: As well as successful applicants.

Mrs Koonjoo-Shah: Sorry, I didn't hear the question.

Mrs Navarre-Marie: As well as successful applicants.

Mr Speaker: The list of successful applicants.

Mrs Koonjoo-Shah: This is exactly what I have just said.

Mrs Navarre-Marie: La ministre ne pense-t-elle pas qu'il aurait été préférable d'accorder un *cash grant* comme *start up capital* à celles et ceux qui ont l'intention d'ouvrir une crèche afin qu'ils puissent répondre aux exigences des règlements au lieu d'en accorder aux crèches déjà ouvertes ?

Mrs Koonjoo-Shah: Mr Speaker, Sir, we do not allocate money for people to open a *crèche*. What we do is as it is; there are quite a good number of child daycare centres in operation – what made the difference, what the hon. Minister of Finance did when he put up the One-Off Cash Grant of Rs 650,000, is to give the opportunity to all *crèches*, especially those who were unregistered to improve their standards so that they can comply with the Child Day Care Centres Regulation of 2022. Therefore, no, the government is not going to be providing money for somebody to start a child daycare centre. It is their responsibility to start at least.

Mrs Navarre-Marie: L'un des règlements pour ouvrir une crèche est l'espace de 3.25 mètres carrés requis par enfant à l'intérieur et de 7 mètres carrés par enfant à l'extérieur. La ministre ne pense-t-elle pas que cet espace requis est quelque peu exagéré et que pour pouvoir

respecter cela, les crèches doivent trouver un plus grand espace, donc, loyer plus fort et répercussion négative sur le budget familial ?

Mrs Koonjoo-Shah: Mr Speaker, Sir, if the required space had been anything less than what has been stipulated in the regulation, there would be a question undoubtedly that the space is too little. Now that we have come up, according to standards and practices across the globe and obviously taken into consideration our local context and we have defined the space, the area required inside and outside per child – now, the question being put to the House is – is it not too much?

So Mr Speaker, Sir, coming to the second part of the question put by the hon. Member, one has to remember that government is offering Rs 2,000 for every child that is born, from the time the child is born all the way up to when the child turns 3 years old. This is the period from three and a half months old for which there is the maternity leave period already.

This is the period when the child *va fréquenter une crèche*. That is the period when the child is going to be enlisted in a Child Day Care Centre. Government is already providing funding to alleviate *le budget familial*. Therefore, first of all, it is wrong to say that Government should look at doing *more*. We are always doing more!

Une petite patience, la semaine prochaine, l'honorable ministre des Finances viendra avec son budget. I am sure it is going to be full of good surprises for one and all! In the meantime, I can reassure the hon. Member and the population that Government takes care of the baby from the time the baby is born all the way until his/her university studies. So, please, let us get our marbles right.

Mr Speaker: Next question!

PACK & BLISTER – VENTILATORS PROCUREMENT – REFUND MECHANISM

(No. B/403) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the procurement of ventilators from Pack and Blister, he will state the –

- (a) method resorted to for the selection thereof;
- (b) aggregate expenses incurred therefor, and

- (c) actions, if any, taken –
 - (i) for the refund of the amount paid therefor, and
 - (ii) to claim damages and/or for the replacement thereof.

Dr. Jagutpal: Mr Speaker Sir, as regards part (a) of the question, several offers for ventilators were made to be considered and assessed by my Ministry. I have the list, I can table it. These offers included the ventilators AEOMED VG70 from Pack & Blister. Technical teams were constituted and comprised Consultant-in-Charge Anaesthetist and Superintendent Surgical Technology Workshop, that is, a surgical technologist who were the end-users of the ventilators.

The ventilators models AEOMED VG70 were found to be fit for purpose and were procured by way of emergency procurement under section 21 of the Public Procurement Act and Directive 44 of the Procurement Policy Office.

Mr Speaker, Sir, during the early months of the COVID-19 pandemic in 2020, the country was under lockdown. People could not commute to work, there were movement restrictions and special access was required. There was limited staff at my Ministry, including from the Procurement Section, as they feared that they would acquire the virus and later infect their family, and some of them were old age.

Faced with these challenges, my Ministry requested the State Trading Corporation to support with the purchase of ventilators and other equipment and consumables. Therefore, as regards to part (b) of the question, payment of an amount of EUR 1.8 million was made on 03 April 2020 by the STC.

Mr Speaker Sir, with regard to part (c) of the question, in reply to PQ B/1470 at our Sitting of 14 November 2023, I informed the House that in October 2023, my Ministry obtained an expert report and an updated legal opinion from Spanish Law Firm Ferran Abogados and Asociados for a case to be lodged in Spain to recover the amount disbursed for the ventilators.

After seeking the concurrence of the Attorney General's Office and obtaining Financial Clearance, Government agreed to retain the services of Messrs. Ferran Abogados and Asociados for the purpose of lodging a case against Pack & Blister in Spain for the supply of defective ventilators to the State of Mauritius and of obtaining damages incurred as a result. The STC has also agreed to assist my Ministry to consolidate the case and being a plaintiff together.

In this connection, my Ministry has liaised with the Attorney General's Office to instruct the Spanish Law Firm to serve a notice for non-compliance and delivery of defective ventilators on Pack & Blister with a request for refund of the total amount disbursed by my Ministry and/or the STC and damages. Thank you.

Mr Uteem: The hon. Minister just mentioned a notice served by the lawyers in Spain on Pack & Blister. May I know from the hon. Minister whether in addition to the notice, an actual case has been lodged in Spain to claim the refund of the money and damages?

Dr. Jagutpal: Mr Speaker, Sir, I am sorry; I am not a technical person. I do not have this information. This is very technical. I will definitely give a reply.

Mr Uteem: The first part of the question was about the procurement of these 50 ventilators which were defective. Is hon. Minister, today, after four years, in a position to inform the House who recommended Pack & Blister for the award of the contract?

Dr. Jagutpal: I stated earlier in my reply that we had a series of offers in 2020. I can table this document. For these series, the recommendation was made by the technical team, that is, the Consultant-in-Charge Anaesthetist and the Superintendent Surgical Technology who is also a surgical technologist. They recommended the use of this ventilator.

Mr Speaker: Next question! MP Abbas Mamode!

MEDICAL & HEALTH OFFICERS – STUDY LEAVE WITHOUT PAY

(No. B/404) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the Medical and Health Officers who are currently on study leave without pay, he will –

- (a) give a list thereof, indicating in each case the –
 - (i) starting and ending date thereof;
 - (ii) field of study, and
 - (iii) name of the University, and
- (b) state the criteria for granting same.

Dr. Jagutpal: Mr Speaker, Sir, I am informed that there are presently 68 Medical and Health Officers who are on study leave without pay.

With regard to part (a) of the question, I am tabling the information requested.

In regard to part (b) of the question, I am informed that the criteria for the grant of leave without pay are in accordance with Recommendation 20 Paragraph 16.4.94 (G) of the Pay Research Bureau Report 2021 which reads as follows –

“Officers holding a substantive appointment should be eligible to the grant of leave without pay, subject to the exigencies of the service to pursue higher studies on a full time basis for the duration of the course, up to a maximum of four years in aggregate and subject to the following conditions (...).”

Thank you, Mr Speaker, Sir.

Mr Speaker: Next question! Hon. Doolub!

MAHEBOURG – TOMBEAU CREMATION GROUND

(No. B/405) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien): asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the incinerator at Tombeau Cremation Ground in Mahebourg, he will state when same will be operational.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the District Council of Grand Port that a decision was taken on 27 October 2023 to stop making use of the incinerator at Tombeau Cremation Ground in Mahebourg as no proper maintenance agreement was available.

I wish to inform the House that the incinerator at Tombeau Cremation Ground along with 15 other incinerators was supplied by Kanta Electricals India Ltd. under an Indian Line of Credit. The contract was awarded on 26 July 2019, but no provision for maintenance of these incinerators was made in the bidding documents.

The respective local authorities had launched several bids for the provision of maintenance service to these incinerators but were unsuccessful. In this context, on 27 March 2024, my Ministry invited bids centrally for the repair and maintenance of the 16 incinerators on a customised basis to allow local service providers to bid. The closing date for submission of the bid was 25 April 2024. One offer has been received. After evaluation, it has been found to be non-responsive.

My Ministry will launch a fresh bidding exercise this week itself. However, I am informed that all the requests for incineration from the public are being carried out at the Plaine Magnien Crematorium.

Mr Speaker: Next question! MP Richard Duval!

HORSE RACING – BETTING TAX COLLECTED – 2020 TO 2024

(No. B/406) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Finance, Economic Planning and Development whether, in regard to the horse racing industry, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the betting tax collected for each of the financial year 2020-21, 2021-22, 2022-23 and for the period July 2023 to date, indicating the forecasted amount thereof for 2024-25.

Dr. Padayachy: M. le président, j'ai été informé par la *Mauritius Revenue Authority* que le montant de la taxe collectée sur les paris pour les années financières requises est le suivant –

- pour l'exercice 2020-2021, 506 millions de roupies ;
- pour l'exercice 2021-2022, 390 millions de roupies ;
- pour l'exercice 2022-2023, 496 millions de roupies, et
- pour la période du 01 juillet 2023 au 16 mai 2024, 282 millions de roupies.

En ce qui concerne le montant prévu de la taxe sur les paris pour l'exercice 2024-2025, actuellement, mon ministère travaille sur l'estimation et les chiffres seront publiés dans les *Budgets Estimates 2024-2025*. Merci.

Mr R. Duval: Nous sommes tous d'accord, M. le ministre, que certaines industries vont au plus mal et font face à une baisse incontrôlable *du betting* de la part de la confiance des Mauriciens sur l'actuelle organisation des courses. Le ministre peut-il nous dire, avec une baisse drastique de revenus, s'il a l'intention de revoir avec la *GRA* de revenir sur cette décision que de donner seul à la *People's Turf* la gestion du Champs de Mars ?

Dr. Padayachy: M. le président, j'ai demandé au régulateur, la *GRA*, les raisons qui ont pu affecter les recettes, ils m'ont avancé qu'en 2023, sur les 40 courses approuvées par l'autorité, ils ont dû abandonner 12 en raison de mauvais temps...

Dr. Boolell: *Li p toler sa...*

Dr. Padayachy: Donc...

Mr Nuckcheddy: *Ki pe arrive?*

Dr. Boolell: *Be li pe toler Lee Shim...*

An hon. Member: *Non, be ekoute!*

Mr Speaker: What is happening?

(Interruptions)

Dr. Boolell: ... restriction...

An hon. Member: *Ki restriksion to pe koze!*

Mr Speaker: Let the Minister reply!

Dr. Padayachy: Donc, de principe, je ne vais pas me mêler des décisions qui sont prises par le régulateur. Merci.

Mr Speaker: Next question! MP Osman Mahomed.

LE POUCE STREAM – BANKS’ RAISING

(No. B/407) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of National Infrastructure and Community Development whether, in regard to works for the raising of banks along Le Pouce Stream, he will state the name of the company to which the contract for the Consultancy Services for the Design, Supervision and Management thereof was awarded to, indicating the –

- (a) conditions attached thereto, and
- (b) associated costs therefor.

Mr Hurreeram: Mr Speaker, Sir, I am informed that the National Development Unit has appointed GIBB (Mauritius) Ltd. as consultant on 20 July 2020 for the design of drain works in the city centre region which includes the region of Le Pouce Stream.

Mr Speaker, Sir, with regard to part (a) of the question, the main scope of services of the consultant was –

- a) Study the drain network request for the Port Louis central area with a view to abate the flooding thereat.
- b) Carry out hydrological and topographical surveys for determination of affected locations and establishment of catchment project area.
- c) Prepare tender documents, specification drawing, scope of works for appointment of contractor for geotechnical investigation, if required, and also supervision and contract management thereof.
- d) Assess the hydraulic capacity and structural soundness of all bridges crossing Le Pouce Stream, Canal la Paix, Poudrière Stream and any bridges as directed by the client.
- e) Prepare preliminary design of the selected drainage system and associated components including preparation of cost estimate for works and other companies.
- f) Review the capacity of existing watercourses from their source to the sea.
- g) Propose any corridor for a new storm drain, starting from the affected region to the sea.

Mr Speaker, Sir, with regard to part (b) of the question, the total amount paid to the consultant for works completed by him is Rs2.9 m. inclusive of VAT. Mr Speaker, Sir, the NDU thereafter appointed Luxconsult as consultant on 17 July 2024 for the supervision and management of works at Ruisseau du Pouce under its Framework Agreement for consultancy services. No payment has been effected to Luxconsult as of date and the amount payable will be based on the value of works certified as it is the practice. Thank you.

Mr Osman Mahomed: Yes, in respect of consultant GIBB, can I ask the hon. Minister to clarify to the House if he is aware that on 14 October 2021, GIBB requested that proper investigations with respect to the existing foundation would need to be carried out and subsequently, on 12 October 2022, it warned that raising of the walls along Le Pouce Stream should not be implemented as a stand-alone project and more recently, on 01 March 2023, expressed its astonishment that this document have been floated notwithstanding the fact that all

its recommendations have not been implemented. I am going to table all the letters from GIBB – official letters, signed letters from GIBB.

Mr Hurreeram: Mr Speaker, Sir, you will agree with me that the supplementary question of the hon. Member does not pertain to the main question. If I have a proper question in that direction, I will ask for those informations and give to the House.

Mr Osman Mahomed: The question relates!

Mr Speaker: Next question! MP Quirin!

Mr Osman Mahomed: *To bizin demisione! Tonn fel kouyon!*

An hon. Member: *Ki to gagne?*

Mr Speaker: Please, apologise! Apologise!

Mr Osman Mahomed: Three houses have collapsed in my Constituency and you want me to apologise to him?

Mr Speaker: Apologise to the House!

Mr Osman Mahomed: Okay. Okay.

Mr Speaker: *Ou'nn fer serman* House. Apologise to the House.

MP Quirin, you already put your question?

ALBION – MALAGASY NATIONALS – EXPLOITATION ALLEGATION – INQUIRY

(No. B/408) **Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Labour, Human Resource Development and Training whether, in regard to the alleged cases of exploitation of ten Malagasy nationals residing in Albion, he will state if the matter has been reported to the Special Migrant Workers Unit of his Ministry and, if so, indicate if an inquiry has been initiated thereinto and the outcome thereof.

(Withdrawn)

**PARIS 2024 OLYMPIC & PARALYMPIC GAMES – QUALIFIED ATHLETES –
FINANCIAL ALLOCATIONS**

(No. B/409) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the Paris 2024 Olympic and Paralympic Games, he will state the list of qualified athletes therefor as at date, giving a breakdown of the sums allocated to each athlete through the Horizon Olympique et Paralympique de l'Elite (HOPE) Association for their preparation.

Mr Toussaint: Mr Speaker, Sir, with your permission I would like first of all to congratulate our para-athlete...

(Interruptions)

Mr Osman Mahomed: He's threatening me.

Mr Toussaint: *Ey kumadir zanfana lekol matlo!*

(Interruptions)

Mr Speaker: Order!

Mr Toussaint: *Kisisa!*

Mr Speaker: Both of you! Both of you, order!

Mr Toussaint: *Kumadir maternal!*

Mr Speaker: I don't want to hear anything.

An hon. Member: *Laisse dimunn travay do.*

Mr Speaker: Quiet! Quiet!

Mr Toussaint: Quiet!

Mr Speaker: Smile!

An hon. Member: *Kumadir Tom Sawyer! Boolell meme p riy twa!*

Mr Speaker: At least we have somebody who can smile; we can harvest it! Minister Toussaint!

Mr Toussaint: I'll start again Mr Speaker, Sir, because some on the other side are behaving like Tom Sawyer.

Mr Osman Mahomed: *Weh li akote twa la!*

(Interruptions)

Mr Toussaint: Mr Speaker, Sir, with your permission, I would like first of all.

Mr Speaker: Wait! Hon. Member apologise one more!

Ms J. Bérenger: On a point of order, is it right to call a hon. Member Tom Sawyer?

Mr Speaker: Are you the Speaker?

(Interruptions)

Mr Ramano: *To kapav dir zako twa!*

Mr Speaker: Are you the Speaker in this House?

(Interruptions)

Ms J. Bérenger: I'm asking you...

Mr Speaker: What is this hand? Why are you raising your hand?

Ms J. Bérenger: On a point of order!

Mr Speaker: There is no point of order!

(Interruptions)

An hon. Member: What? *Kifer?*

Mr Speaker: Apologise for that.

Mr Osman Mahomed: Okay.

(Interruptions)

Mr Speaker: He apologised. On your point of order, he apologised!

Ms J. Bérenger: He should apologise as well!

An hon. Member: *To pa gagn dimounn zako twa!*

Ms J. Bérenger: He called another Member Tom Sawyer, is it right?

Mr Ramano: *Zako to kapav dir!*

An hon. Member: *Twa to kapav dir dimounn zako!*

Mr Speaker: So anytime, you think you can just ask a point of order, anytime you can intervene. This is Question Time and you already put your question.

(Interruptions)

You think this is a bazaar?

(Interruptions)

This is a Parliament, Member!

Ms J. Bérenger: This is a point of order! Mr Speaker, Sir, I am...

(Interruptions)

Mr Speaker: Quiet! You are arguing with the Chair! Please!

Ms J. Bérenger: I am asking a point of order!

Mr Speaker: You are arguing with the Chair. Please, move out of the House!

Mrs Foo Kune-Bacha: It's her right to ask a point of order.

Mr Speaker: Move out of the House! This is her right! Move out of the House! Move away!

Mrs Foo Kune-Bacha: *Fer goalkeeper mem.*

Mr Speaker: Minister!

Mr Toussaint: I'll start again.

Mr Speaker, Sir, with your permission I would like first of all to congratulate our para athlete Ms Anaïs Angeline who won a silver medal in the long jump event at the para-athletics World Championship in Japan and wish good luck to other para-athletes still in competition.

For recall, the project Horizon Paris 2024 was launched in 2020 by my Ministry with a view to providing appropriate support to Mauritian athletes for their preparation up to the 2024 Olympic and Paralympic Games scheduled to take place from 26 July to 11 August 2024, and 28 August to 08 September 2024, respectively. An initial evolving list including 15 athletes and para-athletes was made.

Subsequently, a new structure for the Horizon Paris 2024 renamed as *Associations HOPE* was launched in September 2022 to provide a better framework for the preparation of the athletes and para-athletes for the upcoming Paris 2024 Olympic and Paralympic Games and to extend that preparation towards the 2028 Los Angeles Games.

The *Association HOPE* aims to qualify the maximum number of Mauritian athletes and para athletes for the Paris 2024 Olympic and Paralympic Games and the Los Angeles 2028 Olympic and Paralympic Games with great expectations for the para-athletes who are considered high potential medalists. The Association *HOPE* have retained a list of 22 beneficiaries who have received financial support to the tune of Rs19,395,064.46 over a period of 4 years for their preparation for the Paris 2024 Olympic and Paralympic Games.

The following criteria were used to select athletes on the list of the beneficiaries of *Association HOPE* –

- a) Should have the potential to be a medalist;
- b) Should have been an African Medalist or be ranked among the top 15 in the world,
and
- c) Should meet the performance objectives set.

I am pleased to inform the House that as at date, seven athletes have qualified for the Paris 2024 Olympic Games while four para-athletes have qualified for the Paris 2024 Paralympic Games. The qualified athletes for the Paris Olympic Games are –

- 1. Marie Paule Perrier, Athletics;
- 2. Kate Foo-Kune, Badminton;

3. Julien Paul, Badminton;
4. Christopher Rougier-Lagane, Cycling;
5. Kimberley Lecourt de Billot, cycling;
6. Jean de Falbaire, Sailing, and
7. Julie Paturau, Sailing.

And for the Paralympic Games, the para-athletes are –

- Noemi Alphonse;
- Anaïs Angeline;
- Roberto Michel;
- Yovanni Philippe.

With your permission, Mr Speaker, Sir, I will now table the sum allocated by *Association HOPE* to each athlete and para-athlete on its initial merit list established since the beginning of their preparation for the Paris Olympic and Paralympic Games.

Thank you.

Mr Quirin: M. le président, permettez-moi à mon tour...

Mr Speaker: Clarification!

Mr Quirin: Bien sûr! Permettez-moi à mon tour de saluer nos paraathlètes qui se trouvent actuellement au Japon et, fidèles à leurs habitudes, font honneur au pays.

De ce fait, M. le président, l'honorable ministre est-il informé que les athlètes qualifiés ou qui sont toujours à la recherche de leurs qualifications pour les JO de Paris ont déploré un manque de soutien financier dans le cadre de leur préparation ? De ce fait, l'honorable ministre peut-il nous dire si son ministère compte allouer une somme additionnelle à ces athlètes et aux fédérations concernées ou compte-t-il encore une fois solliciter l'association HOPE pour justement accorder une somme supplémentaire aux athlètes et fédérations concernées ?

Mr Toussaint: M. le président, déboursier des sommes pour nos athlètes relève définitivement des demandes de différentes fédérations. L'association HOPE a été créée dans ce sens pour aider à travers les sponsors qu'ils reçoivent, et je remercie énormément toute l'équipe

de HOPE, sous la présidence de M. Dominique Filleul, les différents sponsors de HOPE pour leur contribution.

Maintenant, l'honorable membre vient de dire dans sa question : les athlètes. Donc, s'il y a des cas spécifiques, que ces athlètes concernés demandent à leur fédération concernée d'écrire au ministère pour qu'on puisse voir ce qui peut être fait par rapport à leur préparation.

Mr Quirin: M. le président, comme l'honorable ministre lui-même dans sa réponse nous a dit qu'avant février 2023, l'association Hope était connue comme Horizon Paris 2024, effectivement, et pour la transparence, le ministre peut-il nous dire le montant que cette association a accumulé durant ces quatre dernières années et comment cette somme a été dépensée ?

Mr Toussaint: M. le président, je n'ai pas les chiffres exacts avec moi en ce qu'il s'agit des différentes sommes que l'association HOPE a en sa possession. En ce qu'il s'agit de déboursement, tout est dans le document que je viens de déposer à la Chambre.

Mr Speaker: Next question, MP Juman!

HAJJ PILGRIMAGE 2024 – MISSION COMPOSITION

(No. B/410) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Arts and Cultural Heritage whether, in regard to Hajj pilgrimage 2024, he will, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to –

- (a) the composition of the Hajj Mission;
- (b) the costs to be incurred by the Centre for the doctors accompanying the pilgrims, if any, and
- (c) if consideration will be given for the list of the pilgrims attending same to be made public.

Mr Teeluck: Mr Speaker, Sir, in my reply to PQ B/201 on 16 April 2024, I informed the House that for the first time ever, pilgrims have been given two options to choose from namely; the traditional route and the Azizia route. About 1,000 pilgrims have selected the Azizia option, regrouped with seven Hajj operators while 650 pilgrims have opted for the traditional route,

regrouped with eight Hajj operators. To this end, the composition of the Hajj Mission has been worked out taking into consideration that there would be two groups of Mauritian pilgrims: one proceeding through the traditional route and the other through the Azizia route.

With regard to part (a) of the question, I am informed by the Islamic Cultural Centre that the composition of the Hajj Mission 2024 is as follows –

- Mr Yoosuf Salemhamed, Chairperson of the ICC;
- Mr Swadeck Somally;
- Mr Abdool Gaffoor Kassim;
- Mr Moortooza Boodhoo;
- Mr Rafick Kurmally;
- Mr Hossen Jeawoody;
- Mr Sheik Ahmad Seedeek Cader Saib;
- Mr Mohammad Zul-Kifl Mamade Tagally;
- Mr Abdool Waheed Ruhomutally;
- Mr Ahmad Fawzee Khodabaccus, and
- Dr Kamil Fathi Durgahee.

Government has left no stone unturned to ensure that the Hajj 2024 be performed in the best possible conditions. To this end, I am pleased to inform the House that for this year's Hajj, H.E. Showkutally Soodhun, along with officials of the Mauritian Embassy in Saudi Arabia and the Consulate of Mauritius in Dubai will be fully involved with the Hajj Mission and also assist Mauritian pilgrims. The presence of Ambassador Soodhun would no doubt ensure a coordinated effort and assistance with the Saudi authorities.

Mr Speaker, Sir, with regard to part (b) of the question, again in my reply to PQ B/201, I informed the House that following discussions that the ICC had with Hajj operators, it had been agreed that for this year's Hajj, operators or group of operators with around 200 Hajjis will be given an extra visa for a medical doctor. I am thus informed by the ICC that we will have nine doctors, including two lady doctors who will offer medical assistance to Hajjis. This is an unprecedented decision. The doctors will coordinate their efforts to better serve our pilgrims. All expenses in relation to these doctors will be met solely by the Hajj operators. In addition, as has

been the usual practice in the previous Hajj pilgrimage, the Hajj mission will comprise a medical doctor as I mentioned earlier, Dr. Kamil Durgahee. As regards the cost to be incurred by the ICC in respect of Dr. Durgahee, I am informed by the ICC that same would amount to approximately Rs370,000.

Mr Speaker, Sir, as regards part (c) of the question, I am informed by the ICC that the list of Hajj 2024 pilgrims cannot be rendered public by virtue of the Data Protection Act 2017. However, should the hon. Member need any clarification on the matter, I invite him to submit same to me in good faith and I can reassure him that my Ministry and the Islamic Cultural Centre would look into the matter.

