



REPUBLIC OF MAURITIUS

**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**TUESDAY 21 NOVEMBER 2017**

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

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Minister of Social Integration and Economic Empowerment  
Cheong, MSK

Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance
Hon. Mrs Roubina Jadoo-Jaunbocus	Minister of Gender Equality, Child Development and Family Welfare

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**MAURITIUS**

**Sixth National Assembly**

**FIRST SESSION**

**Debate No. 26 of 2017**

**Sitting of Tuesday 21 November 2017**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## ANNOUNCEMENT

### **ICAC PARLIAMENTARY COMMITTEE – MEMBERS - APPOINTMENT**

**Madam Speaker:** Hon. Members, I have an announcement to make with regard to the Parliamentary Committee for the monitoring of the Independent Commission Against Corruption.

Following the resignation of hon. Abbas Mamode, hon. Rutnah and hon. Teeluckdharry after his election as Deputy Speaker, the hon. Prime Minister has on 19 May 2017, pursuant to section 59 (2) of the Prevention of Corruption Act, designated the following three hon. Members to serve on the Parliamentary Committee –

- (i) Hon. Mrs M.C.J. Monty;
- (ii) Dr. hon. M. R. Sorefan, and
- (iii) Hon. T. Benydin.

Following the resignation of hon. Gobin as Member and Chairperson of the Parliamentary Committee on 21 September 2017 subsequent to his appointment as Attorney-General, Minister of Justice, Human Rights and Institutional Reforms, the hon. Prime Minister has on 16 November 2017, pursuant to section 59 (2) and (3) of the Prevention of Corruption Act, designated hon. Lesjongard as Member and Chairperson of the Parliamentary Committee.

Thank you.

## **PAPERS LAID**

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

### **A. Prime Minister's Office**

- (a) Digest of Labour Statistics 2016
- (b) The Investment Promotion (Smart City Scheme) (Amendment) Regulations 2017. (Government Notice No.218 of 2017)
- (c) The Finance and Audit (Smart City Scheme Social Fund) Regulations 2017. (Government Notice No.219 of 2017)

- (d) The Finance and Audit (Amendment of Schedule) Regulations 2017. (Government Notice No.220 of 2017)
- (e) The Ports (Amendment of Schedule) Regulations 2017. (Government Notice No.223 of 2017)

**B. Minister Mentor's Office, Ministry of Defence and Ministry for Rodrigues**

The Rodrigues Regional Assembly (Shipment of Motor Vehicles) Regulations 2017. (Government Notice (Rodrigues Regional Assembly) No.1 of 2017)

**C. Ministry of Public Infrastructure and Land Transport**

The Le Chaland Road (Modification) Regulations 2017. (Government Notice No.221 of 2017)

**D. Ministry of Industry, Commerce and Consumer Protection**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 42) Regulations 2017. (Government Notice No.217 of 2017)

**E. Attorney General's Office and Ministry of Justice, Human Rights and Institutional Reforms**

The *Institutions Agréés* (Amendment) Regulations 2017. (Government Notice No. 222 of 2017)

**F. Ministry of Gender Equality, Child Development and Family Welfare**

The Annual Reports of the National Women Entrepreneur Council for the years 2013 and 2014.

**G. Ministry of Local Government and Outer Islands**

The Local Government (General Rate) Regulations 2017. (Government Notice No.224 of 2017)

## ORAL ANSWERS TO QUESTIONS

### SHOPRITE (MAURITIUS) LTD – FIRE OUTBREAK & FIRE SAFETY COMPLIANCE

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to buildings, she will state, since 11 July 2017, the measures taken by her Ministry to improve the fire safety thereof and, for the benefit of the House, obtain from the Mauritius Fire and Rescue Service, information as to –

- (a) the measures taken to upgrade its firefighting equipment, and
- (b) if the warehouse of the Shoprite Mall at Trianon was in full compliance with all such currently applicable norms as at the date of the recent fire outbreak thereat.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, at the outset, allow me to express my deepest condolences and sympathy to the grieving family of late Mr Dineshwar Domah. I am deeply saddened by the tragic loss of life of this young man in the fire outbreak at Shoprite (Mauritius) Ltd last week.