Mr Speaker, Sir, the first batch of pilgrims will leave Mauritius on 24 May 2024. I therefore take this opportunity to wish a Hajj Mabrook to all the Hajjis. I assure the House that my Ministry will ensure a close follow-up with ICC and the Mauritian Embassy in Riyadh, in particular with Ambassador Soodhun to ensure that the Hajj 2024 be performed in the best possible conditions.

Mr Juman: Merci, M. le président. M. le ministre, après l'organisation scandaleuse de l'année dernière, aucune leçon retenue par le Centre Culturel Islamique, ni par le ministère. Comment se fait-il, M. le ministre, que trois des membres pressentis pour faire partie du *Hajj Mission* partent pour la première fois? Ils ont eux-mêmes besoin d'assistance. *How can you expect them to assist Hajjis?*

Mr Teeluck: Mr Speaker, Sir, firstly I would request you, Mr Speaker, Sir, to ask the hon. Member *de retirer le terme 'scandaleux'*. *Il n'y avait rien de scandaleux* in the Hajj Pilgrimage 2023.

Mr Speaker: Hon. Member, this qualification is too heavy. So, withdraw that word '*scandaleux*'.

Mr Juman: Cela a été scandaleux, M. le président. C'est pour cela que...

Mr Speaker: You are insisting?

Mr Juman: ... le *Chairman* de l'ICC a été...

Mr Speaker: Are you insisting? Are you insisting?

Mr Juman: *Yes ! J'insiste que c'était scandaleux ! Oui, M. le président !*

Mr Speaker: So, the Minister is telling you there is nothing...

Mr Juman: He can say whatever he wants!

Mr Speaker: ...scandalous, and you may say whatever you want.

Mr Juman: He can say whatever he wishes to say!

Mr Speaker: And you may say whatever you want!

Mr Juman: Mais cela a été scandaleux !

(Interruptions)

Mr Speaker: So, I disallow this question. Do you have another question?

Mr Juman: Yes, I have!

Mr Speaker: Yes, go ahead!

Mr Juman: M. le ministre, peut-on savoir quels sont les critères pour sélectionner les membres faisant partie du Hajj Mission ? Est-ce que ce sont les *koler l'affiche*, agents politiques ?

Mr Speaker: No, again, again! We have to be...

Mr Juman: C'est une question!

Mr Speaker: We have to respect!

Mr Juman: Mais c'est une question!

Mr Speaker: We have to show respect! We have to show respect! Either you withdraw that word or again I disallow the question!

Mr Juman: Is it a criteria to select members forming part of the Hajj Mission?

Mr Speaker: Have you withdrawn the words that you have used?

Mr Juman: Which word?

Mr Speaker: The scandalous words '*koler l'affiche*'!

Mr Juman: Okay. '*koler l'affiche*', okay.

Mr Speaker: You withdraw.

Mr Juman: I withdraw.

Mr Speaker: Okay!

Mr Juman: Quels sont les critères, M. le ministre, pour sélectionner les membres faisant partie du *Hajj Mission* ?

Mr Teeluck: Mr Speaker, Sir, the selection of those who will form part of the Hajj Mission is approved by the Board of the ICC. This has been the case for several years now. I leave it in the hands of the ICC to select and to assess who deems appropriate to assist all the hajjis. As far as I know, they have done their screening on the members accompanying all the hajjis this year. *C'est regrettable qu'on dit 'koler l'affiche'*, Mr Speaker, Sir !

Mr Juman: *Oui, ils sont des 'koler l'affiche' !*

Mr Speaker: So...

Mr Teeluck: Mr Speaker, Sir, we are talking Secondary Educators in Arabic language forming part of Hajj Mission. We are talking about retired Arabic Secondary Educators. We are talking about medical doctor who is part of the Ministry of Health. Are they '*koler l'affiche*', Mr Speaker, Sir?

An hon. Member: La honte! La honte!

Mr Juman: Agent politique!

An hon. Member: *La honte!*

Mr Speaker: Order!

An hon. Member: *La honte!*

Mr Juman: *Ki la honte? Agent politique! Ki la honte ?*

Mr Speaker: So, hon. Juman what is happening?

(Interruptions)

What is happening? Listen, you have the right to put a supplementary question. You put your supplementary question, you get a reply!

Mr Juman: Don't point your finger at me!

Mr Speaker: So, you make a debate...

Mr Juman: Don't point your finger at me!

Mr Speaker: You make...

Mr Juman: Don't point your finger at me!

Mr Speaker: Please!

Mr Juman: Yes.

Mr Speaker: I am telling you...

Mr Juman: Don't point your finger at me!

Mr Speaker: I am telling you to walk out from here! You are contesting my authority when I am talking to you!

Mr Juman: Don't point your finger at me!

Mr Speaker: Please, walk out! Walk out from here! If not, I will name you! You choose! Walk out or I name you instantly!

Mr Toussaint: *Bizin al kol lafis la!*

Mr Juman: *Al bez to sinte twa!*

Mr Speaker: Next question!

LA TOUR KOENIG – TWO ACCESS PATHS – CLEANING & MAINTENANCE

(No. B/411) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the two paths, from the main road near Bhujoharry College and the bakery leading to the church at La Tour Koenig, he will, for the benefit of the House, obtain from the Municipal City Council of Port Louis, information as to if consideration will be given for the cleaning and maintenance thereof for the safety of the users thereof.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the Municipal City Council of Port Louis that –

- (i) the access from the main road near Bhujoharry College, La Tour Koenig forms part of a plot of land belonging to the Mauritius Housing Corporation Ltd. and is not under its purview, and
- (ii) the access near the bakery leading to the church at La Tour Koenig is privately owned and same is also not under its purview.

Since these accesses are used by students and members of the public, cleaning, including sweeping of the staircase, collection of waste and cutting of grown bushes, is effected by the contractor of the Council at least once weekly.

I am further informed that following a site visit effected by the Health Inspectorate of the Council on 09 May 2024, it has been observed that the accesses are in a good state of cleanliness.

Mr Speaker: So we move to the next question. MP Dr. Boolell!

PRIMARY & SECONDARY SCHOOLS – STUDENTS ABSENTEEISM –TREND

(No. B/412) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to primary and secondary schools, she will state the rate of absences of students thereat, indicating if same is on an upward trend and, if so, further indicating the remedial measures taken in relation thereto.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I am informed that the rate of absenteeism has been on the decline since last year, from a rate of around 27% in 2022 to 17.2% in 2023 for the primary sub-sector, and the rate of 23.3% in 2022 to 21.5% in 2023 for the secondary sub-sector.

The Ministry has been monitoring absences, especially for Grades 10 to 13, as an attendance of 90% is required for the students to be eligible for the exam fee exemption. It has been noted that very few students are found not eligible for the grant of this facility.

Mr Speaker: Next question!

NEW VACOAS URBAN TERMINAL – DESIGN & CONSTRUCTION

(No. B/413) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the design and construction of the New Vacoas Urban Terminal, he will, for the benefit of the House, obtain information as to where matters stand.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, my Ministry has on 13 February 2024 launched a request for proposal to invite proposal from promoters having the necessary experience, expertise and resources for the development and operation of an integrated urban terminal at Vacoas. The closing date was on 14 May 2024. However, following a request from one potential promoter, the closing date has been extended to 31 May 2024.

Mr Speaker: MP Ms Anquetil!

NATIONAL WOMEN ENTREPRENEUR COUNCIL – SECRETARY

(No. B/414) **Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Minister of Gender Equality and Family Welfare whether, in regard to the National Women Entrepreneur Council, she will, for the benefit of the House, obtain therefrom information as to the name of the Secretary thereof, indicating the qualifications and experience thereof.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I wish to inform the House that the post of Secretary at the National Women Entrepreneur Council is presently vacant. Pending the recruitment of a Secretary, the Executive Officer at the Council has been assigned duties of Secretary in order to ensure smooth continuity in the functioning of the Council. Thank you.

Mr Speaker: MP Uteem!

Ms Anquetil: M. le président, j'ai une question.

Mr Speaker: The post is vacant. What question are you asking?

Dr. Boolell: Elle a une question à demander!

Mr Speaker: No, I decide! There is no supplementary question!

Ms Anquetil: Mr Speaker, Sir...

Mr Speaker: MP Uteem, go ahead!

Ms Anquetil: Please, Mr Speaker, Sir...

Mr Speaker: Don't make an abuse!

PAMPLEMOUSSES, CARDIAC CENTRE – BUILDING & MEDICAL EQUIPMENT – REPAIRS & MAINTENANCE

(No. B/415) **Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Health and Wellness whether, in regard to the Cardiac Centre in Pamplemousses, he will state if he has been made aware of the state of the building housing same, including the equipment used and the gas outlet thereat necessitating urgent repairs and, if so, indicate the measures, if any, taken to address same.

Dr. Jagutpal: Mr Speaker, Sir, the Trust Fund for Specialised Medical Care Centre was set up in 1998 and services were housed in an existing building of the SSRN Hospital.

For minor repairs and maintenance, a team of five handy workers are employed by the Trust Fund. However, for major repairs and maintenance, the scope of the works is worked out by the Ministry of National Infrastructure and Community Development (MNICD) and contracted to service providers through framework agreement of the MNICD.

The following repairs and maintenance have been undertaken in the recent past –

- (a) Aluminium works in ICU;
- (b) Tiling works in ICU;
- (c) Waterproofing works;
- (d) New covered passage;
- (e) Construction of new gas shed.

The following works are in progress –

- (a) Waterproofing work at Operation Theatre;
- (b) New Office for Administration, and
- (c) Replacement of tiles in Operation Theatres.

Mr Speaker, Sir, in regard to maintenance and repair of medical equipment having maintenance contract, any repairs or maintenance are conducted immediately once the recommendation of Biomedical Technicians/Surgical Technologists are obtained. While for those having no maintenance agreement, once the recommendation of Biomedical Technicians/Surgical Technologists is obtained, same are submitted to the Procurement Unit for tender exercise. Once bidding exercise is awarded, thereafter, the work is carried out by the selected supplier.

Mr Speaker, Sir, in regard to the provision of oxygen gas to patients, the centre has two central gas delivery system located outside the main building, one providing oxygen to the ICU and Operation Theatres and the other one to wards and angiography. Portable oxygen gas cylinders are also available to move patients from the Operation Theatres to the ICU.

Patients receive gas through ventilators and/or masks connected to outlets. The set up for the gas outlets has been done by the Les Gaz Industriels Ltd. There are 106 oxygen gas outlets and the centre follows all guidelines submitted by the service provider. In case an outlet is found defective, that is, no gas is coming out properly, the service provider attends to same immediately.

Mr Speaker, Sir, Government is planning to construct a new Cardiac Centre at Côte d'Or. The project is at consultancy stage. Thank you.

Mr Uteem: Mr Speaker, Sir, gas leakage is highly flammable. So, is the hon. Minister aware that Les Gaz Industriels Ltd, which he mentioned in his reply, actually conducted a survey on 08 May 2024 and found that several wall outlet points were found to be faulty, which means that there was leakage of oxygen in wards and operating theatres?

Dr. Jagutpal: Mr Speaker, Sir, oxygen leakage as such is not flammable, as I have stated in my previous reply. High flow of oxygen is flammable when it is in contact with sparks. For leakage of gas, even if patients are using masks like in COVID-19 cases or so many other cases in hospital, there is always some leakage of oxygen, which is not dangerous.

But, yes, I agree with the hon. Member, the company has done some survey after we had that incident and found that there were some leakages and they are the ones who have to attend to repair those leakages of oxygen.

Mr Uteem: The hon. Minister mentioned that there is a new Cardiac Centre that is going to be built in Côte d'Or, so pending the construction of this new Cardiac Centre, may I know from the hon. Minister if consideration would be given to revamping the Cardiac Centre at Victoria Hospital in Candos which is equipped to carry out the surgery that is currently carried out in Pamplémousses Hospital?

Dr. Jagutpal: Yes, in fact, that's what we have been doing since the opening of the new National Cancer Centre, the RT Wards that were present there just opposite the Cardiac Centre, will be taken over by the Cardiac Unit and obviously, we will have more wards and at the same time, I think that – I am just giving some broad answers – the SICOM Company is going to renovate those wards which will be allocated to the Cardiac Unit. Hence, more cardiac wards and facilities will be available. You are totally right to say that we need to upgrade the building as well as the infrastructure at Cardiac Centre, Victoria Hospital.

Mr Speaker: MP Mrs Foo Kune-Bacha!

CAMBRIDGE SCHOOL CERTIFICATE EXAMINATIONS – 2015 TO 2023 – STUDENTS

(No. B/416) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the Cambridge School Certificate Examinations, she will, for the benefit of the House, obtain from the Mauritius Examinations Syndicate, information as to the number of students who sat therefor for each of the year 2015 to 2023, indicating the number thereof having, in each case, obtained –

- (a) 3 credits, and
- (b) 4 credits at –
 - (i) first attempt, and
 - (ii) second attempt.

(Withdrawn)

LEPTOSPIROSIS – 2024 – INFECTED REGION

(No. B/417) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Wellness whether, in regard to Leptospirosis, he will state the region –

- (a) where the first case thereof was detected in 2024, and

(b) currently infected therewith.

Dr. Jagutpal: Yes, Mr Speaker, Sir, with regard to part (a) of the question, I am informed that the first case of leptospirosis recorded in 2024 was in Plaine Magnien.

In regard to part (b) of the question, there are currently six active hospitalised cases, while six passed away. As at date, 37 cases were recorded in Mauritius in 2024 in the regions of: Piton, Tranquebar, Roche Bois, Dagotière, Quatre Bornes, Curepipe, Ste Croix, Baie du Cap, Terre Rouge, Plaine Magnien, Quartier Militaire, Mon Gôut, Grand Sable, Clémencia, Bambous, Pointe aux Piments, Crève Coeur, Long Mountain, New Grove, Petit Raffray, Beau Champ, Bel Ombre, Rivière des Anguilles and Tranquebar.

Thank you.

Mrs Foo Kune-Bacha: Dans l'optique de protéger la santé de la population, l'honorable ministre peut-il nous donner plus de précisions sur les endroits infectés par la leptospirose afin que les habitants de ces localités puissent prendre des précautions additionnelles et peut-il aussi nous dire si les efforts de dératisation sont redoublés dans ces régions en nous donnant les détails ?

Dr. Jagutpal: Yes, Mr Speaker, Sir, I have already given the list of places where the cases were recorded and I believe it is not only in these places where we have recorded cases that we need to apply proper sanitary measures. But it is very important for me, here, to have an appeal to everybody, every locality, every region to fight leptospirosis and we know exactly that the vector carrying leptospirosis is the rodents. What we can do is have rodent control and that is why last week I urged all different authorities, Municipalities and District Councils, that they all have to clean the environment where there are going to be rodents, rats, an increase in the population of rats and where the risk for leptospirosis will be higher.

So, it is an appeal to everybody. The Ministry of Health is engaged to detect cases, to give the proper advice and as well to inform the population at large and different authorities that they all have to fight to eliminate the risk of infection through rodent control activities.

Mr Speaker: Next question!

HUMAN PAPILLOMA VIRUS (HPV) VACCINATION CAMPAIGN – COST

(No. B/418) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the Human Papilloma Virus (HPV) vaccination campaign, he will state the –

- (a) number of vaccines inoculated as at to date;
- (b) cost of the vaccine, and
- (c) strains of HPV targeted.

Dr. Jagutpal: Mr Speaker, Sir, Human Papillomavirus (HPV) is the most common cause of viral infections of the reproductive tract. While the majority of HPV infections are asymptomatic and resolve spontaneously, persistent infection with HPV may result in diseases, such as, warts and cancer.

Vaccination against the HPV is a matter of utmost importance, as it is the simplest and most cost-effective measure to safeguard the well-being of the future generation against HPV-related infection and cancers.

Therefore, in line with the National Cancer Control Programme 2022-2025 which recommends vaccination of boys, and the Cervical Cancer Elimination Initiative 2030 (SDG 3.4) which recommends vaccination of 90% of girls with HPV vaccine by the age of 15 years, my Ministry launched on 06 February 2024 at Mahatma Gandhi Secondary School, Moka, a national HPV vaccination campaign, targeting boys and girls aged 9 to 15 years both in public and private schools.

Mr Speaker, Sir, with regard to part (a) of the question, I am informed that from 06 February 2024 to 15 May 2024, a total of 17,207 children and adolescents have been inoculated, that is, 12,036 boys and 5,171 girls.

With regard to paragraph (b) of the question, I am further informed that the vaccine was procured by my Ministry at the cost of Rs2,250.70 per unit.

As for part (c) of the question, I wish to point out that specific strains have been known to be linked to specific HPV related diseases and they are as follows –

- Strains 6 and 11: Cause of 90% genital warts;
- Strains 16 and 18: cause of 70% of invasive cervical cancer;
- Strains 31, 33, 45, 52 and 58: high risk strains of cervical intraepithelial carcinoma – 15% cervical cancers and 11% all HPV-related cancers.

Accordingly, Mr Speaker, Sir, the vaccine being used is Gardasil, a nonavalent vaccine protecting against the 9 strains of HPV. The vaccine which is administered in a dose is the most complete one developed in the world in terms of strength.

Thank you.

Mr Abbas Mamode: Mr Speaker, Sir, can the hon. Minister provide details pertaining to the sensitisation campaign in relation to HPV vaccine?

Dr. Jagutpal: Yes, Mr Speaker, Sir, there has been, in fact, four because the children and adolescents are below 18 years. Sensitisation campaigns have been done for more than one year together with the Ministry of Education because we need to have the consent of parents and then ensure that parents have given the consent. Also, before procuring these vaccinations, we need to know exactly or roughly about the number of vaccines to be used.

So, all these have been done *en concertation*, with all the parents and schoolgoers to ensure the vaccines are administered safely. Due to these vaccination campaigns, we have been able to inoculate more than 17,000 in the last three months.

Mr Speaker: The Table has been advised that PQ B/419, B/424, B/428, B/432, B/434, B/440, B/442, have been withdrawn.

The next question would be for MP Doolub.

BIO ENGINEERING DEPARTMENT – STAFF – DEFECT

(No. B/419) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the Bio Engineering Department of his Ministry, he will state the composition of the staff posted thereat in each regional Hospital, indicating –

- (a) the duties assigned thereto, and
- (b) if a report is made following the detection of any defect.

(Withdrawn)

**GRAND PORT DISTRICT COUNCIL – HOUSEHOLD BINS DISTRIBUTION –
PERIOD 2021 TO 21 MAY 2024**

(No. B/420) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the distribution of plastic household bins by the District Council of Grand Port from 2021 to date, he will, for the benefit of the House, obtain from the Council, information as to the number thereof distributed, indicating the respective dates thereof.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I have been informed by the District Council of Grand Port that plastic household bins have been distributed by Village Councils under a jurisdiction and also by the District Council itself.

With regard to the distribution for the year 2021, 5,580 units of household plastic bins have been distributed by the Village Council only in their respective areas.

In the year 2022, the Village Council distributed 8,736 units and the District Council distributed 3,500 units.

As for the year 2023, the District Council distributed 12,695 units in several villages whereas the Village Council distributed 3,060 units.

Mr Speaker, Sir, I am also informed by the District Council of Grand-Port that for the year 2024, the District Council distributed 607 units of household plastic bins and the distribution of

4,000 units of plastic household bins to the inhabitants of Mahebourg will be undertaken by the end of May 2024.

I am tabling details of the distribution list along with the dates.

Mr Speaker: Next question. MP Ameer Meea!

CARDIAC CENTRE PAMPLEMOUSSES – CYLINDER EXPLOSION – INQUIRY

(No. B/421) **Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Wellness whether, in regard to the explosion of an oxygen cylinder at the Cardiac Centre in Pamplemousses on 08 May 2024, causing injury to two Nursing Officers, he will, for the benefit of the House, obtain from the Trust Fund for Specialised Medical Care, information as to if an –

- (a) inquiry has been initiated therein and, if so, give details thereof, and
- (b) audit/control exercise has been carried out on the use of oxygen cylinders thereat and, if so, give details thereof.

(Withdrawn)

CARDIAC CENTRE PAMPLEMOUSSES – CYLINDER EXPLOSION – BURNED STAFF – INQUIRY

(No. B/422) **Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Health and Wellness whether, in regard to the incident which occurred on or about Thursday 12 May 2024 at the Cardiac Centre in Pamplemousses, during which two Nursing Officers sustained burns, he will, for the benefit of the House, obtain from the Trust Fund for Specialised Medical Care, information as to if an inquiry has been initiated therein, indicating the outcome thereof.

Dr. Jagutpal: Mr Speaker, Sir, in my reply to Parliamentary Question B/398, I have already elaborated on the incident. An enquiry is in progress, after which the exact causes of the incident may be determined. Thank you.

Mr Ameer Meea: I thought you would have taken this PQ together with the previous one; this is why you don't have an answer. But, I will ask the hon. Minister, he stated that there would be an inquiry to determine the cause of the incident. Can I ask him, who is carrying out the inquiry?

Dr. Jagutpal: Mr Speaker, Sir, this is being carried out by the Executive Director of the Trust Fund for Specialised Services with a team of biomedical and the other officers but awaiting the two nursing officers to get well because one of them is still hospitalised. So, the inquiry will be carried out after they have recovered.

Mr Ameer Meea: Unfortunately, it is not only at Cardiac Centre in Pamplemousses that this has happened; it has also happened in the past at Jeetoo Hospital and Victoria Hospital – the same incident. Therefore, can I ask the hon. Minister what is being done in terms of health and safety so as to improve the conditions of the staff working at the hospitals?

Dr. Jagutpal: Mr Speaker, Sir, training of all the staff, specifically the nursing officers – they need training because we use the different oxygen cylinders or outlets. They need to be trained and the health and safety officers have to inspect the different locations where these cylinders are used so that such accidents do not happen in the future. The Nursing School has been instructed to include a specific topic – let's put it like that, so that training is being carried out according to the international norms for manipulating the oxygen cylinders.

Mr Speaker: MP Ms Tour!

MANUFACTURING SECTOR – COMPANY EXPORTS – BOOST-UP MEASURES

(No. B/423) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in regard to the manufacturing sector, she will state the measures put in place by her Ministry to assist the companies thereof to boost up exports.

Ms Ramyad: Mr Speaker, Sir, I wish to inform the House that the manufacturing sector is presently evolving in a very difficult context, characterised by intense challenges, particularly on the export front that are impacting its overall performance. These challenges are beyond

control and our enterprises have to navigate through the turbulences to maintain and consolidate their export market share.

Here, I wish to refer to the unfavourable macroeconomic conditions in our main export destinations, the ongoing war between Ukraine and Russia, prolonged geopolitical tensions in the Middle East and growing competition from online buying platforms amongst others. I reiterate that government continues to play an active role as the facilitator by supporting export manufacturing enterprises in these difficult moments.

In this perspective, let me emphasise that we have shown our commitment by continuously assisting industry operators through the various support schemes to boost up their export growths. These schemes include –

- (i) The Trade Promotion and Marketing Scheme that provides a 60% refund on air freight cost for exports to European Union countries, U.K, Africa, Japan, Australia, Canada, U.S.A, Middle-East and Vietnam.
- (ii) The Freight Rebate Scheme which makes provision for a refund of 25% of shipping freight cost up to a maximum of USD 300 per 20 feet container or USD 600 per 40 feet container for locally manufactured goods exported to 47 eligible ports in Africa;
- (iii) The Export Credit Guarantee Insurance Scheme that subsidises 50% of insurance premium to cover exports effected to all countries;
- (iv) The SMEs International Fairs Refund Scheme where SMEs can avail of a grant of Rs250,000 to finance their participation in export promotion activities abroad, and
- (v) The African Warehousing Scheme which provides a 60% refund on warehousing costs such as registration, administrative and rental expenses in Tanzania to enable exporters gain a foothold in African markets.

Mr Speaker, Sir, in addition to the support measures I have just mentioned, government has gone the extra mile to maintain the competitiveness of export enterprises by providing them the necessary relief to meet additional costs arising from the increase in national minimum wage and payment of salary compensation effective since January 2024. The financial assistance is of

a maximum of Rs4,000 monthly in respect of each full-time employee of an export-oriented enterprise.

Furthermore, textile and clothing companies geared towards export are being exceptionally supported for the period April to June 2024 towards payment of national minimum wage 2024 and salary compensation 2023 up to Rs2,500 per worker.

On a general note, I would underscore that enterprises involved in export continue to be constrained by shortage of skilled labour locally which impacts on their ability to meet export-delivery deadlines. In this being, government has completely over-holded the work permit system since last year to make it more flexible and enterprise-friendly. I may say that the system is now more fluid as my Ministry is not receiving any complaints from industry operators regarding delays for obtention of work permits.

Mr Speaker, Sir, I would also wish to point out that at the level of my Ministry, we are working closely with EDB Mauritius to review the current export promotion model and come up with a re-dynamised strategy in an endeavour to fully tap new market opportunities which have opened up with the coming into force of the Comprehensive Economic Cooperation Partnership Agreement with India, Free Trade Agreement with China and the African Continental Free Trade Area.

My Ministry is also actively engaged in several initiatives to reinforce the supply site capabilities of exporting enterprises through higher uptake of digital technologies, adherence to sustainable manufacturing practices and adoption of energy-efficient production techniques.

Mr Speaker: Hon. Ms Tour, time is over!

MOTION

SUSPENSION OF S.O 10 (2)

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

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

Question put and agreed to.

PUBLIC BILLS

First Reading

On motion made and seconded, the Supplementary Appropriation (2023-2024) Bill (No. III of 2024) was read a first time.

Second Reading

THE MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION DAMAGE) BILL

(NO. II of 2024)

Order for Second Reading read.

Mr Speaker: I call Minister Maudhoo!

(4.24 p.m.)

The Minister of Blue Economy, Marine Resources, Fisheries and Shipping (Mr S. Maudhoo): Mr Speaker, Sir, I move that The Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill (No. II of 2024) be read a second time.

M. le président, ce projet de loi est d'une importance capitale. Il a pour objectif de mettre en place à Maurice un mécanisme à trois niveaux de responsabilité et d'indemnisation en cas de marée noire causée par un navire pétrolier. Tout d'abord, je tiens à souligner que ce texte de loi ne concerne que des déversements de pétrole provenant des navires pétroliers.

M. le président, les fuites ou déversements d'hydrocarbures provenant d'autres types de navires tels que le porte-conteneur, les vraquiers, les navires de croisière ou les bateaux de pêche ne seront pas couverts par cette nouvelle législation. Pour les déversements provenant d'autres types de navires, il existe d'autres traités dédiés, tels que la Convention internationale sur la responsabilité civile pour les dommages causés par la pollution par les hydrocarbures de soute ou la Convention sur les substances dangereuses et nocives transportées par voie maritime.

Je souhaite également attirer l'attention de la Chambre sur le fait que ce projet de loi est le régime de responsabilité et d'indemnisation à trois niveaux régissent uniquement dans le pétrole transporté à bord de ces pétroliers sous forme de cargaisons ou du fioul, c'est-à-dire le pétrole persistant. D'autres types de polluants tels que les déversements, des gaz ou des produits chimiques transportés à bord des navires ne relèvent pas du champ d'application de ce projet de loi sur le transport maritime.

M. le président, l'adoption de ce projet de loi est basée sur un contexte très particulier. En 2020, notre pays a dû faire face à une double crise, la première étant la pandémie du Covid-19 et la seconde, la marée noire liée au naufrage du MV Wakashio.

Mr Speaker, Sir, though the MV Wakashio was not an oil tanker, some 800 metric tonnes of fuel oil out of 4,000 metric tonnes carried on board leaked into our marine environment in the south-east region. The cost of this oil spill borne by Mauritius has been significant. It has already been four years since the accident and Mauritius has still not yet able to fully recover the expenses incurred and most of the claims for compensation are still unsettled. Also, the court case with respect to the issue of limitation fund is still ongoing.

Mr Speaker, Sir, if a scale of 800 metric tonnes of fuel oil from a cargo ship such as the MV Wakashio which was an empty, dry bulk carrier can cause such damage to our country, now, let us take a moment to imagine the disaster that could befall on us if a fully loaded oil tanker with a carrying capacity ranging from 40,000 metric tonnes Aframax to 5,000 metric tonnes ULCC ultra large crude carrier of oil were to leak its crude of fuel oil on our coast.

Precisely, for this reason, this incident has prompted the Government to assess and strengthen the legal framework regulating the liability and compensation aspects of an oil spill. This Bill is a milestone for the Maritime sector in Mauritius as it guarantees that victims of oil pollution from oil tanker will have access to adequate compensation.

I take the opportunity to reiterate that this Bill along with other initiatives such as the freshly adopted Environment Act are the fruits of this Government's vision to ensure our nation's resilience when confronted with environmental challenges while pursuing the development of the bunkering sector.

Mr Speaker, Sir, considering that almost three billion tonnes of the world's crude oil are transported by sea annually, there is an increased risk of maritime incidents resulting in significant oil spills from oil tankers. In today's modern era of advanced technology, oil tankers have grown in size and they are all carrying capacity as expanded with perpetually exposed Small Island States to environmental crisis like oil spills.

With the ongoing geo-political tension in the red sea, all the major shipping lines have decided to re-route their ships for the Cape of Good Hope and the Indian Ocean in order to avoid the dangers of navigating through the red sea. Consequently, this persisting situation will undeniably have an impact on the flow of vessels in waters. In fact, it has been observed in the past year that a number of vessels passing Mauritian waters have significantly increased from 40,000 to 44,000. Additionally, the number of vessels passing near our island today is expected to increase from 44,000 to 60,000 in a year.

Following this increase, the associated risk of substantial oil spill will accentuate. Mr Speaker, Sir, in regard to the content of this Bill, I wish to inform the House that the object of the Bill is to give force of law to –

1. The International Convention on Civil Liability for Oil Pollution Damage 1992, (CLC 1992);
2. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 (Fund Convention), and
3. The Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, Protocol of 2003.

These are maritime treaties that regulate pollution damage caused only by tankers carrying oil as cargo and to which Mauritius is a party. These three treaties have been adopted at the level of the International Maritime Organisation which is a specialised agency of the United Nations tasked with ensuring the safety and security of maritime transportation and preventing pollution of the seas and atmosphere caused by ships.

These three treaties therefore embody the internationally accepted regime to deal with civil liability and compensation for oil spill from oil tankers. It is important to highlight that this Bill

does not address the operation elements of an oil spill like the response procedures of logistical consideration which are regulated by the existing legislation.

Mr Speaker, Sir, The Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill (No. II of 2024) presented today will revoke an obsolete registration, namely the Merchant Shipping (Civil Liability for Oil Pollution Damage and International Fund for Compensation for Oil Pollution Damage) Regulations 1996 which, in fact, domesticated the following two IMO Conventions which are no more enforced and have been denounced by Mauritius since December 1999, namely –

- (a) The International Convention on Civil Liability for Oil Pollution Damage 1969,
- (b) The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971.

Mr Speaker, Sir, this Government under the able leadership of our Prime Minister, Pravind Kumar Jugnauth, is filling this legal gap which had been left unattended for 25 years by introducing this Bill to cater for the present legal regime applicable for liability and compensation in respect of oil spills from tankers.

We are fortunate that no oil spill from an oil tanker took place during these 25 years as Mauritius would have been in a legally precarious situation. Today, through this Bill, we are entering a new phase where there will be legal certainty regarding liability and claims. Accordingly, the Bill makes provision to ensure that adequate compensation is made available to persons who suffer from pollution damage caused in the port, territorial sea and the Exclusive Economic Zone of Mauritius in a prompt and efficient manner.

M. le président, je tiens à préciser que ce projet de loi s'appelait aux dégâts et autres répercussions qui ont lieu dans nos zones, indépendamment de l'origine géographique de l'incident. Par exemple, si un incident s'est produit en haute mer et que la marée noire se propage dans notre zone économique exclusive, la responsabilité des indemnités qui ont été prévues dans ce projet de loi pourront s'appliquer. L'importance de cette loi s'inscrit directement dans la vision de ce gouvernement dirigeant, comme je l'ai bien dit, par l'honorable Premier ministre Pravind Kumar Jugnauth de transformer Port-Louis en un *bunkering hub*.

En effet, une telle vision augmentera de facto le flux de barges de soutage et des pétroliers, une indemnisation sera accessible à travers les de fonds internationaux. En plus d'avoir accès à une indemnisation en vertu du fonds de 1992, Maurice aura désormais accès à un fonds additionnel, à savoir le fonds supplémentaire de 2003, indépendamment de la taille ou de la capacité du réservoir du navire qui aura été à l'origine de la marée noire.

Mr Speaker, Sir, regarding the salient features of the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill 2024, I wish to elaborate on the following –

- a) No oil tanker carrying more than 2000 tons of oil as cargo will be authorised to enter or leave a port in Mauritius unless it carries –
 - i. a certificate of insurance, or
 - ii. such other financial security as required by clauses 5 and 6 of this Bill.

This provision would apply to vessels flying the Mauritian flag as well as foreign vessels entering or leaving a port in Mauritius or an offshore terminal in the territorial sea of Mauritius. This insurance is usually provided by Protection and Indemnity Club (PNI Club).

- b) There is now a strict liability for pollution damage on the ship owner. Under the previous regime if the incident occurred as a result of the owner's personal fault, the ship owner could not limit his liability. With the new provision in clause 7 of the Bill provides that the ship owner cannot limit his liability if it is proved that the pollution damage resulted from the ship owner's personal act or omission committed with the intent to cause such damage or recklessly and with knowledge that such damage will probably result.
- c) The existing legislation presently covers only pollution damage occurring in the territorial sea of Mauritius which goes up to 12 nautical miles only. Clause 4 of this Bill extend pollution damage caused in the waters of Mauritius up to 200 nautical miles that is the Exclusive Economic Zone of Mauritius, of Rodrigues, Agalega, Saint Brandon, Tromelin and even Chagos Archipelago.
- d) The present regulations which are being revoked through this Bill apply solely to damage caused or measures taken after an oil spill. Cost of preventative measures

was not covered. Hence, this new legislation will rectify such lacuna by providing compensation for expenses related to preventative measures, even in the absence of an oil spill, provided there was a serious and immediate threat at the time. Additionally, it covers the cost of restoring the contaminated environment after a spill has occurred.

- e) According to the current legislation, oil spill from tankers travelling without cargo, that is, unladen are not included or addressed. Under this new Bill, spills of cargo oil or bunker oil from tankers whether, laden or unladen, will be covered under the definition part at clause 2.
- f) Under clause 13 of this Bill, Mauritius will have a right of direct action against the insurer or provider of financial security. This will ensure that the recovery of compensation can be made directly from the insurer in an efficient and cost-effective manner instead of suing the insured, that is, the ship owner, to establish liability thereafter, claiming an indemnity against the insurer under the policy.
- g) The limit of the ship owner's liability is up to a ceiling of 14 million Special Drawing Rights (SDR), approximately Rs851 m. The updated limits of liability under the new regime will be much higher than those catered for under the existing regulation. In fact clause 9 of the Bill provides for the limits of compensation recoverable from the ship owner or insurer to be follows –
 - i. Oil tanker with a tonnage not exceeding 5,000 tons, 4,510,000 Special Drawing Rights which is equivalent to approximately Rs275.6 m.
 - ii. For an oil tanker with a tonnage exceeding 5,000 tons, 4.51 million Special Drawing Rights together with an additional 631 Special Drawing Rights for each ton in excess of the 5,000 tons, up to a maximum of 89.77 million SDR which amount to approximately Rs5.5 billion.
- h) The 89.77 million SDR, that is, Rs5.5 billion, is recoverable from the ship owner or the insurer. The Bill makes provision for access to 2 international funds which will provide compensation beyond the limit of that of the ship owner and insurer. Thus

under the Funds 1992, Mauritius, including victims of such oil pollution, have access to a maximum of compensation to the tune of SDR 203 million which is approximately Rs11 billion. Should the cost of oil pollution exceed this limit, then compensation will be paid from the 2nd international fund, namely the Supplementary Funds 2003, up to a maximum limit of SDR 750 million which is approximately Rs43 billion, these are outlined at clauses 21 and 25 of the Bill.

- i) Any person or NTP which receives more than more than 150,000 tons of contributing oil in a year will be required to make contributions to the International Oil Pollution Compensation Fund 1992 and to the International Oil Pollution Compensation Supplementary Fund 2003. This has been captured at clauses 15, 16, 23 and 24. The levy of contribution is calculated based on reports of oil receipts in respect of contributors, Mauritius has an obligation to submit oil reports to the International Oil Pollution Compensation Fund. This obligation in respect of Fund 1992 is already being fulfilled and contributions are being made to the Fund 1992 by importers or receivers of oil in Mauritius.
- j) Thus the Bill will address the legal gap concerning the enforcement of this responsibility, thereby establishing an obligation for oil importers or recipients to contribute to both funds. The Bill also provides for proceedings to be initiated against the 1992 Fund in a court in Mauritius under clause 22.
- k) Clause 29 allows the right of subrogation by the 1992 Fund of the rights in respect of the damage for which the person has been duly compensated.
- l) Clause 31 of the Bill provides for the judgment given by court of law to be binding on the 1992 Fund and the Supplementary Fund, even if they have not intervened in the proceedings.

Mr Speaker, Sir, let me briefly explain what these Special Drawing Rights (SDRs) are, to which I have made reference above. Special Drawing Rights is the international reserve asset created by the International Monetary Fund (IMF). Its value depends on a basket of 5 currencies, which comprises the US dollar, the Euro, the British Pound Sterling, the Chinese Yuan and the Japanese Yen. The SDR is used by some international organisations as a unit of account where

exchange rate volatility would be too extreme; this is why the SDR has been utilised as a standard unit of measurement in numerous IMO Conventions, particularly those pertaining to liability.

Mr Speaker, Sir, I have outlined the main features the Bill; allow me to shed some light on marine pollution from ships. Ship source marine pollutions have been dealt by a number of international treaties, the primary one being the United Nation Convention on the Law of the Sea (UNCLOS). In addition, the International Maritime Organisation has adopted several international maritime conventions aiming at reducing marine pollution including both unintentional and deliberate spills by seagoing vessels. One such convention is the International Convention for the Prevention of Pollution from Ships (MARPOL) to which Mauritius is a party which covers pollution from ships by oil, sewage, garbage, air, package products and noxious liquids substances.

Annex 1 of MARPOL tackles oil pollution from an operational and accidental perspective. The liability and compensation aspect of oil spill from tankers are however dealt by the 3 Conventions and protocol being transposed under this Bill.

It is worth reiterating that the international regime applicable to oil spills occurring from oil tankers and those from other types of vessels are completely different. For spills of oil from tankers, the 3 important IMO treaties specifically regulate the liability and compensation aspects connected therein. For oil spills from vessels other than tankers, other IMO conventions are applicable.

Mr Speaker, Sir, I wish to recall that prior to the adoption of the above international conventions, liability and compensation for oil pollution damage were governed by the domestic law of the place where the damage was suffered. This was determined under domestic tort law of negligence, trespass or nuisance. Owing to the great diversity of national laws regarding liability and compensation, there was a need to establish a certain level of consistency in the framework governing these interconnected legal principles.

Mr Speaker, Sir, currently, the foundation of the global system for holding a person liable and providing compensation for oil pollution damage caused by tankers comprises a three-tier structure rooted in the three international conventions and protocol being incorporated in this

Bill. The regime covers pollution damage caused by spills of persistent oil from tankers in the internal waters, including ports, territorial sea and EEZ of Member States. The basic principles behind this international regime are –

- Firstly, to compensate victims of pollution damage;
- Secondly, to share the cost of compensation between ship owner, insurer and oil receivers;
- Thirdly, it ensures a uniform and consistent application of the compensation regime, and
- Fourthly, it ascertains equal treatment of all claimants.

Mr Speaker, Sir, I would like to give more details regarding this international three-tiered liability system, to which Mauritius now has access. The first tier of liability relates to the liability of the registered ship owner. This is governed by the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992). Under this Convention, the registered owner of a tanker has strict liability for pollution damage caused by the escape or discharge of persistent oil from his ship. This means that he is liable even in the absence of fault on his part. He is exempt from liability only if he proves that –

- (a) the damage resulted from an act of war, hostilities, civil war, or a natural phenomenon of an exceptional, inevitable and irresistible character, or
- (b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party, or
- (c) the damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids, in the exercise of that function.

In addition to the above, the CLC 1992 provides that the ship owner is normally entitled to limit his liability to an amount determined by the size of the ship with maximum limits ranging from approximately Rs275.6 m. to Rs5.5 billion, depending on the tonnage of the polluting vessels. As mentioned earlier, claimants have a right of direct action against the insurer. Any

claims for pollution damage under the CLC 1992 can be made only against the registered owner or insurer of the ship concerned.

With regard to the second tier of liability, the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 plays a prominent role. This Convention supplements the CLC 1992, that is, the first layer of compensation, by establishing an international fund with the aim of compensating victims when compensation under the first layer is not available or is inadequate. This fund is known as the International Oil Pollution Compensation Fund, 1992.

It is noteworthy to mention that the 1992 Fund pays compensation when –

- the damage exceeds the limit of the ship owner's liability under the CLC 1992, or
- the ship owner is exempt from liability under the CLC 1992, or
- the ship owner is financially incapable of meeting his obligations in full under the CLC 1992 and the insurance is insufficient to pay valid compensation claims.

Mr Speaker, Sir, above all, the maximum compensation payable by the 1992 Fund is 203 million SDR which is approximately equivalent to Rs11 billion, irrespective of the size of the ship. As mentioned earlier, the 1992 Fund is financed by contributions levied on any person or entity who has received more than 150,000 tons of crude oil or heavy fuel oil in a calendar year. Mauritius being a party to this 1992 Fund since 1999, oil receivers in Mauritius have already been actively contributing to this Fund.

The final and third layer of liability is provided under the Protocol of 2003 to International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, which was adopted in 2003, and entered into force in 2005. This Protocol has put in place another International Fund namely, the International Oil Pollution Compensation Supplementary Fund, 2003. The Supplementary Fund provides additional compensation beyond the amount available under the 1992 Fund Convention. The total amount available for compensation for each incident is 750 million SDR, which roughly, as I said, amounts to Rs43 billion.

Annual contributions to the Supplementary Fund are made on the same basis as contributions to the 1992 Fund. As such, persons or entities having received or imported more than 150,000 tons of crude oil in a calendar year, I have already said that one. This Protocol has been acceded on 09 April 2024 and will enter into force on 09 July 2024.

In regard to the annual importation of oil, only one company in Mauritius imported more than 150,000 metric tons. The total of importation of oil by the local company is amounting to about 342,000 metric tons in year 2023. Thus, under the supplementary Fund Protocol 2003, the difference to reach the limit of 1,000,000 metric tons will have to be paid by the Government to the IOPC Fund. Our forecast, the total estimated amount payable by the Government of Mauritius towards the Fund would be around MUR1,058,000 for year 2025.

As far as implementation of the Bill and the domesticated Conventions is concerned, I wish to inform the House that the Shipping Division of my Ministry has an adequate mechanism in place to ensure compliance to CLC 1992 and 1992 Fund Convention. This mechanism will be adjusted to include the monitoring of compliance to the newly adhered Protocol of 2003.

Referring to tier two and tier three liability regime, it should be emphasised that the cost to contributors of the IOPC Funds is spread across a wide number of IOPC Fund members and their associated oil importing companies. Costs are calculated on a per tonnage basis rather than on a per company basis. Since the payments made by the IOPC Fund for compensation claims for oil pollution damage may vary considerably from year to year, the level of contributions required thus fluctuates accordingly.

Mr Speaker, Sir, at this juncture, it is deemed vital to highlight a few major oil spills. In 1999, Motor Tanker Erika which broke into two, causing an enormous spill of around 19,800 tons of heavy fuel oil off the coast of France. In this particular case, a total compensation of 129.7 million Euros, out of which 12.8 million Euros were paid by the insurer and 116.9 million has been paid by the 1992 Fund. In the case of oil spill of approximately 10,900 tons caused by the Motor Tanker Hebei Spirit off the coast of the Republic of Korea in 2007, the insurer of the ship paid 126.6 million Euros in compensation for this incident and the 1992 Fund made payments totalling 91 million Euros to the Government of the Republic of Korea.

Mr Speaker, Sir, Mauritius, being a Small Island Developing State, is vulnerable to threats coming from maritime traffic around its mainland and outer islands. Having a vast EEZ of 2.3 million square kilometers, Mauritius has under its responsibility an immense marine ecosystem and diversity, critical for the livelihood of its citizens. Maximum efforts should be put in to ensure, to the best of our abilities, that adequate and comprehensive measures are taken to secure the interests of our islands and that robust sanctions are also required to discourage any breach of law and to punish those who threaten our national maritime security.

Accordingly, requisite measures have been taken by my Ministry for the safety and security at sea. The Merchant Shipping Act has been amended through the Finance (Miscellaneous Provisions) Act 2023, such that ship owners/operators/agents who fail to secure salvage contracts within 48 hours of the incident will constitute a serious offence and may be subject to a fine of Rs5 m. and/or to imprisonment for a term of not less than 2 years. To deter abandonment of ships in our waters, a fine of Rs50 m. and/or an imprisonment for a term of not less than five years was introduced. My Ministry has also put in place a new provision to enable the prosecution of those masters, owners, operators or agents of ships which cause any serious damage to the territory of Mauritius. Those found guilty risk a fine of up to Rs100 m. and/or a prison term not exceeding 60 years.

While the above offences serve as deterrents, it is of equal importance to ascertain that appropriate legislation and mechanisms are in place in the eventuality of an oil spill. The significance of the three-tiered liability regime is particularly felt when there are oil spills from abandoned oil tankers. Again, to give one such example, in February 2024, another Small Island Developing State, namely Trinidad and Tobago, experienced an oil spill along 15 km off its coasts, caused by an abandoned tanker which capsized in their waters. Since the identity of the owner and insurer are unknown, being a member to the 1992 Fund Convention, Trinidad and Tobago is in a position to recover costs incurred and obtain compensation from the second tier of the liability and compensation regime in the 1992 Fund Convention.

M. le président, notre souhait est évidemment d'éviter par tous les moyens possibles que de telles catastrophes se reproduisent. Cependant, en tant que ministre de l'Économie bleue, Ressources marines, de la Pêche et du Transport maritime, je dois admettre que j'ai été témoin de

la lenteur des procédures d'indemnisation ou de remboursement des frais engagés à la suite d'un déversement d'hydrocarbure, ce qui a ralenti bien sûr nos efforts de recouvrement de dépenses, surtout lorsqu'il s'agit d'apporter une aide financière aux victimes les plus touchées, dont ceux de la pêche et du tourisme. Ce projet de loi apportera un cadre réglementaire approprié avec des réponses adaptées, grâce notamment à une accélération des procédures d'indemnisation.

Mr Speaker, Sir, as previously stated, oil spills originating from non-tanker ships fall outside the scope of the international three-tier liability and compensation system. Unlike tanker vessels, there is no equivalent global fund to the IOPC Fund and Supplementary Fund to address such spills. These international funds, supported by significant stakeholders, are invaluable and offer crucial financial support, particularly in cases of owner or insurer defaults. To kick-start such an initiative internationally, the Shipping Division of my Ministry has begun to advocate for the setting up of a similar international fund for oil spills from vessels other than tankers at the IMO.

Before concluding, I wish to point out that three amendments will be made to clauses 2, 4 and 35 in view of harmonising existing legislations, to avoid duplication and conflicting provisions. As such, as far as civil liability, claims and compensation in connection to oil spill from tankers are concerned, the Environment Act and the Ports Act will not apply. This implies that all matters related to civil liability, claims and compensation for cases of oil pollution from oil tankers in Mauritian waters, including within the port, only the provisions of this Bill will apply.

M. le président, dans l'éventualité d'une marée noire, nous serons prêts, et c'est tout l'enjeu de ce projet de loi crucial pour notre écosystème marin et aussi pour indemniser les victimes. Les questions les plus fondamentales étant celles de la responsabilité et de l'indemnisation. Cela témoigne également de l'engagement de notre gouvernement sur les questions de protection et de sauvegarde de notre environnement et de notre économie.

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

The Deputy Prime Minister seconded.

Mr Speaker: At this stage, I will suspend the Sitting for half an hour.

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

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

Mr Speaker: Please be seated! Hon. Hurreeram!

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Thank you, Mr Speaker, Sir. After successfully passing the Environment Act, brought forward by my colleague, hon. Ramano, it is now my hon. colleague, Minister Maudhoo's turn to introduce this time a new bill into this National Assembly that relates to the same subject matter at hand: the protection of our environment.

Unfortunately, for me, I have no one to rebut. While this Government is bringing bills after bills to improve the livelihood of our citizens, to improve our environment in this august Assembly, what do we see on the other side of the House? Purposely creating havoc, purposely being disrespectful towards the Chair, purposely bringing this House to disrepute towards the public who is watching out there, giving bad example to the youth about this Parliament but I think, like we always say, the people out there are watching, Mr Speaker, Sir.

So, let me congratulate my hon. colleague for this very well drafted and very well explained Bill to the House. After introducing a whole section of our legislation to cater for any oil spill that may occur in the future, we are now protecting ourselves from the aftermath of any such event.

My two colleagues caught a lot of heat in 2020 when sadly the MV Wakashio crashed onto our reefs in the south east part of the island. Even though they occur less frequently and are less devastating than during the 70s, oil spills occur every year around the world. More recently off the coast of Tobago in February. We account for three oil spills only for last year in Sweden, United Kingdom, and the Philippines.

Since the incident involving the MV Wakashio, in total, 14 other oil spills have occurred around the globe. Obviously, this should not be an excuse, Mr Speaker, Sir. However, this provides a better perspective in contrast to what was being said at the time of the oil spill.

Certains à cette époque ont trouvé une belle opportunité pour relancer leur carrière politique, et le bon sens a vite cédé la place à l'hystérie, M. le président. Et d'autres, on le saura un peu plus tard, ont utilisé ce malheureux incident pour masquer leurs activités illicites, sous prétexte de mener un combat écologique.

You can imagine some very brilliant minds – of course, I am being sarcastic – were suggesting in one of their speeches, it would have suffice to change the colour of the flag to deal with it. I have never heard anything as that, Mr Speaker, Sir. So, we welcome this new legal framework that will help us to protect not only our country but the victims that may occur after such incidents.