The whole nation is devastated by this sad incident. Every death is one death too many.

On Saturday 18 November, I carried out a site visit at the scene of the fire and had the opportunity to meet the parents of late Mr Domah.

While I was in office at the Ministry of Gender Equality, Child Development and Family Welfare, I gave instructions for psychological support and counselling to be offered to the parents and close relatives.

In an effort to take stock of the situation and ensure coordination between the different stakeholders, a crisis committee meeting, chaired by myself, was held on the same afternoon of Saturday 18. The meeting comprised officers of my Ministry, the Ministry of Health and Quality of Life, the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, the Mauritius Police Force, the Mauritius Fire and Rescue Service, the Special Mobile Force, the Municipal Council of Quatre Bornes, the General Manager of Shoprite (Mauritius) Ltd, and representatives of Trianon Shopping Park.

The top priority was to ensure the continuity of the rescue and search operations, under the supervision of relevant authorities.

On Sunday 19 November, the Police confirmed that the missing body found was in fact that of late Mr Dineshwar Domah.

The crisis committee met again yesterday morning for an update on the situation and the way forward.

Now, we also need to consider the reopening of Trianon Shopping Park, as hundreds of jobs are at stake. However, the complex will not be opened until we secure the clearances of all relevant authorities. The different Ministries concerned are working to make sure that Trianon Shopping Park is safe to be opened to the employees and the public at large.

With regard to buildings and measures taken since 11 July 2017, it should be noted that the buildings can be categorized as follows -

1. High-rise buildings
2. Government-owned buildings
3. Privately-owned buildings occupied by Government organisations

Following a survey carried out by the Mauritius Fire and Rescue Service, which began prior to 11 July 2017, there are 342 high-rise buildings with more than 3 floors. These buildings are commercial, residential and mixed occupancies. All these buildings have been inspected by the Mauritius Fire and Rescue Service.

Out of the 342 high-rise buildings, one hundred and thirty-nine have been issued with a Fire Certificate after 11 July 2017.

Out of the above 342 high-rise buildings, it was noted that 203 buildings do not comply with fire safety measures and Fire Certificates have not yet been issued. However, the Mauritius Fire and Rescue Service has initiated action to serve improvement notices in the first instance.

The House may also wish to note that there are 1,229 buildings which are occupied by Government organisations, out of which, 1,019 are owned by the State.

Prior to 11 July 2017, 60 State-owned buildings had a Fire Certificate. One hundred and forty-three buildings owned by the State do not require a Fire Certificate because they are not occupied by more than 20 persons and they have a floor area of less than 250 square metres.

Thus, they do not fall under the parameters of the OSHA 2005 and the Mauritius Fire and Rescue Service Act of 2013. These 143 buildings have been inspected and issued with a fire clearance.

Of the remaining 799, 287 applications have been received for a Fire Certificate. Of these 287, 235 have been inspected and 17 additional buildings were issued with a Fire Certificate.

There are 210 privately-owned buildings which are occupied by Government organisations. Of these 210, 64 already have Fire Certificates and 52 do not require a Fire Certificate because they are occupied by less than 20 people and have a floor area of less than 250 square metres. These 52 have been issued with a Fire Certificate document. Out of the 210, 94 buildings have not been issued with a Fire Certificate and as such improvement notices have already been served.

With regard to commercial buildings, in 2016, 546 commercial buildings have been issued with a Fire Certificate. Up to November 2017, 381 Fire Certificates have been issued.

As regards NHDC buildings, the residential buildings are not subject to inspection by the Mauritius Fire and Rescue Service. However, consideration will be given to the advisability for such buildings also to be subject to fire inspections.