Fortunately, Mr Speaker, Sir, after 2014 the citizens of this country and in 2019 – and as it will be the case at the end of the year or next year – the country decided to put their faith back into an MSM led Government. *Imaginez le désastre, M. le président, si le Premier ministre de ce pays disparaissait 72 heures après l'incident du MV Wakashio.* Hiding away from a tough situation is certainly not in our custom. Government acted swiftly to mitigate the situation by protecting to a maximum our shores and intervened where necessary to preserve fauna and flora, both at sea and on land.

And here, Mr Speaker, Sir, we have to salute all volunteers from the general public who worked together, hand in hand with officers, to contain the oil spill. Once the oil spill had been dealt with, however, what we saw was a trial by the press, social media, galvanised by newly crowned protectors of the environment, pushed into the limelight by obscure forces, with a single agenda : destabilise the Government at all cost. Now, I am sure, a vast majority of the crowd that gathered in Port-Louis in 2020 would agree with me, that they had been victim of a vast scam.

Comme le diraient certains, M. le president, and while we faced a storm of criticism, while my two colleagues, hon. Ramano and hon. Maudhoo, were dragged to court, while we were right in the middle of a COVID pandemic, this Government was toiling day and night to find solutions for the real victims of the MV Wakashio. I am here, Mr Speaker, Sir, referring to inhabitants of Mahebourg, south and south east, firstly, and those entrepreneurs, who gain a living in that region. You, on the other side of the House, imagine not only being prevented from attending a parliamentary sitting, but on top of that, being deprived of your salary.

Much like the COVID-19 pandemic, we were faced with an unprecedented situation with no existing legal framework. As a caring Government, Mr Speaker, Sir, our priority at that time was to ensure that all those people, especially the inhabitants and *opérateurs économiques* of my Constituency, Mahebourg/Plaine Magnien, not only were able to run their households for several months, but also to be justly compensated for the trouble caused.

Et ici, M. le président, j'ai une pensée spéciale pour ces personnes de ma circonscription comme Mamé Indiren, pêcheur de son état ; Yousa, chauffeur de taxi ; Josian propriétaire du restaurant Casse-Croute ; Martin, plaisancier, et d'autres. Ces brave gens qui n'ont pu opérer pendant des mois parce qu'il y avait une absence d'un projet de loi pour pouvoir faire de sorte à ce que ces gens puissent être compensé à temps.

And this is exactly what this Bill is being introduced for: to ensure that if ever, these people face the same ordeal in the future, whoever is in Government, Mr Speaker, Sir, has the proper legal framework, as recommended since 1992, to intervene swiftly and ensure that there is a fair compensation for the prejudice caused and the responsible party foots the bill. This is what we call a responsible and caring government. We are not just around promising everything for free.

With Clause 7 and 8, it is clear in which circumstances the owner of the oil tanker is liable for any damage caused and the cost that would have to be incurred by Government.

Furthermore, Clauses 10 and 15 outline how contributions will be collected and from whom, so as to ensure that, in such an event where there is a similar disaster to the one that occurred in 2020, funds are available for compensation.

If you go through this Bill, it is clear how the funding of any compensation that would need to be effected, will be obtained. The Minister has explained already, I don't propose to repeat myself. And making sure it goes to the real victim, not like those who build social houses for the poor when in fact, it is their kid of 10 years old who benefit from that. No! That's not in our culture.

To conclude Mr Speaker, Sir, this Bill shows that, unlike what has been said by the other side of this House, we got our priorities right.

This Bill was long overdue and it is an MSM-led Government which has introduced a long awaited legal framework to provide for financial security in case of an oil spill.

Like this, we have voted so many Bills Mr Speaker, Sir, in the previous mandate and the current one, that many before us hesitated – the Workers’ Rights Act, the Children’s Act, the Financial Crime Commission Act, to name a few.

Those were bold pieces of legislation that have revitalised our institutions and brought justice where it was due. Here, we are not talking about some *Maurice Ile Durable* which symbolises *institutionaliser un éléphant blanc*.

And unfortunately, we do not have a three-quarter majority. Otherwise, even the Electoral Reform would have already been a reality. That is, if Members of the other side of the House have nothing to hide and vote for a firm regulation, even the political financial will be a reality.

We, on this side of the House, are confident and our achievements speak for themselves.

M. le président, le progrès et le développement sont dans l’ADN du MSM, car à chaque fois que notre pays a franchi une étape importante de son histoire, c’était le MSM qui était au pouvoir.

Je vous remercie pour votre attention.

Mr Speaker: MP David!

(5.56 p.m.)

Mr F. David (First Member for GRNW & Port Louis West): M. le président, j’ai écouté avec beaucoup d’attention l’orateur qui m’a précédé avec des propos qui n’étaient pas toujours spécifiquement liés au projet de loi. Pour autant, M. le président, j’ai écouté également le ministre de la Pêche qui nous a présenté son projet de loi en deuxième lecture.

Il se trouve que l’humanité se trouve à l’intersection d’une situation de paradoxe assez saisissante. Alors que nous nous engouffrons dans l’ère des conférences climatiques et des objectifs ambitieux en matière d’énergie renouvelable, notre dépendance insatiable aux hydrocarbures semble plus forte que jamais. Malgré les appels pressants de nos experts

climatiques et la conscience croissante de l'épuisement inéluctable des réserves de combustibles fossiles, nous restons profondément et tristement enracinés dans une culture de consommation hydrocarbonée.

Et ce penchant, M. le président, pour les hydrocarbures, entraîne une cascade d'impacts néfastes, exacerbant les défis environnementaux auxquels nous sommes confrontés. Et précisément, et c'est le sujet qui nous intéresse à travers ce projet de loi, l'augmentation vertigineuse du trafic maritime liée au transport des hydrocarbures, combinée à la taille croissante des navires, accroît de manière significative le risque d'accident et de pollution catastrophique résultant de déversements accidentels en mer.

Et c'est ainsi que chaque année, des millions de tonnes de pétrole et d'hydrocarbures sont transportées à travers les océans du monde dans le seul but d'alimenter nos économies et nos modes de vie modernes.

Cependant, cette prospérité apparente représente un risque omniprésent pour nos écosystèmes marins. Et c'est dans ce contexte que la Convention internationale de 1992 sur la responsabilité civile pour les dommages dus à la pollution par les hydrocarbures revêt une importance capitale. Adoptée il y a plus de trois décennies, cette Convention représente un effort concerté de la communauté internationale pour réglementer et atténuer les conséquences désastreuses des déversements d'hydrocarbures en mer.

Cette convention de 1992 établit un cadre juridique en matière de responsabilité civile et d'indemnisation pour les dommages causés par les déversements maritimes de pétrole. Et elle impose, notamment aux propriétaires de navires transportant des hydrocarbures, la responsabilité financière en cas de pollution, garantissant ainsi que les victimes de ces accidents puissent obtenir une compensation adéquate pour les dommages subis.

L'objectif principal du projet de loi, présenté par le ministre de la Pêche, est de donner force de loi à la Convention internationale de 1992 sur la responsabilité civile pour les dommages dus à la pollution par les hydrocarbures, à la Convention internationale de 1992 toujours, sur la création d'un fonds international d'indemnisation, et au protocole de 2003 qui prévoit un troisième niveau d'indemnisation en établissant un fonds complémentaire d'indemnisation.

Or, M. le président, et le ministre l'a clairement rappelé dans son intervention d'ouverture sur le projet de loi, ces conventions et ces fonds d'indemnisation relèvent de traités maritimes qui traitent des dommages causés uniquement par les *oil tankers*, c'est-à-dire les pétroliers transportant du pétrole en tant que cargaison.

Autrement dit, la plus grande marée noire qu'ait connue notre pays, causée par le déversement de 1,200 tonnes de fioul suite au naufrage du MV Wakashio au large de Pointe d'Esny, n'est pas concernée par ce projet de loi simplement parce que le Wakashio n'était pas un pétrolier, mais un vraquier.

Et ma question principale au ministre de l'Économie bleue et des Ressources marines est la suivante : Quelle est donc – et je pense que nombreux dans cette Chambre et à l'extérieur se posent la question – la loi de notre pays qui traite de la responsabilité civile et de l'indemnisation liées à la pire catastrophe maritime et environnementale de notre histoire récente ? Car cette marée noire qui date de bientôt quatre ans a pollué non seulement les eaux marines, mais aussi les plages de sable blanc et les écosystèmes côtiers fragiles, les récifs coralliens, les mangroves et les habitats marins qui ont été souillés par le pétrole, mettant très souvent en péril la biodiversité locale et la vie marine. Et je n'évoque pas les oiseaux de mer, les tortues marines et les poissons qui ont également et tragiquement été touchés.

Quel a été l'impact écologique pour les 22 hectares de mangroves à Pointe d'Esny ? Quelles ont été les conséquences pour le parc marin de Blue Bay, constitué de 353 hectares de récifs coralliens, d'herbiers marins et de mangroves et qui abrite des tortues, 72 espèces de poissons et une incroyable diversité de coraux ? Quels ont été les dégâts pour l'île aux Aigrettes, réserve naturelle de 27 hectares en face de Pointe d'Esny et qui accueille plusieurs espèces de faune et de flore endémiques protégées ?

Et quelles ont été les conséquences sociales, les risques sanitaires, et les pertes économiques pour les populations locales ; les pêcheurs locaux, les plaisanciers, les marchands ambulants de plage, les guides touristiques, les maisons d'hôtes, les restaurants et les magasins de souvenirs qui vivent d'une clientèle locale et étrangère, attirée par les eaux cristallines, les plages idylliques et la nature luxuriante de la région de Pointe d'Esny ?

Et précisément, M. le président, vu que ce projet de loi évoque la responsabilité civile et les indemnisations suite à la pollution par déversement d'huile en mer, j'aimerais entendre du ministre le nombre total de victimes de la catastrophe du MV Wakashio, en précisant la façon dont les dégâts causés à l'environnement marin et terrestre ont été évalués ainsi que le processus de quantification des pertes économiques subies par la population locale.

Il est essentiel d'évaluer les dégâts de manière exhaustive et précise afin de garantir une distribution équitable des indemnités. Cela implique non seulement de prendre en compte les dommages directs causés à l'environnement et à l'économie locale, mais aussi de considérer les impacts à long terme sur la santé humaine, sur la biodiversité et sur les écosystèmes.

Pour déterminer les indemnisations, il est nécessaire de tenir compte de plusieurs facteurs tels que la gravité de la pollution, l'étendue des dégâts causés aux écosystèmes et aux infrastructures ainsi que des pertes économiques subies par les communautés locales. Des méthodes d'évaluation scientifique et économique rigoureuses doivent être employées pour estimer les coûts de restauration ainsi que les montants de compensation.

Il est également crucial, M. le président, d'inclure les communautés locales et les parties prenantes dans les processus d'évaluation et de dédommagement afin de garantir une approche holistique, inclusive et transparente. La participation des experts locaux et internationaux et la participation des populations affectées peuvent et doivent fournir des informations précieuses sur les impacts réels de la marée noire et aider à identifier les besoins les plus pressants en matière de réparation.

Est-ce que dans le cadre de la catastrophe maritime, humaine et environnementale du MV Wakashio, les principes et directives de l'Organisation maritime internationale ont été suivies ? Combien de victimes ont été indemnisées à ce jour et à hauteur de quel montant ? Combien de victimes attendent toujours réparation ? À quel point l'écosystème marin et terrestre a-t-il été restauré à ce jour ? D'où provient l'argent pour l'indemnisation ? Du propriétaire du navire, de son assureur ou d'un fonds international ? Y a-t-il un procès devant une cour de justice compétente concernant la marée noire causée par le naufrage du Wakashio ? Si oui, quel est le calendrier attendu pour l'affaire en cours ?

Vous vous en rendez compte, M. le président, dans le sillage de la marée noire du Wakashio, les questions demeurent éclaboussées d'obscurité, laissant notre compréhension naufragée dans les eaux troubles de la noireté. La population mauricienne encore traumatisée par cette catastrophe a le droit de savoir. Bientôt, quatre ans après ce tristement mémorable samedi 25 juillet 2020, et n'oublions pas non plus que quatre ans avant le Wakashio, un autre vraquier s'était échoué à environ sept kilomètres à vol d'oiseau au sud de Pointe d'Esny. C'était le MV Benita qui avait fait naufrage en juin 2016 à Le Bouchon avec à son bord 125 tonnes de fioul.

Est-ce que les lois de la probabilité vont douloureusement se répéter en 2024 à hauteur d'une marée noire tous les quatre ans à l'île Maurice ? Alors, évidemment, M. le président, personne dans cette Chambre et ailleurs ne le souhaite, mais cela met en lumière une sérieuse défaillance dans notre système de surveillance maritime.

Depuis 2015 à ce jour, notre pays a connu deux déversements d'huile dans nos eaux maritimes, et j'ai comptabilisé 11 naufrages dans notre territoire, dont trois à St. Brandon, et trois dans ma circonscription en une seule journée ! Beaucoup d'habitants de la circonscription N°. 1 gardent en mémoire ce jour de février 2022 où trois bateaux de pêche taïwanais ont fait naufrage presque en même temps. Un à Pointes aux Sables et deux à Bain des Dames, avec 120 tonnes de carburant à leur bord à eux trois.

À croire que le lagon mauricien est devenu un triangle des Bermudes, sauf que les bateaux ne disparaissent pas, ils deviennent juste invisibles pour nos systèmes de surveillance maritime et ils redeviennent visibles quand ils ont échoué sur nos récifs ! Précisément, M. le président, j'aimerais demander au ministre de la Pêche de clarifier les régimes de la responsabilité civile et d'indemnisation qui couvrent ce type de bateaux qui naviguent dans les eaux mauriciennes et qui trop souvent représentent un danger ambulant pour notre lagon, pour notre littoral et pour nos écosystèmes marins et côtiers.

Alors, j'ai écouté le ministre et dans son discours, il a effectivement mentionné certaines conventions, mais est-ce que ces dispositifs, ces protocoles et ces mécanismes ont une force de loi dans notre république actuellement ? M. le président, de ce côté de la Chambre, il me semble que nous n'avons évidemment rien à redire sur l'adoption de la Convention internationale de 1992 sur la responsabilité civile pour les dommages dus à la pollution par les hydrocarbures et

sur la transposition de ces principes et directives dans notre *Merchant Shipping Act*. Bien au contraire, nous n'avons que trop tardé au bout de 32 ans ! Peu importe les gouvernements qui se sont succédés durant ces trois décennies.

Pour autant, n'accumulons pas d'autres retards pour la ratification et l'introduction dans nos lois locales d'autres réglementations et conventions internationales pour la protection de notre océan Indien. Je pense notamment, M. le président, à la Convention internationale de Nairobi sur l'enlèvement des épaves qui a été adoptée par une conférence internationale organisée au Kenya en 2007 et qui est entrée en vigueur en 2015.

Une convention qui permet aux États de disposer d'un mandat juridique pour enlever ou faire enlever les épaves susceptibles de porter atteinte à la sécurité des vies humaines, des marchandises et des biens en mer ainsi qu'aux milieux marins. Cette convention de Nairobi rend les propriétaires de navires responsables et donne également aux États le droit d'intenter directement une action contre les assureurs.

M. le président, je termine bientôt. Alors que nous continuons à naviguer dans les eaux tumultueuses de la mondialisation et du développement économique face à une crise énergétique et dans un contexte d'urgence écologique et climatique, nous avons la responsabilité locale, régionale et mondiale de protéger notre environnement et de préserver la santé de nos océans pour les générations actuelles et futures.

J'en ai terminé, M. le président.

Mr Speaker: Hon. Minister Teeluck!

(6.10 p.m.)

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, I have listened very closely to the previous orator and some of his remarks made. Actually, his first remark was concerning oil being used worldwide and I did not get the rationale of his initial argument because as we speak, Mr Speaker, Sir, there is this *mouvance vers l'énergie renouvelable*. It is very true that there is a global effort of all countries, including Mauritius to go green as we say.

But there is a reality, Mr Speaker, Sir, as we speak today, the global use of crude oil, the figures for 2023 is 102.21 million barrels per day. *102 million barils par jour!* The figures, the estimates, the forecast for 2024 are 104 million barrels per day! *Il est vrai qu'il y a cette mouvance vers l'énergie renouvelable* for a greener planet, but there is a reality that the use of crude oil is still very relevant. We cannot disregard this fact!

Second remark, Mr Speaker, Sir, though we are talking about something which does not necessarily relate directly to MV Wakashio, the hon. Member has chosen to talk about no visibility in terms of claims for compensation for all those who are affected. It is very true; hon. Mr Hurreeram did mention the ongoing situation still prevailing in terms of economic paralysis of certain sectors. But, Mr Speaker, Sir, we have to understand there is a visibility about what is happening. Today, there is a claim for compensation and the claim for compensation is being made both to the owner and the insurance company.

Unfortunately, Okiyo, the owner of the vessel MV Wakashio has lodged a case in the Supreme Court and we are challenging the case. The case is still pending, of course, they are seeking for limitation of funds, a ceiling of liability and this is the status of the claim *pour la compensation pour ceux qui ont été affectés suivant le naufrage du MV Wakashio*.

Mr Speaker, Sir, we are doing a lot when it comes to green economy, when it comes to renewable energy. In 2021-22, Mauritius was elevated as a green energy. We were elevated to the status of a new economic pillar for the country: green energy, targeting an energy mix with 60% renewable energy by 2030. Hon. Mr Ramano introduced two landmark legislations: the Climate Change Act and very recently the Environment Bill. So, I think starting the whole debate talking about renewable energy and trying to give the impression that we are not doing anything and we are favouring the use of oil is totally wrong, I think we need to stay relevant to the debate and most importantly, we need to understand that the use of oil, as it stands today, is still very relevant until we reach that milestone that we are all looking forward to, but the effort of the Government is very real.

Mr Speaker, Sir, with the introduction of this Bill, Mauritius will now have a single comprehensive piece of law, which will cover the liability and compensation aspects of an oil spill emanating from the tanker. It can be noted that this Bill covers spills of persistent oil and over the past few years, the volume of oil imports in Mauritius has been on the rise. This also

implies a higher risk of oil spills in Mauritius waters and in order to mitigate the impact of oil spills, the State must have acceded to the International Convention on Civil Liability for Oil Pollution Damage, the CLC 1992 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 to ensure that the cost of cleanup operations can be reimbursed and that those who suffered economic losses can be compensated. Failure to ratify the Convention can result in significant problems for all parties, including government agencies and local oil companies in the event of a major tanker spill affecting the State's waters and coastline.

The advantages of joining the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 are highly recommended. For instance, if a pollution incident occurs involving persistent oil from a tanker, compensation totaling SDR 203 million, that is, approximately Rs11 billion is available to central and local government authorities, private companies and individuals who incur costs for cleaning operations and other preventative measures or who suffer damage within the 1992 Fund Member State as a result of the oil pollution.

The flag of the tanker and ownership of the oil do not affect the right to compensation and the total amount of compensation available from the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage is not affected by the size of the tanker as well. As far as Supplementary Fund is concerned, it is understood that it will provide an additional layer of compensation to Mauritius. Thus increasing the amount of compensation available for an incident to SDR 750 million, that is, approximately Rs43 billion.

I, therefore, strongly support this Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill. It is not only timely but also comes with a number of advantages for Mauritius, namely –

- (i) registered owners of ship carrying more than 2000 tons of oil in bulk as cargo should maintain insurance or other financial security and this has been encapsulated in clauses 5 and 6 of the Bill which apply to vessels flying the

Mauritius flag as well as foreign vessels entering or leaving a port in Mauritius or an offshore terminal in the territorial sea of Mauritius.

- (ii) There is also a strict liability for pollution damage on the ship owner, under the previous regime, the ship owner could not limit his liability solely if the incident occurred as a result of the owner's personal fault. Under the present liability regime and the Bill, a ship owner cannot limit liability if it is proved that the pollution damage resulted from the ship owner's personal or omission committed with the intent to cause such damage or recklessly and with knowledge of such damage would probably result.

Mr Speaker, Sir, the existing legislation covers only pollution damage occurring in the territorial sea of Mauritius whereas the application of this Bill extends to cover pollution damage caused in the Exclusive Economic Zone of Mauritius in line with the CLC 1992. Through this Bill, Mauritius will have the right of direct action against the insurer or provider of financial security. This will ensure that the recovery of compensation can be made directly to the insurer in an efficient and cost-effective manner. Instead of suing the insured, that is, the ship owner to establish liability and thereafter, claiming an indemnity against the insurer under the policy.

For all these reasons, Mr Speaker, Sir, I wish to congratulate my colleague hon. Sudheer Maudhoo, the Minister of Blue Economy, Marine resources, Fisheries and Shipping, for coming forward with this piece of legislation which symbolizes the proactive measure and which will mark the history of our country.

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

Mr Speaker: I now call MP Mrs Navarre-Marie.

(6.21 p.m.)

Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West): Merci. M. le président, cette Chambre est appelée à débattre et à voter ce texte de loi *The Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill* dans un contexte particulier. Le ministre de l'Économie bleue, de la pêche et du transport maritime vient avec ce texte de loi alors que Maurice se prépare à commémorer un anniversaire de bien triste mémoire non seulement pour notre république, mais pour le monde entier. En effet, dans exactement 65

jours, le monde et tous nos réseaux sociaux nous rappelleront comment, par un bien triste après-midi, le 25 juillet 2020, notre pays, plus particulièrement le sud du pays, fut souillé par une marée noire après que le vraquier MV Wakashio se brisa en deux au large de Pointe d'Esny.

Plus de 1000 tonnes d'huile lourde qui se trouvaient dans les cales de ce navire furent déversées dans les eaux bleu turquoise de ce qui était considéré comme la plus belle plage de Maurice. Dans la foulée, on se rappellera aussi que la population mauricienne n'a jamais obtenu une explication claire et nette sur le comment et le pourquoi de la présence de ce navire dans les eaux mauriciennes à cette heure précise et aussi proche de nos côtes.

Ce matin, à l'heure du *Prime Minister's Question Time*, le Premier ministre a botté en touche, sur l'interpellation de ma collègue Joanna Bérenger, les conclusions du Comité interministériel chargé d'examiner les recommandations contenues dans le rapport de la *Court of Investigation* – “*kot monn' fote?*”.

En effet, comment intervenir sur ce projet de loi sans évoquer le drame humain et environnemental qu'a causé l'échouage du MV Wakashio, même s'il faut le reconnaître que ce texte de loi évoque en particulier le cas de *tankers* et non des vraciers, comme ce fut le cas avec le MV Wakashio ? Or, il est clair que la responsabilité civile en cas de déversement d'hydrocarbures par des navires autres que les *tankers* avec pas plus de 2000 tonnes d'huile lourde a été sciemment exclue du régime de responsabilité lors de la négociation des conventions citées dans le projet de loi.

Comment intervenir sur ce projet de loi sans parler de la souffrance atroce de nos compatriotes vivant dans le sud du pays, dont certains ont tout perdu dans ce drame et qu'à ce jour, n'ont rien obtenu comme compensation ? Comment intervenir sur ce projet de loi sans évoquer avec amertume la nonchalance et l'incompétence des autorités qui ont pris des jours avant de réagir face à ce qui est considéré aujourd'hui comme le plus important drame écologique et environnemental que notre pays ait connu alors qu'il ne fallait nullement être spécialiste pour savoir que ce vraquier allait se briser en deux et que toute son huile lourde allait se répandre dans la baie de Pointe d'Esny ? Oui, le 25 juillet 2020, nous avons eu affaire à une bande d'amateurs et d'irresponsables. Tous ceux qui étaient ou qui sont toujours à la tête des institutions de l'État portent une très lourde responsabilité de cette catastrophe écologique face à laquelle beaucoup de Mauriciens, habitants du sud, peinent toujours à relever.

Personnellement, je m'étonne qu'il ait fallu quatre ans après cette catastrophe pour que M. le ministre vienne avec ce texte de loi, et ce texte de loi est en réalité une copie identique de la Convention internationale du *Civil Liability for Oil Pollution Damage on the Establishment of an International Fund for Compensation for Oil* de 1992, du *Pollution Damage* 1992 et *the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage* 1992. C'est un texte de loi sans efforts de la part du ministre qui vient presque quatre ans après que le sud du pays a été souillé par une marée noire et que dans son sillage, des innocents ont perdu la vie après le naufrage du remorqueur Sir Gaëtan au large de Poudre d'Or en août 2020. Trois morts et un disparu. Il faut dire que le prix payé a été cher, trop cher même, M. le président.

Ce texte de loi ne viendra cependant rien changer, car les veuves pleurent toujours la disparition de leurs maris et à ce jour, elles n'ont toujours pas été compensées par l'État ! Pourquoi ? La question reste posée. Qu'est-ce qui va changer avec ce texte de loi ? Je ne suis pas une spécialiste des accidents maritimes et encore moins sur les types de navires qui traversent notre espace économique exclusif comme défini dans The Maritime Zone Act. Mais une lecture de ce texte de loi me fait comprendre, cependant, que cette Convention internationale a été adoptée en 1969 et qui est entrée en vigueur en mai 1996, vise à garantir une indemnisation adéquate aux personnes qui subissent des dommages dus à la pollution par les hydrocarbures, résultant d'accidents maritimes impliquant des navires transportant des hydrocarbures.

La Convention fait aussi peser la responsabilité de ces dommages sur le propriétaire du navire duquel les hydrocarbures polluants se sont échappés ou ont été déversés. Cette Convention exige également – si j'ai bien compris – que les navires couverts par elle souscrivent à une assurance ou à une autre garantie financière d'un montant équivalent à la responsabilité totale du propriétaire en cas d'accident. La Convention s'applique à tous les navires transportant effectivement des hydrocarbures en vrac, mais seuls les navires transportant plus de 2000 tonnes d'hydrocarbures sont tenus de souscrire à une assurance pour les dommages dus à la population par les hydrocarbures.

Tout cela, M. le président, donne l'impression que ce texte de loi est la solution parfaite à la question de compensation face aux dommages causés par la pollution provoquée par un pétrolier. Aucune loi n'est parfaite, et cette loi non plus, comme l'expliquent les difficultés que

les victimes ont eues pour être compensées adéquatement, comme dans l'affaire Erika. Ce tanker s'était brisé en deux et avait coulé, libérant des milliers de tonnes de pétrole dans la mer, tuant la vie marine et polluant les côtes autour de la Bretagne en France. La Cour d'appel de Rennes, en France, le 13 février 2002, dans cette affaire, a laissé apparaître les insuffisances d'une législation inadéquate à la réparation des dommages subis du fait d'une pollution accidentelle par les hydrocarbures, et selon le International Institute of Marine Surveying et le European Maritime Safety Agency (EMSA), le nombre total d'accidents et d'incidents maritimes signalés entre 2014 et 2022 est de 23,814 avec une moyenne annuelle de 2646. Ces chiffres sont inquiétants, car ce même rapport qui date de juin 2023 fait état de 23 accidents de navire ayant provoqué la pollution dans le monde.

De quoi s'inquiéter, surtout pour ma circonscription Grande Rivière Nord-Ouest, Port-Louis Ouest, dont les régions de Pointe aux Sables, Grande Rivière, Vallijee, Sable Noir et Bain des Dames, entre autres, sont bordées par la mer et aussi où vit une importante communauté de pêcheurs. En ce qui concerne le MV Wakashio, les pêcheurs touchés par ce drame ont obtenu en tout et pour tout R 10 200 par mois, et cela, pendant huit mois et R 113 000 comme manque à gagner. La question est la suivante : comment est-ce que le gouvernement est arrivé à ce montant ? N'aurait-il pas fallu trouver une formule appropriée, un barème particulier appliqué en cas de catastrophe en mer ? Aujourd'hui, quatre ans après, il y a une grande attente de la part de la communauté des pêcheurs, des plaisanciers et d'autres travailleurs qui gagnent leur vie en mer. L'épisode Wakashio reste un mal incurable et une cicatrice à vie.

Je conclurais avec cette question. Dans tous les cas de figure, suite à un déversement accidentel en mer, quelles sont les conséquences à court terme et à long terme sur l'environnement et sur l'ensemble des activités humaines qui tirent ressources de la mer ? Pêche, cultures marines, saliculture et tourisme entre autres. J'en ai terminé.

Merci.

Mr Speaker: Hon. Léopold!

(6.32 p.m.)

Mr J. B. Léopold (Second Member for Rodrigues): Thank you, Mr Speaker, Sir. I will be very brief because these international laws have already been signed and ratified by our

national Government and it is the final step, that is, implementation after the passing of this law, the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill.

Mr Speaker, Sir, we are in the process of domesticating international laws, a transformation which is necessary to fully comply with international treaties. This process is so important, as most of the time, international commitments have no force or meaning at national level. This is a step forward to enact the international conventions and protocol.

In this context, that is, the liability and compensation for oil pollution damage, namely –

- the International Convention on Civil Liability for Oil Pollution Damage;
- the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, and
- Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

It might have taken a long time for the process of domestication but the whole process of ratification usually takes time.

Those conventions and protocols, Mr Speaker, Sir, had become increasingly important to abide by because of the increasing risk of maritime piracy in our region, where ships are being re-routed into our maritime area to avoid attack and, of course, because of the sad event of oil spillage of MV Wakashio.

From my understanding, the types of compensation we are referring to in this Bill do not apply to cargo vessels like MV Wakashio. It seems to be applied to cargo tankers and bunkers.

Learning from the experience of spillage from Wakashio, it is evident that even a small amount in the volume of oil spilt from the MV Wakashio has disastrous effects on the environment and the livelihood of people who depend on marine environment to make a living.

It is important to find ways through the insurers of cargo vessels by setting a legal framework so that should cargo vessels of the type of MV Wakashio spill oil in our marine ecosystem, they must incur the cost of cleaning and be accountable for damages.

Mr Speaker, Sir, although we are a Small Island State, we do have a huge sea territory to monitor, which makes the domestication of the Merchant Shipping Bill so important, not because of the compensation regime for pollution damage caused by discharge of oil, it is rather because of the severity of the law, which will act as a deterrent to prevent tankers owners and operators to abide by the law to prevent oil spillage in the first place.

Mr Speaker, Sir, no compensation, be it Rs11 billion or even more, but this sum, although it seems to be a huge amount, is and will never be enough to compensate for damages that may arise to our marine ecosystem. Therefore, the prevention of oil spillage is far better.

The impact on our ecosystem will be enormous and no amount of money will be enough. The impact will be so severe to the extent that both in the short term and long term, it will have a severe effect on our economy. In fact, the whole ecosystem will be affected which will have a severe impact also on loss of habitat, due to disruption in food chain and injuries to animals.

Mr Speaker, Sir, sometimes the inevitable may happen and anything that can go wrong will go wrong. Therefore, the domestication of this law is of great importance, not only to ensure that all those who depend on marine environment to make a living, to have compensation and to thereby safeguarding our marine environment, but also, when accidents occur, this money/compensation must be used for damage assessment, remediation and restoration to ensure quick recovery of our sea ecosystem to ensure sustainable development.

Mr Speaker, Sir, this is my contribution to this debate. I thank you for your attention.

Mr Speaker: MP Lobine!

(6.38 p.m.)

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, with regard to this Bill, which concerns mainly compensation for oil pollution that may or might be committed by an oil tanker that might damage our environment, it

is very important to note that as an 'Ocean State,' any legislation or every legislation that will consolidate our quest, our fight to preserve our marine environment and our ecosystem, be it marine life or terrestrial life, is important.

So, this piece of legislation is an addition to what we need to have for a long time. This Convention has been ratified for quite a number of years and in the meantime, our country, Mr Speaker, Sir, has been facing loads of inevitable catastrophes because of our quest to protect our marine life was not adequate enough in terms of capacity, equipment and legislation as well.

I would refer to 2009, Cemrem, just to give a few examples as to the dangers that we might be facing. Cemrem was a Panamanian cargo ship making its way from Taiwan and it got stuck in Port Louis for six months, Mr Speaker, Sir, following a dispute between the owners and the business partners. After a month, the ship started taking on water, triggering fears of an ecological disaster as the ship was carrying around 320 tons of fuel. It was also carrying 15,000 tonnes of cargo. It was not an oil tanker. Same applied to MV Angel 1. It was in 2011, Mr Speaker, Sir. Same thing, it was a Panamanian ship that ran aground on the reefs of Poudre d'Or. It was carrying 32,000 tonnes of rice to Ivory Coast. The ship remained grounded for three months. Its engines stalled and the ship drifted until it ran aground. Again, it was a catastrophe waiting. We had MV Benita, 17 June 2016, and then, the famous Wakashio, 25 July 2020. In the meantime, we had what hon. David vividly described with regard to fishing vessels as well that could be of real dangers to our shores and to our territorial waters.

With regard to Benita and Wakashio, Mr Speaker, Sir, I would declare my interest because I was Counsel for the insurers of Benita and for Wakashio. So, I will not go into the merits or the nitty-gritty and details of those cases. I will go strictly on the applicability of the law with regard to this particular Bill.

Mr Speaker, Sir, Mauritius, we have an Exclusive Economic Zone of 2.3 million km² and this includes the 400,000 km² jointly managed with the Seychelles. This makes Mauritius, Mr Speaker, Sir, the 20th country in the world with the largest Exclusive Economic Zone. This is of significant importance, Mr Speaker, Sir, when the hon. Minister is bringing this Bill to consolidate our existing Merchant Shipping Act.

I take note earlier that the hon. Prime Minister mentioned there are consultants working on revamping or reviewing the legal framework in terms of reviewing the whole Merchant Shipping Act which, in my humble opinion, we need to come up fast with a modern piece of legislation in this particular sector if we want to become a maritime hub. Because what happened in 2016, Mr Speaker, Sir, with MV Benita and 2020 with MV Wakashio provides confirmation that increase payouts cannot come soon enough and Government of a coastal State like Mauritius should enact any available increase limits in our jurisdiction. But I was listening earlier on to my hon. friend, the hon. Minister Hurreeram, when mention is being made about Wakashio, when mention is being made that this particular legislation is coming into place to correct the deficiency in our laws that have existed in the past, this is not the reality, Mr Speaker, Sir.

This particular piece of legislation has nothing to do with a cargo vessel like MV Wakashio. So, tomorrow if we are faced with the same situation, as we faced in 2020 or 2016, this particular piece of legislation will not apply and thank God, up to now we have not been faced with an oil tanker causing havoc to our jurisdiction and so, we pray to God that that does not happen because this is a big problem with regard to our shores and our laws as well. It is good to have a compensation fund but, Mr Speaker, Sir, you will appreciate as a lawyer that when cases go to Court – I will again not go into the merits of the Wakashio case which is ongoing before our Court of Law – but when we have to face such a situation, whether you have a fund or not, you will have to stick around for a number of years to be compensated. Because, as it stands, our legislation is so cumbersome that even if Government would agree with the setting up of a fund, with those perpetrators of pollution, again, we would be faced with particular framework in our legislation which needs to be relooked or revamped.

I would give you an example, Mr Speaker, Sir, in many modern jurisdictions: Singapore, Malaysia and South Korea, we have what we call the Maritime Law Arbitration Centres because maritime laws and applicability of those funds are so technical that we do not have the required experts, even here in Mauritius or in many countries of the world, to tackle those problems. That is why you would see in the case of MV Benita that for a number of years, Government has been chasing for payments and Wakashio, it is the case. To protect our jurisdiction with regard to setting up of such a fund, we need to become an attractive legal jurisdiction in terms of maritime

law disputes. We have got all the ingredients in our country as a hybrid legal system to be that hub.

So, coming with such a piece of legislation on its own without having a holistic approach to how to tackle those problems when it comes to payment of compensation. This is problematic and this is where this Government is failing; failing to have a bigger picture of what can become an opportunity for this country, that is, becoming a maritime hub. Why do I say so, Mr Speaker, Sir? The hon. Minister has come with this piece of legislation which should have been brought many years earlier irrespective of governments but what is very important, Mr Speaker, Sir, is also bringing legislation to try to get the maximum with regard to cargo vessels and any other vessels apart from oil tankers.

Here, I would rather quote what the hon. Minister said when I asked him a PQ on 19 April 2022, it is with regard to the signing of the Nairobi International Convention on Removal of Wreck. When you have a problem of oil pollution, it is because the vessel is no longer in a position to be either taken off the reefs or where it is grounded or there is a serious problem with regards to engines and here, in those particular cases, it becomes a wreck. So, having a compensation fund goes along with major legislation to go along with that, to remove those wrecks and as it stands – maybe I would be corrected by the hon. Minister if I am wrong – as it stands in 2024, we have not yet signed the Nairobi International Convention on Removal of Wreck. And I would quote what the hon. Minister said when he answered to my Parliamentary Question, I quote, Mr Speaker, Sir, –

“As matters stand today for our country, I am informed that the Republic of Mauritius has not yet acceded to the Nairobi Convention for the Removal of Wreck.

The challenge to accede to the convention is that the existing provisions of the Merchant Shipping Act allow the registered owner of the ship wreck to put a cap on the quantum of expenses that he would incur or that could be ultimately recovered from him in the event that the removal operation is done by the Government. This is because the limits of liability under the Nairobi Convention is linked to the liability regime provided for under the International Convention on Limitation of Liability on Maritime Claims 1976 (LLMC).”

And the hon. Minister went on to say –

“My Ministry is conscious that due to climate change, navigation is becoming more hazardous, with higher risks of shipwrecks in its wake. For this reason, the accession to the Nairobi Convention is being seriously considered.”

It was in 2022. We are in 2024, Mr Speaker, Sir, and we have not yet signed this Convention and this would have gone a long way to help and also to consolidate our position while enacting this particular Bill because it goes along – where there is an oil spill, there is a wreck. So, this would have helped in this capacity, Mr Speaker, Sir.

The moreso, it also goes along with regard to the limitation convention. Mr Speaker, Sir, the Wakashio was not an oil tanker and under the well-established compensation regime that we are debating today, Wakashio does not fall within that. Wakashio would have or is under the 2001 Bunkers Convention and the Bunkers Convention, Mr Speaker, Sir, applies to vessels carrying bunkers, not covered by what we have in this Bill. In that particular convention that we have enacted in our law, the owners of a vessel are entitled under Article 6 of the Convention to limit their liability in accordance with the Convention for Limitation of Liability for Maritime Claims 1976 or as amended.

Mr Speaker, Sir, many countries have now enacted the 1996 protocol which significantly increases the limitation fund that was originally applied in the 1976 Limitation Convention and as it stands, Mr Speaker, Sir, Mauritius we have not yet put that in practice so that what the hon. Prime Minister has been saying earlier on, with regard to compensation being claimed to the tune of around Rs2.43 billion, if we would have ratified that protocol or if we would have had that 1996 Convention enacted in our laws, we would have received or have a fund of around 65 million dollars which would have roughly touched this Rs2.6 to 2.7 billion.

So, I do not understand why we could not have brought this piece of legislation as well – that is incorporating in our law, this liability for maritime claims, but based on the 1996 Protocol. So, maybe the hon. Minister in his summing-up could enlighten the House with regard to these two particular conventions –The Nairobi Convention and the Limitation Convention 1996. This would have helped us a lot with regards to going the extra mile to protect our shores again.

Mr Speaker, Sir, I would conclude by urging this government not to bring only ‘piece-meal’ legislation. This is a very serious sector – the Maritime Hub, a very important pillar, future pillar of our economy. In many countries, as I stated earlier on, Mr Speaker, Sir, they are moving with specialised branches of courts of laws or arbitration centres. I referred to Singapore; I referred to South Korea, Malaysia whereby they got Specialist Arbitration Centres.

And, there are cases for the time being, where the government of Mauritius is involved that we are debating in London. We have also got the London Maritime Arbitration Association. And it is very costly; very costly for owners of vessels and for governments to fight cases. These are very specialised sectors, Mr Speaker, Sir.

So, it is a golden opportunity while coming up with such a piece of legislation to also couple it with how to apply and implement it in the best interest of the nation. And Mauritius should become that maritime arbitration hub to be able to move ahead as a very important pillar of our economy.

I would conclude with a piece of history, Mr Speaker, Sir. I invite government; I invite the nation of Mauritius to go back in history, back in 1854. Way back in 1854, Mr Speaker, Sir, we had the Court of Vice-Admiralty in Mauritius, being run by a Judge of the Supreme Court, 1854! There was a Bill in the House of Commons called the Vice-Admiralty Court (Mauritius) Bill 1854. So, way back in those years, the importance of having Mauritius as a very important maritime hub was already there.

That is why we have got our Coat of Arms with the Star and Key of the Indian Ocean. We need to become the star and key of the Indian Ocean. We have got that potential. So I urge and invite the hon. Minister and the government – yes it is important to consolidate our legislation, but it is equally important to put up institutions to implement those legislations and to make Mauritius a great nation in terms of ocean state. This is where we want to go. Mauritius becoming an ocean state, not just with particular legislation but as a hub to create jobs, to create an atmosphere for people from various countries to come and debate in our legal strata here in Mauritius. So this is coming from my heart, Mr Speaker, Sir, urging the hon. Minister and the government to also come with legislation with regard to the New Merchant Shipping Act.

The hon. Prime Minister said it is underway with consultants working on it and I do hope before the end of this mandate, this government could come up with this Bill of the New Merchant Shipping Act because only this piece of legislation would not suffice to combat any potential danger coming from those 44,000 vessels that pass in our international waters Exclusive Economic Zones every year. This is where the potential also lies; to track those vessels to come to have our bunkering sector revived with those vessels coming to our port.

So, legislation, but also arbitration, but also courts of law. And in many countries, it is not just arbitration – it is our Courts of Laws. They have the Admiralty Division of the Supreme Court. So, maybe this could be passed on also to the Attorney General or the hon. Prime Minister to consider a holistic approach to consolidate all those legislation and bring on the New Merchant Shipping Bill. I thank you for your attention, Mr Speaker, Sir.

Mr Speaker: Hon. Minister, Dr. Mrs Chukowry!

(7.59 p.m.)

The Minister of Commerce and Consumer Protection (Dr. Mrs D. Chukowry):
Thank you, Mr Speaker, Sir.

Mr Speaker, Sir, today, we stand united in our promise to safeguarding our nation's precious marine environment and ensuring that those affected by oil pollution receive fair and timely compensation. The Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill (No. II of 2024) before us is a testament to our Government's untiring perseverance to protecting the well-being of our people and cherished natural resources.

I wish to take this opportunity to congratulate the Minister of Blue Economy, Marine Resources, Fisheries and Shipping, the hon. Sudheer Maudhoo and his team for such an important piece of legislation.

This legislation translates our government's resolute commitment to environmental stewardship and safeguarding the well-being of our citizens. It is a clarion call for decisive action that will reverberate across our shores and beyond. By enshrining into law, the International Convention on Civil Liability for Oil Pollution Damage, the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage and the

Protocol of 2003, we are not merely paying lip service to global standards and best practices. We are embracing them wholeheartedly and wielding them as instruments of change.

Mr Speaker, Sir, this Bill is a defiant stance against the ravages of oil pollution; a steadfast refusal to allow our pristine waters and fragile ecosystem to be despoiled by the careless actions of the few. It is a declaration that our commitment to environmental protection is not a fleeting fancy, but a principle that we have ascribed to and that will serve to guide our actions for generations to come.

With this legislation, we are forging a historical pledge with the international community, a shared covenant that transcends borders and unites us in a common cause – to hold polluters accountable, to ensure that those who suffer from the devastating consequences of oil spills receive fair and timely compensation and to establish a framework of financial responsibility that will deter negligence.

Mr Speaker, Sir, this is not a symbolic gesture; it is a call to action, a rolling cry that will echo across our nation and resonate throughout the global community. It is a declaration of our robust obligation to preserving our natural heritage and safeguarding the future of our children and generations yet unborn.

The time has come for us to stand resolute in our commitment, to the well-being of our people, to ensure that the terror of oil pollution no longer casts a dark shadow over their lives and livelihoods. For too long, the victims of these devastating incidents have borne the burden alone, their cries for justice echoing unanswered in the corridors of power. But today, we declare with unwavering resolve that this travesty shall no longer be tolerated.

This Bill is a sacred covenant between our Government and the people we serve. We stand as sentinels, guardians of our nation's most precious resources and we will hold the polluters accountable with an iron fist. No longer will they be allowed to operate with impunity to despoil our waters and ravage our ecosystems without consequence. This legislation is a clarion call that the reckless disregard for the sanctity of our environment will be met with the full force of the law.

M. le président, mais notre engagement ne se limite pas à la simple rétribution. C'est une promesse de guérison et de restauration. Pour ceux dont la vie a été bouleversée par les effets

dévastateurs des marées noires, ce projet de loi garantit qu'une indemnisation adéquate sera rapidement disponible. Une bouée de sauvetage pour les aider à se remettre sur pied et un rayon d'espoir au milieu des ténèbres de leur épreuve. Nous ne prendrons pas de repos tant que chaque victime, chaque famille, chaque communauté ayant subi l'angoisse de ces catastrophes ne recevra pas le soutien auquel elle a légitimement droit.

C'est notre devoir sacré, notre obligation inébranlable de nous dresser comme un rempart contre les forces qui chercheraient à dépouiller notre peuple de ses moyens de subsistance, de sa dignité et de sa place légitime en tant que gardien de cette terre généreuse. Ceci n'est pas seulement un acte législatif, c'est une déclaration retentissante de l'engagement de notre gouvernement envers le bien-être de notre peuple.

Un témoignage de notre conviction inébranlable que leur bien-être est la pierre angulaire sur laquelle repose la prospérité de notre nation. Nous ne laisserons aucune pierre non retournée, aucune avenue inexploitée dans notre poursuite inlassable de la justice et de la responsabilité envers ceux qui ont été laissés. De plus, cette législation établit un cadre pour les contributions au Fonds international d'indemnisation pour les dommages dus à la pollution par les hydrocarbures et au Fonds complémentaires internationaux d'indemnisation pour les dommages dus à la pollution par les hydrocarbures.

Cet effort collectif transcende les frontières, garantissant que la communauté mondiale reste unie pour relever les défis de la pollution par les hydrocarbures. N'oublions pas que la prospérité de notre nation est liée à la santé de notre environnement marin. En protégeant nos eaux, nous sauvegardons notre économie, nos moyens de subsistance et notre mode de vie même. Ce projet de loi témoigne de notre engagement en faveur du développement durable et de la gestion responsable de nos ressources naturelles.

I, therefore, urge you esteemed Members of the Parliament to support this Bill wholeheartedly. Together we can chart a course towards a future where our waters remain pristine, our ecosystem thrives and our people are protected from the devastating consequences of oil pollution. We owe this to our children and the future generation to leave behind a legacy of environmental responsibility and a world in which their dreams can flourish. Let us stand united, steadfast in our resolve and unflinching in our commitment to protecting our nation's most precious assets.

The time to act is now! Let us seize is this opportunity and make history by passing this crucial legislation. Thank you and may your collective efforts be blessed with success. I thank you for your attention.

Mr Speaker: MP Uteem!

(7.10 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): *Kot mo finn fote?* These were the four infamous words uttered by the hon. Prime Minister when questioned about the oil spill of MV Wakashio which went aground the coral reef at Pointe d’Esny on 25 July 2020.

Addressing this House on 28 July, three days later, hon. Kavy Ramano stated that his Ministry had activated the National Oil Spill Contingency Plan and that there was no occurrence of any oil spill. He said and I quote –

“All precaution are being taken to prevent any oily spillage.”

Yet, on 06 August 2020, twelve long days after the Wakashio had been grounded, oil began to leak from the vessel! Hon. Hurreeram stated that Government acted swiftly. No, Mr Speaker, Sir, I beg to differ! It did not! Twelve long days passed before Government acted! Truth be told, Mr Speaker, Sir, the Government did not know what to do. They were actually clueless; they were totally unprepared to face this oil spill.

The hull broke down into two parts on 15 August 2020. Hundreds of metres of coral reefs were damaged, many fish were killed, serious oil pollution damage was caused to the seawater, to our beach, to the mangrove, to other wildlife, hundreds of fishermen lost their livelihood for months, treasure craft operators, cruise businesses, business activities related to the sea such as diving, snorkelling, kayaking in the south-east region of the island, including Mahebourg, Blue Bay, Vieux Grand-Port were all adversely economically affected resulting in substantial loss of income.

Thousands of local volunteers helped clean up the shores using artisanal barriers and boons stuffed with human hair in straw. I would like to pay tribute to the hundreds of them and say thank you for saving our island from even more damage. On Monday 24 August 2020, the front section of the 300 metres long transporter MV Wakashio was deliberately sunk despite

protests from NGOs which warned Government of the severe environmental consequences of sinking the ship. Two days later, 40 dead dolphins gradually washed up on our shores.

A week later, on 29 August 2020 – hon. Hurreeram made mention of that in his speech – more than 150,000 environment lovers demonstrated against the mishandling of the wreckage in the streets of Port Louis *scandant* “*BLD, BLD*”. Now, whose fault was it, Mr Speaker, Sir, if more than a thousand metric tonnes of bunker oil spilled into the ocean? Who is liable to compensate all the victims?

The hon. Minister set up a Court of Investigation to investigate a report on the circumstances leading to the grounding of MV Wakashio. Why was the report of the Court of Investigation not published up to now? This morning answering a PQ addressed by the hon. Ms J. Bérenger, the hon. Prime Minister argued that the report cannot be disclosed because the matter has been referred to DPP for action. Mr Speaker, Sir, we all know that only the captain and first officer of MV Wakashio have been convicted of offence of endangering safe navigation and sentenced to 20 months in prison and that was as far back as 27 December 2021, two and a half years ago, so since then, there has not been any persecution. So, why are we using as an excuse that the report has been sent to the Office of the Director of Public Prosecution in order to investigate further, in order to establish if there are other people to be prosecuted?

No, Mr Speaker, Sir, I believe personally that the reason for non-disclosure lies elsewhere. I believe that the Government is scared, that the population will know, that the oil spill could have been avoided if action were taken promptly. The disaster could have been prevented by rapid and aggressive coast guard interception on that night, but what was the role of the National Coast Guard on that night? Is the Government scared that the population will know that there were serious shortcomings in the National Oil Spill Contingency Plan? Is the Government scared that the population will know that they had stocked an insufficient amount of containment equipment such as booms?