With regard to Victoria Hospital, one fire door was reportedly blocked. Inspection was carried out and remedial action was taken immediately.

For NPF building in Rose Hill, a Fire Certificate was issued on 01 September 2017.

For Jhugroo Building, in Vacoas, an enforcement inspection effected on 10 November 2017 revealed that the building still satisfied fire safety requirements and the conditions imposed in the Fire Certificate issued on 10 May 2010 are complied with. The Fire Certificate is still valid.

With regard to Goliva Building, the Fire Certificate was revoked for non-compliance with fire safety measures on 27 May 2014 and the following authorities have been informed for action at their end: Ministry of Labour, Industrial Relations and Employment and the Municipality of Quatre Bornes.

With regard to part (a) of the question, it is pertinent to mention that the budget allotted to the Mauritius Fire and Rescue Service by the Prime Minister and Minister of Finance, hon. Pravind Kumar Jugnauth in 2015/2016, 2016/2017 and 2017/2018 has been on the rise, as the Government recognises the important role played by the Fire and Rescue Services.

With regard to part (a) of the question, I am informed by the Mauritius Fire and Rescue Service that there are –

- (a) 32 fire fighting vehicles, out of which 18 are in operation in all the 10 Fire Stations and 14 are under repair;
- (b) 52 utility vehicles, including breathing apparatus and rope rescue van, out of which five utility vehicles are under repair;
- (c) three aerial ladders, out of which one is in operation.

All the firefighters have been issued with their respective Personal Protective Equipment, comprising fire boots, tunics and leggings, helmets, gloves, goggles and fire hoods.

Since this equipment is subject to wear and tear, a procurement exercise has already started for the renewal of defective ones. The Mauritius Fire and Rescue Service is also in the process of inducting new recruits who will join the service soon.

As regards the fire fighting vehicles, for this financial year, an amount of Rs200 m. has been provided under the Indian Line of Credit for the acquisition of 20 fire fighting vehicles. Rs30 m. have also been earmarked for the purchase of two high volume water pumps.

My Ministry has already forwarded the tender documents to the EXIM Bank of India for the invitation of bids. The EXIM Bank of India will undertake the procurement exercise.

The delivery of the fire fighting vehicles is expected in or about 15 months' time and the high volume water pumps in or about six months.

The House may also wish to note that the Mauritius Fire and Rescue Service is expected to receive another high volume water pump by December 2017, for which the procurement exercise was initiated last financial year.

With regard to part (b) of the question, in relation to the warehouse of Shoprite (Mauritius) Ltd, I am informed that, prior to the fire outbreak, the warehouse was in full compliance inasmuch as it was the holder of a Fire Certificate duly issued on 19 October 2015 - I may table the Fire Certificate - to the owner of Trianon Shopping Park.

The last enforcement inspection was carried out on 28 February 2017 by Mauritius Fire and Rescue Service and it was observed in the inspection report, Annex B - I am tabling - that Trianon Shopping Park satisfied the fire safety requirements.

I wish to remind the House that there are currently three ongoing enquiries -

- a police enquiry;
- an enquiry by the Mauritius Fire and Rescue Service, and
- an enquiry by the Occupational Safety and Health Division of the Ministry of Labour, Industrial Relations, Employment and Training.

I will end by saying let me assure the House that I shall consider all necessary measures for the continuous upgrading and modernisation of the Mauritius Fire and Rescue Service to meet and ever be prepared for any challenges.

Thank you, Madam Speaker.

**Mr X. L. Duval:** Madam Speaker, at the outset, let me also say that I had the occasion to offer my condolences personally to the family. But I would also like to commend our courageous firemen for the work in extinguishing the fire.

Madam Speaker, during my last PNQ, the previous Minister had mentioned that he was urgently finalising a new Fire Code, which would be much more stringent and give much greater safety standards for buildings. Now, four months after, Madam Speaker, and a tragic death, which was totally avoidable, has occurred, where is that new Fire Code which was being urgently finalised?