All these very pertinent questions, Mr Speaker, Sir, are also relevant when it comes to this Bill because whenever a relevant threat of contamination arises, the Bill requires preventative measures to be taken to minimise pollution damage. Indeed, section 7(1)(b) of the Bill makes the oil tanker’s owner liable not only for damages caused by the oil spill but also for

the cost of any measures taken to minimise or prevent damages being caused where there is a relevant threat of contamination. So, the Bill, if tomorrow we have the same situation where instead of Wakashio we have a tanker the Government will be required to take action to prevent oil spill and he does not take these actions, that may be a defence for the ship owner when it comes to compensation, which brings me to the Bill and the convention that we will be asked to adopt.

The Bill only covers pollution damage caused by oil tankers which carry oil in bulk as cargo, was MV Wakashio a tanker? I am not an expert but I am told that MV Wakashio was not a tanker, it was a bulk carrier. So, all these conventions that we are adopting, incorporating into our laws by this Bill, are not applicable to Wakashio. In fact, bunker oil spills from ships other than oil tankers as in the present case of Wakashio are covered by another convention, the International Convention on Civil Liability for Bunker Oil Pollution Damages – the Bunkers Convention and the Bunkers Convention is not the subject of this Bill. So, hon. Hurreeram, when you come and say to this House that this Bill is going to ensure that the victims of MV Wakashio are finally compensated, I am sorry but you got the wrong convention, this convention has nothing to do with MV Wakashio and after this Bill is passed, the victims of the oil spill of MV Wakashio will be exactly in the same position as they are currently.

And we know from the answer given by the hon. Minister in this House itself that there has been only a minimal amount of compensation that has been given by Government to the victims. In fact, answering to a PQ on 06 April 2021, he mentioned that an aggregate of Rs83 m. had been paid to fishers, fishmongers and artisanal fishers from August to March 2021 and even then this full amount of Rs83 m. has been reimbursed by the insurer, the Japan P&I Club. The hon. Minister also informed the House on 30 March 2021 that as of February 2021, there were 3267 claims that had been received by his Ministry through e-platform, amounting to around Rs1.6 billion in compensation and this morning we heard the hon. Prime Minister increasing that figure to more than Rs2 billion in compensation.

Now, why are we having this Bill today? If we did not have the convention, any victim of an oil spill could only sue the owner on the common law for negligence, for *tort*, for *faute*, under Civil Code. The problem with this is you have to prove negligence and very often an oil spill can occur through no fault at all of the ship owner. So, there was a tragedy called the Torrey Canyon

disaster back in the early 1960s and 1965 where there was an oil spill and that is when the international community came together and thought – the amount of compensation that we have on the negligence claim is too minimal compared to damage to the environment, damage to victims and even then there are limitations on how much you can claim because you have to show you have been directly affected and it is very difficult to prove your case.

So, this convention gave rise to a convention which is called International Convention on Civil Liability for Oil Pollution Damage, one of the three conventions that are being ratified by the Bill today. Now, the interesting point about this Convention is that the liability of ship owner is tricked, which means that the victim doesn't have to show any fault, any negligence, any mistake, any omission, any recklessness from the ship owner and that helps a lot a victim because the burden of proof shifts from the victim – to show that he has been affected – shifts to the ship owner and the convention give instances where the ship owner can exclude liability for itself, for example – if there were damages caused by third parties, this is found in section 7 (3) of the Bill and interestingly, enough Mr Speaker, Sir –

“(3) No liability for pollution damage shall attach to the owner where he proves that the pollution damage –

(...)

- c) was wholly caused by the negligence or other wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the discharge of that function.”

So, if MV Wakashio was covered by this convention, the ship owner could have argued that: ‘I’m not liable because had Government intervened in time, the Government would have the responsibility of warning me of the danger, because I’m coming too close of the coastal reef, they did not do their work properly and I can exclude my liability for that.’

So, we have to bear in mind that even when there is a ship/ tanker in our water and there is the threat that there may be an oil spill, Government has responsibilities and if Government does not shoulder its responsibilities, the liability of the ship owner can be excluded and will be excluded under the Convention.

So, the International Convention of Civil Liability for Oil Pollution, Mr Speaker, Sir, was followed by another Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage. Now, what happens is that in many instances, the extent of damage caused to the environment and to the victims, is more than what the ship owner can afford to pay. The ship owner may be bankrupt; the ship owner may not have sufficient funds. So, the International Convention came up with this idea of creating a Compensation Fund which is funded by operators; by people who are directly linked to this transport of oil, who buy this oil. So, they have to put a percentage of their turnover into that fund and that fund is used to compensate victims if there is insufficient compensation given by the ship owner. And this fund is also being incorporated in this Bill, Mr Speaker, Sir.

One interesting thing about this fund is that it limits the liability. At the moment, it is quite a high amount, a couple of billion rupees. So, we hope that this threshold will never be reached. Hon. Teeluck mentioned that there is a case pending in the Court which is the Okiyo Maritime Corp and the State of Mauritius. Indeed, Okiyo which is the owner of MV Wakashio decided to limit its liability by creating a fund and it is able to do that under the Merchant Shipping Act and the case is before the Court. I am not going to talk about the merit of this Court and whether it applies to maritime pollution or not, which is the defence that the State will take but the point here is that under the Bill that we are voting, there is already a limitation on liability. There is already a maximum amount, albeit, a big amount, but there is already a maximum amount of compensation which the ship owner is required to pay and which can be drawn from the fund and the additional fund.

One aspect which has not been touched – and I will conclude briefly on that – is a very important section of the Convention which is reproduced in sections 27 and 28 of the Bill and this relates to the limitation period. The period within which a victim can bring a claim under the Convention, under the Bill and the limitation period, Mr Speaker, Sir, is very tight. It is very tight; it is three years from the time that the claim arose or six years after the discharge of the oil spill. So, if this Convention was applicable today to Wakashio, we would be on a very tight rope because three years have already lapsed and this morning when hon. Ms Joanna Bérenger was asking the Prime Minister to publish the report, the aim was to help victims make a claim against

the owner of Wakashio based on the findings of the Court of Investigation because there is a limitation period between three and six years.

Mr Speaker, Sir, I will conclude by saying that on 05 December 2022, the Taiwanese fishing vessel, Yu Feng No. 67, was grounded on the reef off the coast of Ile du Sud, St Brandon. The 20-people crew was rescued thanks to the intervention of Raphaël Fishing but this vessel was carrying and is still carrying 63 tons of marine diesel fuel. 18 months later, nothing has changed. The vessel is still on the coral reef of St Brandon which forms part of Mauritius. Diesel is still on board. Who will be blamed if this diesel spills? Who will compensate for damage to the environment? It would seem, Mr Speaker, Sir, no lessons have been learned from Wakashio. We still are not equipped to contain any oil spill and the Bill that we are voting will make absolutely no difference. It does not apply to vessels other than tankers.

Thank you.

Mr Speaker: Hon. Minister Ramano!

(7.29 p.m.)

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, après l'absence de toute intervention des membres du MMM lors des débats sur l'*Environment Bill*, voilà qu'on a droit à une intervention de l'honorable Uteem, carrément à côté dans un *Bill* tout aussi important qu'est le *Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill*. Le drame, M. le président, c'est cet opportuniste politique qui s'apparente plus à du populisme politique alors que le MMM jadis nous habituaît à des débats plus approfondis.

M. le président, cette soif du pouvoir, je pense qu'ils n'arrivent plus à faire la différence entre un débat parlementaire et un meeting public. Le Hansard est là pour rappeler à la future génération que la contribution du MMM a été zéro pour l'*Environment Bill* et *totally irrelevant* pour le *present Bill*, M. le président.

Mr Speaker, Sir, first and foremost, allow me to congratulate my esteemed colleague, hon. Sudheer Maudhoo, Minister of Blue Economy, Marine Resources, Fisheries and Shipping for bringing within our national laws the domestication of the provisions of –

- (a) the Convention on Civil Liability;
- (b) the Fund Convention, and lastly,
- (c) the Protocol of 2003 to the Fund Convention within our national laws.

Mr Speaker, Sir, these multilateral environmental agreements are maritime treaties to which Mauritius is a Party. There are MEAs of high importance that address the issue of liability and compensation in cases of pollution damage caused by oil tankers which carry oil in bulk as cargo or bunker for their own consumption. As the Minister of Environment, Solid Waste Management and Climate Change, I have a particular interest in the Bill being presented in Parliament today in view that the mandate of my Ministry includes oil spill preparedness and response coordination. The Bill contains numerous clauses that pertain to mechanisms for compensation and recovery from an oil spill from a tanker.

Mr Speaker, Sir, these Conventions provide a clear, known and proven system that is also harmonised and uniformed, which many countries use. This system is more favourable to victims in that –

- (i) it avoids having to issue the party responsible with all the uncertainties that this entails;
- (ii) it offers the possibility of benefiting from the joint and several liabilities of the parties implicated, where applicable, without having to establish fault, and
- (iii) it provides for compulsory insurance and direct action against an insurer even if the owner of the spill is insolvent.

Domesticating those MEAs will, without any doubt, ensure that in an unfortunate case of an oil spill from a tanker in our waters, Mauritius may accede to higher compensation in a shorter period of time.

Mr Speaker, Sir, it is a known fact that shipping is the backbone of the world economy. According to the review of the Maritime Transport Report of 2021 published by the UN Trade and Development, over 80% of the world's trade is transported by sea. Shipping routes play a pivotal role in facilitating the movement of goods across the globe. According to another report

entitled 'Mapping the Indian Ocean Region' published by the international NGO Carnegie Endowment for International Peace in June 2023, it is estimated that almost 90,000 vessels carrying 9.84 billion tons of cargo pass through the Indian Ocean annually and 40% of the global oil production transit through this region.

Mr Speaker, Sir, the Republic of Mauritius, including Rodrigues Island and Outer Islands, is located in the marine routes connecting the Cape of Good Hope and the Strait of Malacca.

Mr Speaker, Sir, the MV Wakashio incident was an unfortunate event that has prompted us to further enhance our preparedness and response mechanism. In this context, we are fully aware that we have to be in a state of readiness on all fronts, be it in terms of preventive measures such as rapid intervention at sea and monitoring of ships passing in our waters. Also, we have to bring forward preparedness measures such as contingency plans, capacity building and drills, amongst others, and also claims related to loss and damage to Mauritian assets.

Mr Speaker, Sir, as part of the prevention measures, this Government has initiated the application of the Areas To Be Avoided Mechanism, commonly referred to as the ATBA. In essence, ATBA delineates maritime routes of certain types of ships away from our nearby coasts to protect sensitive ecosystems and avoid hazardous navigation and risk of casualties.

Accordingly, on 01 December 2020, the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping Division issued a Merchant Shipping Notice for an ATBA, with the main purpose of providing a safe distance between the ship lanes and the shoreline of the Republic of Mauritius and to protect the sensitive environment prevailing. Moreover, as cited by the hon. Prime Minister in his reply earlier today, this Government will soon sign a Memorandum of Understanding with the Republic of India for the provision of consultancy services and expertise in view of the setting up of an Aids of Navigation Unit/Authority in Mauritius.

Mr Speaker, Sir, with regard to preparedness measures, we have already initiated actions pertaining to application of our National Oil Spill Contingency Plan, enhancement of institutional capacity of all stakeholders, availability of oil spill combat equipment, training of

personnel, drills and simulation exercises, coordination of volunteers, oil spill waste management plans, amongst others.

The Environment Bill voted last week in Parliament, which legally sets up a number of provisions pertaining to oil spills, is a clear indication of this Government's efforts on this issue. To be in a state of preparedness, my Ministry has, in November 2023, reviewed, revised and updated the National Oil Spill Contingency Plan dated 2023. Prior to its finalisation, workshops were held for 10 key stakeholder groups, namely first responders, the tourism sector, private companies and oil companies, media, fishery sector, local authorities and waste collectors, women associations, youth, NGOs and volunteers. Moreover, to enhance our preparedness, my Ministry also updated the coastal sensitivity map of the western coast from Pointe aux Canonnières to Le Morne on a geographical information system.

In addition, this Government signed an agreement with the Government of Japan through the Japan International Cooperation Agency on 17 May 2022 for a three-year technical assistance programme for the Enhancement of Institutional Capacity in Oil Spill Response for the Republic of Mauritius. This programme is being managed by my Ministry and co-managed by the National Coast Guard. As of date, the following key tasks have already been accomplished –

- (i) training of officers from my Ministry, from the National Coast Guard, from the Special Mobile Force to become oil spill preparedness and response management experts for the Republic of Mauritius;
- (ii) update of the coastal sensitivity map on Geographical Information System and development of Tactical Sheet Folio for the port and south-east areas,
- (iii) training of 70 first responders as IMO Level 1 certified and 40 persons as IMO Level 0 certified amongst others.

I also wish to inform the House that these oil spill preparedness response and management experts have carried out an IMO Level 1 training in Rodrigues island in January 2024.

Mr Speaker, Sir, having clearly defined claims regimes is of paramount importance whenever assets have been impacted with loss and damage. The MV Wakashio is a case in hand depicting this. My Ministry with the support of the *Agence Française de Développement* developed an environmental and socio-economic impact assessment framework. This framework depicts the requirements to prepare and calculate claims based on our existing legal regime as well as international conventions to which we are signatories.

This framework provides an insight into the step-by-step presentation of the admissible claims, compensation process and procedures for oil spills with an emphasis on the importance of record keeping. It focuses on the main environmental and socio-economic impacts and details in the commutation and valuation of environmental, socio-economic and health impacts with emphasis on claimable impacts.

The MV Wakashio grounding and oil spill have served as a tragic reminder of the environmental threats and significant socio-economic impacts posed by maritime transport. It underscores the urgent need for us to be prepared and take prompt measures to prevent such disasters from occurring. I would like to remind the House that before the MV Wakashio grounding and oil spill in 2020, Mauritius already experienced several events involving vessel grounding, namely –

- On 22 April 2005, two container ships, MSC Katie collided with Nordsun in the harbour.
- On 08 August 2011, MV Angel 1 went aground off the coast of Poudre d'Or due to an engine failure.
- On 17 June 2016, bulk carrier, MV Benita went aground at Le Bouchon.

All these incidents had represented a potential threat of oil spills given the volume of fuel they had on board. We can call these incidents as near misses for oil spills. Post MV Wakashio, we have also experienced around nine maritime-related incidents, a number of which were from fishing vessels.

Mr Speaker, Sir, these events further highlight our need to take all kinds of measures to address oil spills. Within this context, this Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill is coming to the House at an opportune time. It is also very much in line with the recently passed Environment Bill, whereby my Ministry has, based on lessons learnt, improved provisions pertaining to oil spills within Part V of the Environment Protection Act 2002, within the Environment Bill.

As I already mentioned during my speech for the Second Reading of the Environment Bill, provisions have been made in Part V of the Bill for the introduction of an improved coordination framework that details the preparation and response to an oil spill, including enhanced coordination and cooperation among relevant authorities.

As such, the National Oil Spill Contingency Plan, which provides the organisational structure and procedures for preparedness and response to an oil spill, will have a legal force as per provisions laid in clause 57 of the Bill. Clause 57 of the Environment Bill also allows the Republic of Mauritius to comply with Article 6 of the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) of 1990, which stipulates that parties to the Convention are required to establish a national system for responding promptly and effectively to oil pollution incidents, including the establishment of a national contingency plan for preparedness and response, and establish measures for dealing with pollution incidents nationally or in co-operation with other countries, including pre-positioned oil spill combating equipment, simulation exercises, communication, mechanism or arrangement to coordinate the response, amongst others.

Mr Speaker, Sir, a National Oil Spill Coordination Committee established in clause 58 of the Environment Bill will be responsible to review and update the National Oil Spill Contingency Plan every 5 years. A host of other new measures related to oil spills have also been added to the Environment Bill namely –

1. At clause 60, anyone who conducts an activity associated with the storage or use of liquid fuel within its premises to undertake a risk assessment and prepare and submit a contingency plan to address such risks;

2. Regarding notification of an oil spill at clause 61, an owner of a spill will as from now have an obligation to notify the Director of Environment of the occurrence of same within one hour;
3. Regarding involvement of volunteers at clause 64, volunteers would henceforth be required to obtain authorisation from my Ministry prior to partaking in oil spill mitigation and cleaning exercises;
4. Regarding environmental monitoring henceforth the owner of an oil spill may be requested as per clause 65 to carry out environmental monitoring of the nature, extent and effect of the oil spill.
5. Under clause 66, the Director of Environment is empowered after consultation with the National Oil Spill Coordination Committee to cause the carry out of such environmental monitoring of discharges of oil spills and to determine the endpoints for cleaning exercises.

In short, Mr Speaker, Sir, this Government has ensured that a host of legal instruments be captured in law to better protect our Republic against the impacts of an oil spill.

Mr Speaker, Sir, the Environment Bill includes provisions to address those cost implications at clause 68. Members of the House will recall that for the case of the MV Wakashio around 800 tons of its bunkers were spilled and this oil spill was considered as the worst environmental disaster for Mauritius. Now Members may imagine the consequences of a tanker or supertanker carrying above 200,000 tons of oil, getting itself grounded along the reef of Mauritius or our outer islands or start leaking oil in our waters. The loss and damage to Mauritius or our outer islands would be inconceivable.

Mr Speaker, Sir, hon. David spoke about civil liability of vessels like the MV Wakashio, same concerning the hon. Uteem who spoke about the weakness of civil claims in the absence of actions from the authorities.

Mr Speaker, Sir, allow me to cite the provision of clause 72 of the Environment Bill concerning liability for oil spill –

“ (1) (...) any person affected in any way by an oil spill shall have a right to damages from the owner of the spilled oil.”

Moreover under section 72(2) –

“ (2) (...) alinéa 1 of article 1384 of the Code Civil Mauricien shall apply to an action under subsection (1).”

Under section 73(1), the Director shall also recover from the owner of the spilled oil all expenses, including interests and costs, incurred as a result of any assessment or study carried out on social, economic and environmental effects.

Mr Speaker, Sir, it is clear that civil liability is clearly spelt out in the Environment Bill concerning vessels other than tankers.

Mr Speaker, Sir, I emphasise that the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill is coming to this House at a most opportune moment. Mauritius is strengthening its legal framework which means to deal with oil spill from a tanker and to accede to its associated compensation.

The definition of pollution damage as per clause 2 of the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill is of high importance to establish any case or claim resulting from a marine oil spill. For environmental damage other than loss of profit from impairment of the environment, compensation is restricted to cost actually incurred or to be incurred for reasonable measures to recover the contaminated environment and that are unlimited. As per the definition in the Bill, the notion of pollution damage includes measures wherever taken to prevent or minimise pollution damage in the territorial sea, the EEZ of a State party to the convention. Hence, expenses incurred for reasonable preventive measures are recoverable even when no spill of oil occurs provided that there was a grave and imminent threat to pollution damage.

Mr Speaker, Sir, since both the Environment Bill and the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill have provisions for recovery of expenses, it was important that harmonisation be ensured. Along this line and after discussion with the State Law Office, the Shipping Division, the Mauritius Ports Authority and the National Disaster Risk

Reduction and Management Centre, it was agreed that the new Environment Bill shall not apply to the civil liability and compensation for pollution damage under the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill for pollution resulting from tankers.

Mr Speaker, Sir, another aspect of national importance of this Bill is clause 5, that is, to make submission of insurance or submission of other financial security compulsory. The idea of making insurance compulsory for tanker owners in order to cover their liability for pollution damage was quite revolutionary. At the time of the 1969 Convention negotiations, compulsory insurance was an integral part of the whole system in that it was an essential measure supplementing the idea of strict liability which was envisaged. According to Part II of the Bill, the owner of a tanker carrying more than 2,000 tons of persistent oil in bulk as cargo is obliged to maintain insurance to cover his liability.

Mr Speaker, Sir, enactment of the current Bill will accordingly result in the revocation of a previous regulation encapsulating related oil pollution damage from tankers that is the Merchant Shipping (Civil Liability for Oil Pollution Damage and International Fund for Compensation for Oil Pollution Damage) Regulations 1996. As compared to those regulations, the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill will provide for a number of value additions.

Mr Speaker, Sir, to conclude, allow me to remind the House, firstly, the unfolding situation in Mauritius is offering an important opportunity for us to re-evaluate whether there is a need to consider acceding to the latest international legal instruments in the field. This includes legal instruments on liability and compensation for ship source pollution. Secondly, liability and compensation are critical in the aftermaths of an oil spill and in respect of the economic consequences as well as in respect of the cost of reinstatement of the environment. Oil spills and resultant clean-up operations can seriously affect the marine environment, both as a result of physical and smothering and toxic effects. They are also associated with potentially high costs and wide-ranging economic implications.

Mr Speaker, Sir, I wish here to emphasise that both the provisions of the Environment and the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill are complementary. I also wish here to thank and congratulate hon. Sudheer Maudhoo, Minister of

Blue Economy, Marine Resources, Fisheries and Shipping for his *avant-gardiste* vision in bringing this Bill to the House today.

With these words, I thank you for your attention.

Mr Speaker: Hon. Minister Maudhoo!

(7.52 p.m.)

Mr Maudhoo: Mr Speaker, Sir, I thank the hon. Members on this side of the House for their valuable contribution to the debate on this Bill because hon. Members on the other side of the House took the debate on Wakashio which was a cargo vessel while this Bill is for oil tanker vessels.

Anyway, in response to, on va dire, M. le président, en réponse à l'honorable David qui a fait référence à MV Wakashio, à MV Benita, et pour dire que chaque quatre ans, il y a des naufrages, etc. C'est bien de dire chaque quatre ans, mais il fallait aller un peu plus en arrière. Quatre ans avant le MV Benita, il y avait le MV Angel 1. Qui était à la tête de ce pays à cette époque ?

MV Angel 1 s'était échoué aux abords de Poudre d'Or en 2011. It is good for the Members of the MMM also to know. They were here and they know it very well. It took more than three months to remove the oil and cargo from the vessel. And at that time, there was no bad weather, no COVID-19, and it was a much smaller vessel.

Honorable David, je crois qu'à cette époque, il y avait des radars. Donc, venir utiliser des mots comme 'triangle des Bermudes' ou 'bateau invisible' est, ce qu'on appelle, de la pure démagogie. Il fallait donc aller un peu plus en arrière pour voir ce qu'a fait votre leader, et aussi, l'honorable leader de l'opposition était ministre du Cabinet à cette époque. Si, en 2011, on a vécu ce naufrage, qu'est-ce qu'ils ont fait à cette époque au niveau des lois pour nous protéger ?

Dr. Boolell: Toi tu étais le conseiller du ministre à l'époque!

Mr Maudhoo: 2011! Je ne crois pas ; je n'étais pas là ! Ça c'est sûr !

(Interruptions)

Mr Speaker: Don't interrupt !

Mr Maudhoo: *Mr Speaker, Sir*, encore une fois, j'ai écouté avec beaucoup d'attention l'honorable Lobine. Alors lui, il est député, il est dans cette Chambre, mais quand il y a eu l'accident, il a lui-même bien dit qu'il était un représentant légal du MV Wakashio.

Alors, venir s'exprimer sur ce projet de loi ; je comprends les quelques points qu'il a mentionnés, car il connaît bien les lois de Maurice, mais d'un point de vue purement éthique, c'est encore pire de se voir donner des leçons sur les marées noires par des personnes qui défendent les intérêts des pollueurs.

Il a été l'avocat de Wakashio. Je lui répondrais : « C'est bon de venir parler, mais il fréquentait l'antichambre du pouvoir quand l'ex-Premier ministre, le Dr. Navin Ramgoolam était Premier ministre entre 2005 et 2014. Il était toujours avocat ; il était toujours expert dans le domaine maritime. Alors, qu'a-t-il fait lui ? Est-ce qu'il a aidé à réformer les cadres réglementaires autour des marées noires ? » Rien ! C'est ça le problème avec eux. C'est seulement quand ils sont dans l'opposition qu'ils voient. Sinon, ils fabriquent aussi. C'est cela le problème ici. Et concernant le point par l'honorable madame Navarre-Marie, pour dire que la loi est sans effort, alors là, elle, encore plus !

I wish to highlight - les membres de l'opposition savent très bien que cette loi - qu'au contraire, leur souci et notre souci aussi, c'est si on pouvait aussi amener cette loi pour des vraquiers, des bateaux de pêche, des bateaux de plaisance. C'est cela que tout le monde veut. Et aussi, si on pourra appliquer ce même type de loi - je l'ai bien dit en seconde lecture - pour pouvoir nous protéger, surtout au niveau de la compensation. Alors, c'est un peu le souci de tout le monde. Donc, au lieu de parler de cette loi, on fait un procès sur Wakashio, etc.

Mais on est en train de travailler ; nos officiers sont en train de travailler, et comme je l'ai mentionné, ils sont avec l'*IMO*. Ils sont en train de considérer afin de pouvoir légiférer le même type de loi pour les vraquiers et autres *vessels*.

Mr Speaker, Sir, I wish to emphasise that the conventions being domesticated through this Bill are treaties being used all around the world. The first layer of protection covered by the CLC 1992 has been acceded to by 146 countries. As for the Fund 1992, 121 countries are party

to it and contribute actively to the Fund. The third tier providing up to Rs43 billion as compensation has been ratified by 33 countries, the most recent one being the Republic of Mauritius.

With the ongoing geopolitical tension in the Red Sea, ships are being rerouted to avoid this perilous region. As a direct consequence, as I draw the attention of the House, and should this tension continue – we all know the tension in that region, there will be an upsurge of maritime traffic within our large Exclusive Economic Zone. In parallel, this evolving situation will also heighten the risk of oil spills in our waters.

Mr Speaker, Sir, having an EEZ of 2.2 million square kilometres, with responsibilities under international law, the accession of the Protocol 2003 represents the fulfilment of one such duty in view of ensuring maximum protection for Mauritius in case of an oil spill in its waters, including in its Exclusive Economic Zone.

Mr Speaker, Sir, through this Bill, provision is being made to overcome ambiguities in existing laws such as the restrictive conception of compensation for the environmental damage and to harmonise the merchant shipping legislations by providing a three-tier liability and compensation regime.

An introspection into our existing legislations has allowed my Ministry to identify legal gaps and come up with remedial measures. For this reason, this Bill should not be viewed in isolation. Last year, my Ministry came forward with substantial amendments to the Merchant Shipping Act with regard to provisions on salvage, wreck removal, recovery of expenses and offences. This is not the end of the process of reviewing our laws. Rather, this is an on-going exercise.

Mr Speaker, Sir, this Bill should be considered as a stepping stone, that is, the beginning of several more initiatives to come from my Ministry. As mentioned earlier, oil spills caused by non-tanker ships are not covered by the international three-tier liability and compensation system. As at date, there is no global fund comparable to the IOPC Fund and Supplementary Fund to handle such incidents.

Having similar international funds to cater for situations where vessels are abandoned, underinsured or ship owners are insolvent, the Shipping Division of my Ministry has already started to liaise with the International Maritime Organisation in view of initiating similar global initiatives which can thus result in the establishment of an international fund for oil spills originating from vessels other than tankers. Regional solutions will also be explored.

For almost a quarter of a century, I did say that and I was again taken by hon. Lobine, Mauritius has been in a legally disadvantaged situation with an antiquated liability and compensation regime. We should be grateful and fortunate that this obsolete legislation has not been put to test during these past 25 years.

The introduction of this Bill therefore shows the commitment of this Government to strengthen the legal framework governing oil spills, associated liabilities and compensation in Mauritius. My Ministry, in particular, is continuously working towards the improvement of the legal system governing maritime matters in Mauritius, including the prevention and control of oil pollution at sea from ships as well as safety and security of ships.

Mr Speaker, Sir, I wish to recall that my Ministry has been at the forefront to consolidate the legal infrastructure governing maritime matters in Mauritius. In the recent years, several legislations have been adopted and some are in the pipeline. This Bill, as I said, should not be viewed in isolation.

So, I wish to reiterate that this Merchant Shipping (Liability & Compensation for Oil Pollution Damage) Bill is an indispensable piece of legislation in safeguarding the interest of our country and its people by being prepared on all fronts for any oil spill from tankers which may occur in our waters.

Mr Speaker, Sir, I am pleased to announce that, after numerous years of effort, we now possess a contemporary and comprehensive legislative infrastructure aimed at integrating all necessary elements to enhance the liability and compensation framework in the context of oil pollution damage by oil tankers.

M. le président, en conclusion, je tiens à remercier l'ensemble des députés de la Chambre pour leur participation et leur contribution à ce débat. Je remercie également les officiers de mon

ministère et ceux du *State Law Office* pour leur excellent travail. N’oublions pas qu’il faut toujours un effort collectif pour renforcer notre cadre réglementaire. C’est un processus d’amélioration continue, M. le président.

Je vous remercie.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE MERCHANT SHIPPING (LIABILITY AND COMPENSATION FOR OIL POLLUTION DAMAGE) BILL

(NO. II of 2024)

Clause 1 ordered to stand part of the Bill.

Clause 2 (Interpretation)

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

Mr Maudhoo: Mr Chairperson, I move for the following amendment to clause 2 –

- (i) by inserting in the appropriate alphabetical order, the following new definition –
“port” has the same meaning as in the Ports Act;
- (ii) in the definition of “territory of Mauritius”, in paragraph (a), by deleting the word “Mauritius” and replacing it by the words “Mauritius, including the port”.

Amendment agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

Clause 4 (Application of Act)

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

Mr Maudhoo: Mr Chairperson, I move for the following amendment to clause 4 –

“in clause 4, by adding the following new subclause –

(6) The Environment Act and Ports Act shall not apply to the civil liability and compensation for pollution damage under this Act.”

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 34 ordered to stand part of the Bill.

Clause 35 (Consequential amendments)

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

Mr Maudhoo: Mr Chairperson, I move that clause 35 be deleted.

Amendment agreed to.

Clause 36 (Commencement)

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

Mr Maudhoo: Mr Chairperson, I move that clause 36 be renumbered as clause 35.

Amendment agreed to.

Clause 36 renumbered 35 accordingly.

Clause 35 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) Bill (No. II of 2024) was read a third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 07 June 2024 at 3.00 p.m.

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

Question put and agreed to.

Mr Speaker: The House stands adjourned! Adjournment matters! I will ask the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Thank you very much. So, I will address my request from here! Hon. Mrs Foo Kune-Bacha!

MATTERS RAISED

(8.10 p.m.)

BARKLY– ROBERT JAUFFRET FOOTBALL GROUND – MAINTENANCE

Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière): Merci. J'adresse ma requête au vice-Premier ministre et ministre des Collectivités locales concernant le terrain de football du complexe sportif Robert Jauffret à Barkly dont la pelouse est dans un état déplorable, notamment avec plusieurs trous et soulèvement du gazon à plusieurs endroits, qui représentent un danger accru de chute et de blessure pour les utilisateurs de ce terrain. Je demande donc que ce terrain puisse être réparé pour que les habitants de Barkly et particulièrement les jeunes de la région puissent s'adonner à des activités sportives et se divertir sainement. Merci.

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

The Deputy Speaker: Hon. Ms Tour, please!

(8.11 p.m.)

CITÉ LA CURE – FOOTBALL PITCH – LIGHTING

Ms J. Tour (Third Member for Port Louis North & Montagne Longue): Merci, M. le président. J'interviens ce soir au nom des équipes de foot et des habitants et tous ceux qui

utilisent le terrain de foot à Cité La Cure. Cela fait plusieurs mois que le terrain n'est pas illuminé pendant la nuit. Donc, je demande au ministre de bien vouloir intervenir auprès de la municipalité de Port-Louis afin que ce terrain soit illuminé, car il y a plusieurs équipes professionnelles qui jouent dans la *Super League* et même des jeunes qui attendent impatiemment de pouvoir utiliser le terrain à la tombée de la nuit.

The Deputy Speaker: Thank you!

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

The Deputy Speaker: All right. Hon. Mr David!

(8.12 p.m.)

LA TOURELLE, LA TOUR KOENIG – ACCESS GATE – INSTALLATION

Mr F. David (First Member for GRNW & Port Louis West): Merci, M. le président. Ma requête de ce soir s'adresse au Premier ministre adjoint et ministre du Logement et concerne une demande des habitants de la Résidence Exim de la NHDC à La Tourelle dans la région de La Tour Koenig. Il est question, M. le Premier ministre adjoint, d'installer un portillon à l'extrémité d'une allée piétonne le long des logements du Bloc J. Cela enfin d'éviter l'intrusion récurrente de certains individus à priori malveillants et surtout pendant la nuit.

Un site visit a déjà eu lieu le 20 mars 2024 en présence des résidents, d'un représentant de la *NHDC* et d'un représentant de la *Wastewater Management Authority*. La *NHDC* et la *WMA* ont conclu qu'elles n'ont aucune objection à la requête des habitants qui ont donc commencé à entreprendre des travaux. Toutefois, certains individus, probablement les mêmes qui viennent causer les nuisances nocturnes dans cette allée, ont commencé à endommager les premières structures mises en place par les résidents. Ces mêmes résidents ont donc fait une nouvelle demande à la *NHDC* la semaine dernière par *email* suggérant que l'installation du portillon soit exécutée par la *NHDC* elle-même dans l'espoir, je dis bien dans l'espoir, que les travaux entrepris officiellement par une autorité ne soient pas la cible de dégradations et d'intimidations contrairement à ce qui s'est produit pour les travaux entrepris par les résidents eux-mêmes.

Je me fais donc le porte-parole de ces résidents auprès du ministre en lui demandant s'il peut, dans la mesure du possible, intervenir pour faciliter l'aboutissement de ce mini projet déjà approuvé par la NHDC, un petit portillon pour une grande tranquillité des habitants de La Tourelle. Merci pour eux.

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

The Deputy Prime Minister : M. le président, je vous avouerai n'être nullement au courant de cette question évoquée par monsieur le député. Je vais m'en enquérir et évidemment, je demanderai à la NHDC, dans la mesure du possible, comme vous le dites si bien, de répondre aux attentes des habitants. Merci.

The Deputy Speaker: Thank you. Hon. Mr Uteem, please.

(8.14 p.m.)

CONSTITUENCY NO.2 – INHABITABLE & DANGEROUS HOUSES – RELOCATION & FINANCIAL AID

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): J'adresse ma requête au vice-Premier ministre et ministre des Collectivités locales. Cela concerne les habitants de ma circonscription dont les maisons ont été décrétées comme étant dangereuses et inaptes à l'habitation ; 11 maisons sont concernées : 4 à Monseigneur Leen, La Butte, 7 le long de Ruisseau du Pouce à Tranquebar. Le vice-Premier ministre avait déclaré à la Chambre qu'une assistance financière leur serait accordée, voire même peut-être qu'ils seraient relocalisés dans d'autres lieux plus sécurisés. Donc, mon appel aujourd'hui au vice-Premier ministre est si les officiers de son ministère peuvent prendre contact avec ces habitants pour leur dire la marche à suivre parce que depuis les grandes inondations, ils sont toujours sans recours.

The Deputy Speaker: Thank you. Hon. Minister.

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

The Deputy Speaker: Hon. Quirin.

(8.15 p.m.)

ALBION – HEAVY RAINFALL – INACCESSIBLE ROADS

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): Merci, M. le président. Ma requête ce soir s'adresse au ministre des Infrastructures publiques et concerne les deux routes d'accès qui mènent au village d'Albion. En effet, M. le président, à chaque fois que les pluies torrentielles s'abattent sur le pays, ces deux routes, que ce soit à hauteur de Camp Créole ou à partir de Canot, sont submergées d'eaux tout comme c'est le cas pour le pont sur *Albion Branch Road* coupant ainsi toute possibilité d'entrer et de sortie du village d'Albion.

Cette situation, M. le président, a pour conséquence de créer un sentiment d'inquiétude et de panique parmi les habitants d'Albion. Ceci dit, je demande donc à l'honorable ministre de considérer de manière urgente ma requête pour une solution durable et sécurisante pour le bien-être des habitants d'Albion. Je vous remercie.

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Mr Deputy Speaker, Sir, in fact, yes, we are very much aware of this issue and the LDA, the NDU and the RDA are already working on the issue. If you will allow me, I will say a few words. The first access road is B105 which is inaccessible due to the overflow of Magenta Canal. This is being looked into with Medine, the Water Resources Unit. There is a committee that has been set in place. So, they are working on the possible solutions.

The second road is B78, a swale will be dug around B78 and the two culverts will be reconstructed with sufficient hydraulic capacity, so all these are underway.

The Deputy Speaker: Thank you. Hon. Ittoo.

(8.17 p.m.)

GLEN PARK, LINK ROAD ROBINSON – PLANTERS – WATER CONNECTION

Mr A. Ittoo (Third Member for Vacoas & Floréal): Merci, M. le président, ma requête de ce soir s'adresse au ministre des Utilités publiques et cela concerne les planteurs qui se trouvent sur le Link Road Robinson à Glen Park. Donc, il y a des planteurs qui se trouvent sur cette Link Road et aussi des propriétaires de plantations hydroponiques. Je lui demanderais, en

tant que ministre de tutelle de la CWA, d'intervenir pour que ces planteurs puissent avoir une connexion d'eau. Merci.

The Deputy Speaker: Who will take the request?

The Minister of Agro-Industry and Food Security (Mr M. Seeruttun): I will take it. I will pass on the message to my colleague and I will look into that to ensure that the planters be provided with water supply. Thank you.

The Deputy Speaker: Thank you. Hon. Ameer Meea.

(8.18 p.m.)

NLTA – MULTIPLE OWNERS – SAME REGISTRATION MARK

Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. The issue I am raising tonight is addressed to the Minister of Land Transport and Light Rail. Mr Deputy Speaker, Sir, it came to my attention that the NLTA has issued the same number, that is, the same registration mark to more than one vehicle owner. Mr Deputy Speaker, Sir, this is a very serious matter and can have dire consequences ranging from legal disputes and safety concerns. For example, if one of the vehicles is involved in a traffic violation, accident or any crime, it may be difficult to accurately identify the responsible party thus leading to legal and insurance complications.

Mr Deputy Speaker, Sir, the hon. Minister, who unfortunately is not here tonight, will surely agree with me that such an issue undermines the credibility and trustworthiness of the NLTA at a time...

The Deputy Speaker: No, no, no.

Mr Ameer Meea: ...where the public confidence is already very low.

(Interruptions)

The Deputy Speaker: Order!

Now you are going into trustworthiness. Please! Your request is so that needful is done; so that there are no two numbers. Thank you very much!

Mr Ameer Meea: Let me make my request.

The Deputy Speaker: Please do it straight rather than making a speech around it.

Mr Ameer Meea: No, it was a fact.

The Deputy Speaker: It is not a fact that you making a comment about it.

Mr Ameer Meea: I shall urge the hon. Minister to identify the root causes of such irregularity and to promptly implement measures so as to prevent the recurrence of such oddity.

The Deputy Speaker: Thank you very much.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, my good friend the hon. gentleman knows well that adjournment time is for specific matters. He has made a general assertion that...

Mr Ameer Meea: No, I have said...

The Deputy Prime Minister: One, same number has been offered to more than a person and has dwelt at length on all the hypothetical consequences. The matter is very simple, if there is a case, a particular case, that matter can be brought directly to the attention of the Minister...

Mr Ameer Meea: This is what I was...

The Deputy Prime Minister: ... stating: names, numbers and facts, and we shall attend to it. Thank you, Mr Deputy Speaker, Sir.

Mr Ameer Meea: This is what I did...

The Deputy Speaker: I am sure both parties understand it is not time for debate; a straightforward request so that as many can have one.

Mr Ameer Meea: This is what I meant.

The Deputy Speaker: We are left with the last one. So, hon. Mr Osman Mahomed, who will show us how to address a direct request.

(8.20 p.m.)

EID-UL-ADHA – LIVE CATTLE – PRICE FIXING

Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central):

Thank you. Je voudrais m'adresser ce soir la ministre responsable pour la protection des consommateurs, l'honorable Dr. Dorine Chukowry, au sujet du prix de bétail sur pied pour lequel nous attendons que le prix soit fixé pour les prochains sacrifices d'Eid-Ul-Adha tout comme elle l'a répondu au Parlement la semaine dernière. Cependant, je souhaite savoir si la ministre est au courant qu'entre-temps certaines catégories de bétail sur pied importées sont déjà en vente sur les fermes à des prix bien plus élevés jusqu'à R 250 le kilo pour le bétail pesant plus de 650 kg à ce qu'on me dit. J'aimerais savoir si c'est une situation normale et si c'est un problème, j'aimerais savoir ce que le ministre compte faire.

The Deputy Speaker: It is not question time. You are requesting that...

(Interruptions)

Allow me! I understood you are requesting the price of cattle be regulated. This is your request?

Mr Osman Mahomed: Yes, lowered!

The Deputy Speaker: Five of my lines. Alright, Minister!

The Minister of Commerce and Consumer Protection (Dr. Mrs D. Chukowry): Mr Deputy Speaker, Sir, I think that it is more a PQ than an adjournment matter.

The Deputy Speaker: No, I have already regulated on that.

Dr. Mrs Chukowry: Mr Deputy Speaker, Sir, as mentioned in my reply to a Parliamentary Question last week, there are a number of steps involved in the fixing of price of cattle for the Eid-Ul-Adha festival, as it is the case every year. I have been informed that my Ministry has obtained different costing and proposals from the different importers of cattle for

this year. A verification of the information submitted is under way and an analysis is being done to determine the best price to recommend to the Ministerial Committee for consideration.

Thank you.

The Deputy Speaker: So, I rightly understood, the request is being entertained.

Thank you very much. Have a safe trip back home!

At 8.22 p.m., the Assembly was, on its rising, adjourned to Friday 07 June 2024 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

BET 365 CASE – INQUIRY – UPDATE

(No. B/380) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the inquiry initiated into the Bet 365 case, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

(Withdrawn)

CONSTITUENCY NO. 10 – BY-ELECTION – ESTIMATED COST & COUNTING OF VOTES

(No. B/381) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the by-election to be held on 09 October 2024 for Constituency No. 10, Montagne Blanche and Grand River South East, he will, for the benefit of the House, obtain from the Office of the Electoral Commissioner, information as to the estimated cost thereof, indicating if the counting thereof will be effected on the polling day and, if so, give details thereof.

(Withdrawn)

MBC – ALLEGED EMPLOYEES MOLESTATION – 01 MAY 2024

(No. B/382) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the alleged case of molesting of employees of the Mauritius Broadcasting Corporation at a political gathering in Port Louis on 01 May 2024, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been initiated thereinto and, if so, indicate if any arrest has been effected as at date.

(Withdrawn)

MR S. S. – REPORTED MISSING & DEATH – INQUIRY

(No. B/383) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to one Mr S. S., residing in Mare d’Australia, reported missing as from the 01 May 2024 and later found dead, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been initiated thereinto, indicating the outcome thereof.

Reply: I am informed by the Commissioner of Police that on Friday, 03 May 2024, at 11:28 hrs, the Brisée Verdière Police Station received a call from Mrs D.R., reporting that her nephew Mr S.S, aged 48, who suffers from a chronic illness, left his place on Wednesday, 01 May 2024, at 08:30 hrs and did not return back.

The Police circulated the details of the missing person throughout its units. A search operation was promptly initiated across the entire island, including the places the missing person usually visited. Despite gathering information from various persons and conducting searches in Vacoas, the individual was not found.

I have further been informed that on Sunday, 05 May 2024, at 06:51 hrs, the Police received a phone call from a lady reporting there was an unconscious man near the public toilet at Trou aux Cerfs health track. The Emergency Response Service was dispatched to the location and on reaching there, at approximately 07:38 hrs., the Police found an unidentified man sitting by the health track.

The Emergency Response Service Team transported the unidentified individual to the Princess Margaret Orthopaedic Centre and reached there at around 8:00 hrs. The man was examined by a medical practitioner who pronounced him dead at 8:26 hrs. On Monday 06 May 2024, a post-mortem was conducted at Princess Margaret Orthopaedic Centre by the Principal Police Medical Officer in the presence of the Police.

The body was handed over to his relative.

The investigation is still proceeding.

CONSTITUENCY NO. 10 – BY-ELECTION – COST & STAFFING

(No. B/384) Mr R. Uteem (Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the organisation of the by-election in Constituency Number 10, Montagne Blanche and Grand River South East, he will, for the benefit of the House, obtain from the Office of the Electoral Commissioner, information as to the –

- (a) estimated cost thereof, and
- (b) number of public officers who will be involved therein.

Reply: Following the resignation of Mr T.H., as Member of the National Assembly on 13 February 2024, the President has, on my advice, issued on 12 May 2024, a writ of election for Constituency 10 Montagne Blanche and Grand River South East, appointing 11 July 2024 as the Nomination Day, and 09 October 2024 as the Polling Day, where it becomes necessary.

The information which is being requested, namely cost estimates for the by-election, and the number of public officers who would be involved therein would vary depending on whether or not counting of votes would be conducted on polling day itself.

Counting of votes on polling day itself has only been conducted twice, namely for the Village Council Elections in 2020 and the Rodrigues Regional Assembly Elections in 2022. I am informed by the Office of the Electoral Commissioner that following the positive response received from various stakeholders, the Office of the Electoral Commissioner is currently holding consultative meetings with different political parties and stakeholders on the feasibility of effecting counting of votes immediately after the closing of Poll.

After that exercise, the Electoral Commissioner will hold further consultation with the Electoral Supervisory Commission, taking into account the views and comments received during the consultation process. It is only then that an informed decision will be made on the matter.

I am informed that, if counting is carried out on the following day, the same procedures as have been the case for all previous general elections, would be applied, that is, counting will be held at Bel Air State Secondary School, the main centre for Constituency 10.

According to the Office of the Electoral Commissioner, 850 election staff will be required if counting of votes is done on the day following the poll and at a main centre. This figure has been worked out based on the number of candidates in the 2019 General Elections in the said Constituency, that is, 66.

The Office of the Electoral Commissioner has further informed that the estimated cost for the by-election would be Rs16 m., covering, *inter-alia* –

- (a) the cost of election materials;
- (b) expenses incurred in relation to the infrastructure of polling stations and conveyance of election materials, and
- (c) payment of allowances to election officers and officers of various stakeholders with whom the Office of the Electoral Commissioner collaborates, such as the Ministry of Education, Tertiary Education, Science and Technology, the Ministry of National Infrastructure and Community Development, the Mauritius Police Force and the Government Printing Department.

On the other hand, in the event counting is carried out on the same day, the same procedures as set out for the 2020 Village Council Elections and the 2022 Rodrigues Regional Assembly Elections would be put in place, that is, all voting rooms will be converted into counting rooms.

In this scenario, 465 additional election staff, namely Recorders, that is, officers who will be recording votes on counting sheets, will be required. Thus, if counting of votes is conducted on the same day as polling, a total of 1,315 public officers would be required.

Moreover, an additional amount of approximately Rs3 m. would be required for the by-election in respect of the additional number of election staff required, thus bringing the total cost estimates to around Rs19.5 m.

DRUGS SEIZURE – 2019 TO DATE – INQUIRIES

(No. B/385) Mr N. Bodha (Second Member for Vacoas & Floréal) Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to cases of seizure of huge quantity of drugs since 2019 to date, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiries initiated thereinto, indicating the number thereof –

- (a) submitted to the Office of the Director of Public Prosecutions, and
- (b) prosecuted.

(Withdrawn)

AIR MAURITIUS LTD. – CHIEF EXECUTIVE OFFICER – APPOINTMENT

(No. B/386) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Chief Executive Officer of Air Mauritius, he will, for the benefit of the House, obtain from Air Mauritius Ltd., information as to the –

- (a) date of appointment thereof, and
- (b) scope and conditions of work thereof, including the salary, allowances and other benefits drawn.

Reply: As the House is aware, Air Mauritius Ltd, being a public company with limited liability, is governed by the Companies Act, its own Memorandum and Articles of Association and is managed by a Board of Directors. As such, the Company has its own disclosure and reporting mechanism.

Moreover, except for any specific matter falling under the purview of Government, information relating to the internal affairs of a company is, as a matter of principle, not disclosed in the National Assembly, as all such matters fall under the responsibility of the Board of Directors and Management of the Company.

In regard to part (a) of the Question, the current Chief Executive Officer of the Company was appointed on 06 March 2024.

In regard to part (b) of the Question, for the reasons I mentioned earlier, the information sought by the hon. Member cannot be disclosed.

RODRIGUES – PORT MATHURIN PORT MASTER PLAN – IMPLEMENTATION

(No. B/387) Mr J. B. Léopold (Second Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Port Mathurin Port Master Plan, he will state where matters stand as to the implementation thereof.

Reply: In accordance with section 5 of the Ports Act 1998, the Mauritius Ports Authority is required to prepare and periodically update a Port Master Plan for Mauritius and Rodrigues with a view to formulating its policy for port development and land use. The Mauritius Ports Authority shall be responsible for the proper implementation of every Port Master Plan.

The last review exercise was completed in 2017.

In view of major changes in port trade, the forecasts and recommendations contained in the present Port Master Plan would need to be reviewed.

To that effect, following an international bidding exercise, the services of HaskoningDHV Nederland B.V. were enlisted on 30 May 2023 by the Mauritius Ports Authority for the updating of the Port Master Plan. The study is to be carried out over a period of 15 months.

The consultants are planning to submit the Draft Final Report by the first week of June 2024. The final report is expected in July 2024.

AGALÉGA – TOURISM ACTIVITIES – CHALETS PROJECT

(No. B/388) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to Agaléga island, he will state if any project for the construction of some 15 chalets to develop tourism activities was previously envisaged thereat and, if so, indicate where matters stand.

(Withdrawn)

MRA – ALCOHOL & SPIRITS BEVERAGES – IMPORTS – JAN TO MAY 2024

(No. B/424) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Minister of Finance, Economic Planning and Development whether, in regard to alcohol and spirits beverages, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the number of bottles thereof imported since January 2024 to date, indicating the –

(a) cost thereof, and

(b) amount of taxes collected therefrom

(Withdrawn)

PAILLES – RESIDENCES MON PLAISIR, ST LOUIS & MICHAEL LEAL – RECURRENT FLOODING – MITIGATING MEASURES

(No. B/425) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the recurrent flooding of Residences Mon Plaisir, St Louis and Michael Leal in Pailles, he will state the mitigating measures being envisaged therefor.