**Mrs Jeewa-Daureeawoo:** With regard to the Fire Code, I understand that a validation workshop was carried out with all stakeholders concerned, chaired by hon. Minister Nandcoomar Bodha. I do understand that it will be finalised in the months to come as the validation workshop has already been completed.

**Mr X. L. Duval:** Madam Speaker, may I ask the hon. Vice-Prime Minister whether sprinklers will now be compulsory for all buildings in Mauritius? Had we had sprinklers in the warehouse, we would not have had this tragic death!

**Mrs Jeewa-Daureeawoo:** I am informed by the Mauritius Fire and Rescue Service that as per the law not all buildings need having sprinklers. If we take the example of Shoprite (Mauritius) Ltd, it is a building dated 2002 and there is no requirement in the law that this building needs sprinklers. I do understand that we have to improve the services. There is always room for improvement. I have the firm intention of doing the needful to see to it that most of our buildings are provided with sprinklers for the safety and security of each and every one.

**Mr X. L. Duval:** Madam Speaker, I make allowance for the Minister being newly appointed. But these sprinklers, Madam Speaker, are essential and compulsory in most countries. Can we have an outright commitment from the Vice-Prime Minister that sprinklers will become absolutely compulsory for all buildings in Mauritius?

**Mrs Jeewa-Daureeawoo:** Well, at this stage, it would be difficult for me to confirm whether this will be able to be done because, as I have said, most of our buildings are old buildings. So, a survey has to be carried out. You know me very well. So, if need be, and if we can, we will do the needful to install sprinklers. But, first, we need to have a survey.

**Mr X. L. Duval:** Madam Speaker, we have thousands of buildings which are firetraps. Will the new Fire Code only be applicable to new buildings or are we going to ensure that it applies to old buildings, existing buildings? Because that is where people work and live and that is where lives are at stake.

**Mrs Jeewa-Daureeawoo:** Yes, I do understand that the Mauritius Fire and Rescue Service is already applying the Fire Code for the purpose of internal use. We will see. I have said that the validation workshop has been completed. I will look at it myself and see to it in what ways we can proceed fast.

**Mr X. L. Duval:** Madam Speaker, from the hon. Vice-Prime Minister's reply, there seems to be many commercial buildings which have no valid Fire Certificate, yet are still allowed to be opened and in use. Can I ask the hon. Vice-Prime Minister why these buildings have not been closed down, pending the issue of the Fire Certificate and pending the installation of appropriate safety precautions?

**Mrs Jeewa-Daureeawoo:** As I have said, there are many buildings which do not possess the Fire Certificate. As I have said, the needful is being done. We have sent improvement notices to all the owners. Do you think it will be a good initiative to close all

the shopping malls, all the commercial buildings, which do not have a Fire Certificate? I think we have to proceed stepwise. We have sent notices to all the shopping malls and commercial buildings, requesting them to comply with the law. This is a serious matter. We need to have a survey, then decision will be taken.

**Mr X. L. Duval:** Madam Speaker, I would like to have a commitment from the hon. Vice-Prime Minister that there should be no *laxisme* in applying this rule, that all commercial buildings must have valid Fire Certificates.

Now, let us come to Government buildings. Also, there appears to be hundreds of buildings with no Fire Certificate at all, including Emmanuel Anquetil Building which is a high-rise building, very dangerous, and apparently no outside staircase. Even this building, Madam Speaker, I understand, has no Fire Certificate. It is a historic building. If you look around, there is not even a fire extinguisher, should something happen just now. So, what is being done for all these Government Buildings? It is obvious, if we even take this building, that there has been *laxisme* in applying the regulations.

**Mrs Jeewa-Daureeawoo:** I have said in my reply that I will look at all the shortcomings. I will convey meetings. I will have to take stock of what has been done and what needs to be done, and we will come up with new measures. As I have said, our priority is the safety and security of our people. This is an important issue and we have to deal with it properly.