(Reply not available)

PERSONALISED REGISTRATION MARK (MOTOR VEHICLES) – CONTROL MECHANISM

(No. B/426) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Land Transport and Light Rail whether, in regard to the Personalised Registration Mark for motor vehicles, he will, for the benefit of the House, obtain from the National Land Transport Authority, information as to the control mechanism put in place to prevent the issue of the same number thereof to more than one vehicle owner.

Reply: I am informed by the National Land Transport Authority (NLTA) that the Personalised Registration Mark comprises three categories as follows –

- Category 1 – 1-FM 2500;
- Category 2 – FN to ZZ (1-1000), and
- Category 3 – any combinations of three letters or more followed by numerical characters subject to a maximum of nine letters.

These Personalised Registration Marks are allocated solely by the NLTA to members of the public upon receipt of an application thereto. Applications are processed on a first-come-first-serve basis depending on the date of the application.

I am further informed by the NLTA that the control mechanism put in place for each category of Personalised Registration Mark is as follows –

- (a) with regard to Category 1 (1-FM 2500), the public has to make an application on a form which is available on the website of the NLTA and subsequently, the application is cross-checked in books and records kept at the NLTA since the registration of the first vehicle in Mauritius;
- (b) for Category 2 (FN – ZZ (1-1000)), the application is made online either to reserve or purchase of a Personalised Registration Mark directly. The online system developed by the *Formation Recrutement et Conseil Informatique Limitée* (FRCI) and Government Online Centre (GOC) has an inbuilt control mechanism to ensure that at any given point in time, there is only one unique Personalised

Registration Mark which is available online for purchase. Verification of the online application is done based on the following two scenarios –

a. Scenario 1

An applicant is authorised to reserve a Personalised Registration Mark for one year and automatically the system locks the registration mark in the account of the applicant. However, in the event the applicant fails to purchase the reserved Personalised Registration Mark, same is resent automatically online on the platform by the system.

b. Scenario 2

The online system also allows an applicant to purchase a Personalised Registration Mark which, upon immediate payment, is automatically locked in the account of the applicant by the system.

- (c) regarding Category 3 (any combinations of three letters or more followed by numerical characters subject to a maximum of nine letters), the application is processed administratively upon approval of the Officer-in-Charge.

I am further informed by the NLTA that any reported cases of duplication are verified on the NLTA database and the said Personalised Registration Mark is allocated to the vehicle owner who applied first.

In order to avoid duplication of allocation of PRM, the NLTA is working on a mechanism to enable all applications for all types of Personalised Registration Mark to be made online.

ALBION – TWO MAIN ROADS – INACCESSIBILITY

(No. B/427) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of National Infrastructure and Community Development whether, in regard to the two main roads leading to Albion which become inaccessible during heavy rainfall, he will state the remedial actions envisaged therefor.

(Withdrawn)

**NATIVE TERRESTRIAL BIODIVERSITY AND NATIONAL PARKS ADVISORY
COUNCIL – COMPOSITION**

(No. B/428) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Minister of Agro-Industry and Food Security whether, in regard to the Native Terrestrial Biodiversity and National Parks Advisory Council, he will state the –

- (a) current composition thereof, indicating the name of the incumbents, and
- (b) recommendations, if any, made to the Minister with regard to the conservation of wildlife since June 2023 to date.

(Withdrawn)

**BEACH VOLLEY – CONTINENTAL CUP 2024 & PARIS OLYMPIC GAMES 2024
– MAURITIAN TEAM**

(No. B/429) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to Beach Volley, he will state the support extended by his Ministry to the Mauritian team thereof to participate in the –

- (a) final phase of the Continental Cup to be held in Tetouan, Morocco, from 18 to 24 June 2024, and
- (b) qualifying round for the Paris Olympic Games 2024, respectively, giving details thereof.

(Withdrawn)

**RUISSEAU DU POUCE – RESIDENCE NAZARETH, TRANQUEBAR – HEAVY
RAINFALL – MEASURES**

(No. B/430) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Local Authorities and Disaster Risk Management whether, in regard to Ruisseau du Pouce in the region of Residence Nazareth in Tranquebar, he will, for the benefit of the House, obtain information as to the measures being taken to –

- (a) prevent the overflowing thereof during heavy rainfall, and
- (b) ensure the safety of the houses on the riverbanks thereof.

Reply: I am informed by the Land Drainage Authority (LDA) that the region of Nazareth has been certified and declared as High Risk Flood Prone Area on 23 September 2019.

I am further informed by the LDA that the National Development Unit had appointed an engineering company, to investigate on the matter and to propose remedial measures that would solve the problem thereat.

I am also informed by the National Disaster Risk Reduction and Management Centre (NDRRMC) that following the rainfall event of 21 April 2024, several coordination meetings and site visits have been initiated to ensure the safety of the affected families at Tranquebar including urgent and medium/long term remedial measures to be implemented by concerned stakeholders.

As regards part (a) of the question, I wish to inform the House that the Municipal City Council of Port Louis (MCCPL) had effected desilting works of Ruisseau du Pouce (earth drain) along the stretch from Crownland Tory to Jules Mallac Street, Tranquebar and the works were completed in February 2024.

Furthermore, following the last heavy rainfall of 21 April 2024, desilting along the stretch from near Jules Mallac St, Tranquebar to near Impasse Chan Kin Tranquebar (John Kennedy St) is in progress.

I am further informed by the MCCPL that the Drains Infrastructure Construction Ltd (DICL) is implementing the construction of a flood wall at Nazareth, Tranquebar. The scope of works involves the construction of a masonry and gabion floodwall over a stretch of 400m, concrete lining of the river bed over 400m, desilting works over 125m and installation of handrails over 100m.

With regard to part (b) of the question, I wish to highlight that the MCCPL conducted a site survey on 08 and 13 May 2024 at Nazareth, Tranquebar. The residents, whom the officers of

the MCCPL have been able to meet, stated that their houses were not damaged but flooded on the Torrential Rainfall Event on 21 April 2024.

During a joint site visit carried out yesterday by the MCCPL and LDA, it has been observed that the houses have suffered no structural damage.

In view thereof, the House can rest assured that at the level of the NDRRMC –

- a) the families have been sensitised to vacate their vulnerable premises during heavy rainfall events;
- b) close follow up at the level of National Emergency and Operations Command together with dedicated communiqué will be addressed to the Police Main Command and Control Centre (PMCCC) for patrolling in these vulnerable areas during heavy rainfall event and opening of emergency Centres, if required will be ensured;
- c) targeted alert messages to the vulnerable families through the National Multi Hazards Emergency Alerting System, will be sent;
- d) regular sensitisation sessions on precautionary measures for the benefit of the families and tailor-made Community Disaster Response programme (CDRP) will be conducted with the collaboration of the MCCPL, and
- e) Local Emergency Operations Command will ensure close follow-up on the affected families during heavy rainfall events.

As regards the affected houses at Nazareth Bridge Tranquebar along Ruisseau du Pouce, the Land Drainage Authority, in its risk assessment post inundation survey dated 29 April 2024, has recommended the relocation of the families residing in the buildings exposed to riverine flooding. The foundation of one house being occupied by one Lebon family in the region of Tranquebar has been exposed due to the scouring effect. So far, six other nearby houses have been identified to be at risk of erosion by the LDA and the identity of those families has been communicated upon a survey which has been carried out by the NDRRMC on 14 May 2024. MCCPL and NDRRMC are monitoring the situation.

LATE MR J. M. R. – SAMU – MORTUARY

(No. B/431) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to late Mr J. M. R., he will state the –

- (a) date and time SAMU was contacted for the conveyance of the deceased to the hospital;
- (b) date and time the dead body was collected from the mortuary, and
- (c) reasons as to why the deceased's family was not contacted following his death.

(Withdrawn)

COVID 19 – ASTRA XENECA VACCINES – INOCULATION & ADVERSE EFFECTS

(No. B/432) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to Astra Xeneca Vaccines used for vaccination during the COVID-19 pandemic, he will state –

- (a) the number of people inoculated therewith, indicating the country of origin thereof, and
- (b) if any case of adverse effects following the inoculation thereof has been reported at his Ministry to date.

(Withdrawn)

OBESITY – ASSOCIATED DISEASES – COMBATTING MEASURES

(No. B/433) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes) asked the Minister of Health and Wellness whether, in regard to obesity, he will state –

- (a) the measures taken to combat the prevalence thereof, including the banning of advertising of junk-food;
- (b) if a direct correlation thereof with the body mass index has been established, and
- (c) the diseases associated therewith, indicating if a study has been carried out to determine the estimated yearly cost thereof on productivity, if any.

Reply: Obesity is a major public health challenge and a leading risk factor for Non-Communicable Diseases (NCDs). According to the latest Mauritius NCD Survey 2021, the standardized prevalence of obesity stood at 36.2%, that is, 29.9% in men and 41.6% in women. Additionally, the Mauritius Nutrition Survey 2022 also showed that obesity was prevalent among 13.8% of children aged 5 to 11 years and 9.0% of adolescents aged 12 to 19 years.

With regard to part (a) of the question, I wish to inform the House that no provisions are made in the law for the definition of the terminology “junk-food” and as such there is no regulations for banning of junk-food. The obesity epidemic is a worldwide phenomenon and Mauritius has not been spared over the years. As a responsible government, my Ministry has put in place several measures targeting specific segment of the population to combat obesity.

A series of workshops have been organised since 2020 for the empowerment of Housewives on “Nutrition and Healthy Lifestyle” with the objectives of encouraging housewives to adopt a healthy lifestyle and empowering them with the required knowledge and skills for choosing and cooking healthy meals for their families.

In 2016, the existing excise duty on sugar content of soft drink was extended to all non-alcoholic sugar-sweetened beverages. In 2021, the existing sugar tax of 3 cents per gram of sugar on sugar sweetened beverages was doubled to 6 cents.

Moreover, my Ministry is implementing a National Breastfeeding Action Plan 2022-2027 to enhance breastfeeding rates and to encourage mothers to exclusively breastfeed their babies. Furthermore, my Ministry has come up with a National Nutritional Surveillance System whereby the weight of babies aged 0-59 months are measured and monitored for optimal growth. Whenever babies are found to be overweight and obese, mothers and babies are referred to nutritionists for counseling and for other actions deemed necessary.

At the level of the education system, the school curriculum now includes subjects on basic nutrition that impart knowledge to students in adopting healthy food choices. In the same vein, the legislation regarding the sale of food items in primary schools have been worked out by my Ministry and the Ministry of Education. In this respect, the sale of soft drinks is banned in all

government educational institutions as well as unhealthy snacks, namely: deep fried food, food items with high levels of fats especially of the saturated type, sugar and salt.

In addition, my Ministry has also put in place a School Health Programme for Secondary Schools, targeting 177 public and private secondary schools' students of Grades 7, 9 throughout the island. This ensures an early detection, counselling, prevention and treatment of NCDs, including overweight and obesity, risk factors for NCDs. Cases needing dietary advice following the School Health Programme are referred to nutritionists at the special dietetic clinics in the nearest health centres or hospitals for counseling and appropriate management.

Regular screenings across the island are also carried out within the community and workplaces for people aged 18 and above. Health talks on healthy lifestyle, healthy diet, benefits of physical activity, harmful effect of tobacco and alcohol are delivered during these sessions.

Moreover, as part of our communication strategy, daily short nutrition messages on various topics such as obesity among children, infant nutrition, nutrition for students, nutrition for diabetic patients are aired on MBC radio. These messages aim at sensitising the population at large in adopting healthy eating habits thus reducing the risk of obesity.

One of the measures to combat the prevalence of obesity is the practice of a regular physical activity. As such, the National Sport and Physical Activity Policy (2018-2028) has been elaborated by the Prime Minister's Office in collaboration with my Ministry and other Ministries to foster a culture of community sport and physical activity in Mauritius. Through the Physical Activity Programme, facilities for physical activity have been put at the disposal of the population. Since 2022, the Physical Referral Scheme has been launched in collaboration with the Mauritius Sports Council. The scheme allows for the prescription of physical activity to adults diagnosed with diabetes, hypertension, dyslipidemia and/or obesity.

Outdoor gyms and health tracks have been set up to increase accessibility of physical exercise in the community. Physical instructors are also employed on a contract basis by my Ministry for the Physical Activity Programme organised in 77 localities across the country.

In addition, 80 Health Promotion Clubs have been launched in different Ministries and departments in collaboration with the Prime Minister's Office (PMO) and the Ministry of Public Service, Administrative and Institutional Reform, to encourage public officers to practise regular physical activities and to adopt healthy eating habits.

I also wish to inform the House that my Ministry has obtained the support of the World Health Organization for the development of a nutrient profile model for Mauritius. Nutrient profiling is a scientific method for categorising food and beverage items according to their nutritional composition. This model will greatly help my Ministry to sensitise the population on food which are high in fat, salt and sugar thus enabling them to make right choices to stay healthy.

Re-used oil is a very common practice in Mauritius. Locally, the fried food industry is characterized by multiple, continuous frying over an extended period of time. The forthcoming New Draft Food Regulations 2024 has been amended to include the permissible level of Trans Fatty Acids, safe for human consumption, across all food products.

In addition, my Ministry has established a Mauritius Food Standards Agency (MFSA). One of the objectives of the Mauritius Food Standards Agency (MFSA) is to ensure a high degree of confidence in the nutritional quality of food on the market, as well as providing appropriate information relating to food items thus enable consumers to make informed choices regarding the nutritional quality of food.

As regards part (b) of the question, studies have been carried out in regard to prevalence of overweight and obesity and Nutritional status in Mauritius based on ethnic-specific cut-off values for BMI.

Mauritius is one of the rare countries in the world to carry out Non-Communicable Diseases (NCD) surveys every five years. The Mauritius NCD Survey 2021 is the 7th Survey carried out since 1987. According to the Mauritius NCD Survey 2021, 72.2% of the participants were classified as overweight or obese out of which 68.6% were men and 75.4% were women.

Besides the Mauritius NCD Survey 2021, the Mauritius Nutrition Survey 2022 was carried out with the objective of studying food consumption patterns and assessing the nutritional status of the population with a view to addressing diet and nutrition related health problems and non-communicable diseases in the country.

In 2023, a cross-sectional community-based survey to measure the average salt intake in the adult Mauritian population was undertaken.

Based on the findings of the Mauritius NCD Survey 2021, the Mauritius Nutrition Survey 2022 and the Mauritius Salt Intake Study 2023, a National Plan of Action for Nutrition is being drafted to promote appropriate diets and healthy lifestyles and to protect consumers through improved food quality and safety.

With regard to part (c) of the question, studies have consistently shown that higher BMI is strongly associated with an increased risk of obesity-related health issues such as type 2 diabetes, cardiovascular problems, certain types of cancer and joint problems. Studies to determine the estimated yearly cost on productivity have not been carried out in Mauritius. I wish to inform the House that currently my Ministry is conducting a survey on Household Out-of-Pocket Expenditure on Health to assess expenditure on health by the Mauritian population.

My Ministry in collaboration with the World Health Organization organised a 3-day Stakeholders' Round Table on multi-sectoral actions to accelerate the prevention and management of Obesity on 23 to 25 April 2024. Some of the main objectives of the Round Table were to review the status of obesity and overweight in Mauritius, evaluate the progress of implementation of current interventions amongst others. At the end of the Round Table, my Ministry came up with a roadmap to accelerate progress to stop obesity and same will be implemented shortly.

RELAY SHELTER, CAP MALHEUREUX – ESCAPED TEENAGER – INQUIRY

(No. B/434) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the teenager who escaped from the Relay Shelter at Cap Malheureux on 05 May 2024, she will state if her Ministry has initiated an inquiry thereinto and, if so, the outcome thereof.

(Withdrawn)

GRA – HORSE RACING DIVISION – OFFICE RENTAL DETAILS

(No. B/435) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Finance, Economic Planning and Development whether, in regard to racing, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority/Horse Racing Division (HRD), information as to the amount payable for the renting of an office by the HRD at Mezzanine Floor, Happy World House, Port Louis, indicating the –

- (a) extent of space occupied, and
- (b) name of the leasing company.

(Withdrawn)

DISMISSAL CASES (WOMEN) – REPORTED CASES

(No. B/436) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Minister of Labour, Human Resource Development and Training whether, in regard to cases of dismissal of women on ground of poor performance at work, he will state the number thereof reported to his Ministry since January 2024 to date, if any.

Reply: The Workers’ Rights Act 2019 sets out, under Part VI, the procedures relating to termination of agreement.

Section 64(6) of the Act provides that no employer shall terminate a worker’s agreement for reasons related to the worker’s poor performance, unless the worker has been given an opportunity to answer any charge of alleged poor performance.

I am informed that since January 2024 till 15 May 2024, 516 cases of termination of employment on ground of poor performance at work, involving 258 male and 258 female workers have been reported to my Ministry.

Out of the 516 cases, 340 cases, involving 167 male and 173 female workers have been resolved following intervention of my Ministry whereby a total amount Rs10,625,268.39, comprising Rs6,123,298.55 for male workers and Rs4,501,969.84 for female workers has been recovered on behalf of the laid off workers. Additionally, seven workers, including three female workers have been reinstated. Furthermore, 25 cases, out of which, 14 concern female workers have been voluntarily withdrawn.

With regard to the remaining 144 outstanding cases, out of which, 68 concern female workers, I am informed that investigation is ongoing at the level of the Inspection and Enforcement Section of my Ministry.

I also wish to inform the House that the 340 workers whose cases have been resolved are eligible for payment of Transition Unemployment Benefit under the Workfare Programme Fund. Their length of service will be reckoned for payment of a gratuity on retirement under the Portable Retirement Gratuity Fund.

CAMBRIDGE SC EXAMS – COHORT 2024 PASS MARK

(No. B/437) Dr. M. Gungapersad (Second Member for Grand Baie & Poudre d’Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the Cambridge School Certificate Examinations, she will, for the benefit of the House, obtain from the Mauritius Examinations Syndicate, information as to the pass mark for each subject for each cohort examined annually since 2014 to date.

(Withdrawn)

GOVERNMENT ANALYST DIVISION – QUALITY STANDARDS

(No. B/438) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Health and Wellness whether, in regard to the Government Analyst Division of the Ministry, he will give details pertaining to the quality standards attributed thereto.

(Withdrawn)

MOTOR VEHICLES – INSURANCE PREMIUMS – FLASH FLOODS

(No. B/439) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes) asked the Minister of Financial Services and Good Governance whether, in regard to insurance premiums for motor vehicles, he will, for the benefit of the House, obtain information as to complaints, if any, received for excessive increase thereof following the recent flash floods and, if so, the measures envisaged therefor.

Reply: Insurance business in Mauritius is a highly regulated business. The regulator regulates financial aspects and market conduct of insurers, but they do not regulate insurance premium pricing. The premium pricing is self-regulated by the competitive market and each

company has its own underwriting methodology. The insurance market in Mauritius is open and very competitive with 13 companies dealing in motor insurance business.

I wish to inform the House that no complaint has been received at the level of my Ministry, the Financial Services Commission and the Office of the Ombudsperson for Financial Services in relation to excessive increase of insurance premiums for motor vehicles following the recent flash floods.

I am informed by the Financial Services Commission that an information collection exercise was conducted on 13 domestic general insurers underwriting motor vehicles policy and it has been observed that no insurer has reported that there is an increase in premium following the recent flash floods. However, there has been a gradual increase in motor insurance premium due to other reasons such as general inflation, increase in cost of repairs and increase in cost of freights, resulting in increase in costs of spare parts.

VACOAS – NEW MUNICIPAL COMPLEX – MAINTENANCE & CLEANLINESS

(No. B/440) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the operational facilities, maintenance and cleanliness of the common areas of the new Municipal Complex at Swami Sivananda Avenue situated opposite the market in Vacoas, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas-Phoenix, information as to if he has been made aware of the deplorable state thereof, indicating the remedial measures taken in relation thereto.

(Withdrawn)

NEW CANCER HOSPITAL – LINEAR ACCELERATORS & PET SCAN SERVICES

(No. B/441) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Wellness whether, in regard to cancer treatment at the New Cancer Hospital, he will state the date when the linear accelerators and PET scan will be made operational thereat, indicating if the services will be decentralised to other public hospitals and, if so, the hospitals concerned therewith.

(Withdrawn)

MUNICIPAL COUNCIL OF VACOAS-PHOENIX – FINANCIAL SITUATION

(No. B/442) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the Municipal Council of Vacoas-Phoenix, he will, for the benefit of the House, obtain therefrom, information as to the financial situation thereof, indicating if it is in deficit.

(Withdrawn)

COROMANDEL, MORCELLEMENT CHAPMAN VIEW –DAMAGED ROADS – REINSTATEMENT WORKS

(No. B/443) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to Morcellement Chapman View, Coromandel, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin and Rose Hill, information as to when works for the reinstatement of the roads severely damaged thereat during the passage of cyclone Belal will start.

(Withdrawn)

VALLEE PITOT – FLOODING – INUNDATED HOUSES & MOSQUE

(No. A/25) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of National Infrastructure and Community Development whether, in regard to the flooding along Boulevard Victoria, Vallée Pitot, following the torrential rainfalls of January and April 2024, where several houses and the Sayyedena Abu Bakr Siddique (R.A.) Mosque were inundated, he will state the urgent remedial measures that will be taken in relation thereto.

Reply: The region of Vallée Pitot was inundated following the torrential rainfall which occurred in January and April 2024. A site visit was carried out on 14 March 2024 in the presence of Dr. the hon. M. Anwar Husnoo, Vice Prime Minister and Minister of Local Government and Disaster Risk Management and other relevant stakeholders, including the

Ministry of National Infrastructure and Community Development and the Municipal City Council of Port Louis to take cognizance of the impact of flooding in the region of Vallée Pitot.

During the site visit, the following observations were made –

- (a) the existing culvert of size of approximately 2 metres wide by 0.5 metres deep does not have the adequate hydraulic capacity as it is obstructed by down-stand beam and several pipes;
- (b) handrails have been damaged in view of the overtopping of stormwater along with debris/rocks, and
- (c) the place of worship was severely inundated during flooding event of Belal.

The said region was already declared as a flood prone area by the Land Drainage Authority (LDA) and urgent measures were recommended by the latter to mitigate flooding as follows –

- (i) Projects earmarked under the National Flood Management Programme.
 - Drains at Boulevard Victoria, Alma Street Junction, Vallée Pitot which have already been completed.
 - Extension of drain at Inkerman Street at Vallée Pitot which is at design stage.
 - Drain and resurfacing corner Diego Garcia Street up to Boulevard Pitot in front of new Municipal Hall which is at design stage.
 - Upgrading of Drain Mamelon Verte, Vallée Pitot which is at design stage.

The following preliminary mitigation measures have been proposed by the LDA following the recent flooding at Vallée Pitot –

- (a) upgrading of culvert of size 6 metres wide by 2 metres deep, along La Paix Stream across Boulevard Victoria to allow free flow, and
- (b) regular maintenance of La Paix stream and drains within the vicinity to be effected by Municipal City Council of Port Louis.

The Council has informed that cleaning along La Paix Stream (stretch from Canal Beessoon Vallée Pitot, passing across Boulevard Victoria and downstream to Barbeau St) was

effected from March 2024 and was completed in April 2024, prior to the torrential rainfall on 21 April 2024. In April 2024, cleaning works along La Paix Stream near Boulevard Victoria have again been undertaken by the Council.

**RODRIGUES – AUGUST/SEPTEMBER 2023 DELEGATION – MASA –
COMPOSITION & COST**

(No. A/26) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Arts and Cultural Heritage whether, in regard to the visit of the members of Mauritius Society of Authors (MASA) and representatives of his Ministry to Rodrigues in August/September 2023, he will state the –

- (a) purpose thereof, and
- (b) composition of the delegation, indicating the –
 - (i) capacity in which they participated therein, and
 - (ii) total amount spent thereon, in terms of air ticket, accommodation and *per diem*.

(Reply not available)

MUNICIPAL CITY COUNCIL OF PORT LOUIS – DRIVERS – EMPLOYMENT

(No. A/27) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the drivers of the Municipal City Council of Port Louis who are still acting on a relief basis, he will, for the benefit of the House, obtain from the Council, information as to if consideration will be given for their employment in a substantive capacity and, if so, when.

(Reply not available)

TAKAMAKA RIVER – WIDENING – DEVELOPMENT WORKS PROJECT

(No. A/28) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of National Infrastructure and Community Development whether, in regard to the development works project undertaken for the widening of the Takamaka River, he will –

- (a) state the –
 - (i) costs incurred therefor, and

- (ii) name of the contractor selected therefor;
- (b) table copy of the –
 - (i) contract, and
 - (ii) report of the National Development Unit certifying the successful completion thereof, and
- (c) state if there has been a follow-up thereof after the passage of cyclone Belal.

(Vide Reply to PQ A/17 – Debate No. 03 of 16.04.24)

SCUTTling ATTEMPTS – JANUARY 2024 TO DATE

(No. A/29) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to scuttling attempts since January 2024 to date, he will state –

- (a) the number of cases thereof reported at his Ministry;
- (b) if enquiries have been initiated thereinto and, if so, the outcome thereof;
- (c) the damages caused to the environment, if any, and
- (d) the actions taken to prevent the occurrence thereof.

Reply: No cases of scuttling attempts have been reported to the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping since January 2024 to date.

This Ministry has further been informed by the Mauritius Ports Authority (MPA) that no attempt has been made to scuttle any fishing vessel since January 2024.