**Mr X. L. Duval:** Madam Speaker, if I count on the hon. Vice-Prime Minister that these are not just words, like the Fire Code that has been promised and has never come. Madam Speaker, following the Grenfell fire, it was found that the cladding material, the aluminium composite material was highly dangerous. We were supposed to go around high-rise buildings in Mauritius to find whether any such cladding was being used. Can I ask the hon. Vice-Prime Minister whether any aluminium composite material has been used in existing buildings and, if so, what has been done to remove them?

**Mrs Jeewa-Daureeawoo:** Let me see if the officers have the answer. Maybe the hon. Leader of the Opposition can ask another question in the meantime.

**Mr X. L. Duval:** Let us come to the equipment. Does the Vice-Prime Minister want to answer now?

**Mrs Jeewa-Daureeawoo:** Is it a good answer? No such claddings are used in the country. We don't use it. So, this is as per the officer.

**Mr X. L. Duval:** Let them take their responsibility. Fair enough! Madam Speaker, concerning the equipment now, four months ago, there were 19 fire engines out of service; four months later and the death that we saw, we only have five repaired in the last four months. Is this satisfactory, and cannot more effort be done to repair the fire engines?

**Mrs Jeewa-Daureeawoo:** Well, it is all a question of budget. Budget also is very important. If we are talking of improving the service ...

*(Interruptions)*

We need money. For every project, for every repair, we need money. As I have said, there has been an increase in the budget; the needful is being done for the repairs to be carried out.

**Mr X. L. Duval:** Madam Speaker, I am very shocked that it is a question of money and money cannot be found to repair a few lorries lying in the Coromandel garage of the Fire Service. Madam Speaker, can I ask the Vice-Prime Minister what about the turntable ladder? There has been only one out of three in repairs. Is this also a question of money? We cannot repair the turntable ladder because the hon. Minister of Finance has not given money for this?

**Mrs Jeewa-Daureeawoo:** I have said in my reply that four fire fighting vehicles have already been repaired.

**Mr X. L. Duval:** What about the turntable ladder?

**Mrs Jeewa-Daureeawoo:** They are in the process of being repaired.

**Mr X. L. Duval:** I don't think so.

**Mrs Jeewa-Daureeawoo:** Well, this is what I have been given as answer.

**Mr X. L. Duval:** I think there is some confusion. I am talking about the turntable ladder, one out of three only is working - perhaps the Vice-Prime Minister can receive a bit of paper. I am giving allowance, Madam Speaker, because this is a new Minister. Madam Speaker, I would like to ask about the new lorries that have been promised, I think, under the Indian line of credit. Have the tenders now been awarded for these new lorries and how many, please?

**Mrs Jeewa-Daureeawoo:** Well, the tendering exercise is in process. I have said in my reply that the Exim Bank of India will initiate bids in due course.

**Mr X. L. Duval:** Can I ask the hon. Vice-Prime Minister to show more diligence now that she is in post to have these new lorries ordered very, very quickly because, obviously, there is a great need for them? May I ask a question about Shoprite fire? One of the reasons, apparently, that some of the firemen could not stay very long in the fire was a lack of fire hoods which they have to protect the neck etc. Can you tell us whether there was a lack of fire hoods for our firemen in Shoprite and whether these are on order?

**Mrs Jeewa-Daureeawoo:** Well, with regard to the previous question, as I have said, there is a tendering exercise; we will have to respect procedure. We cannot skip procedures. With regard to the second question, as I have said, there are three enquiries which are ongoing. It will not be proper for me to comment on details. So, I think we leave it as it is.

**Mr X. L. Duval:** Madam Speaker, I would like to ask just one more question about the Shoprite fire: whether cameras inside the warehouse and their recordings have been secured so that the Police now can see? Whether, in fact, there were padlocks on the exits? Whether the warehouse was overfull and whether or not dangerous materials were stocked together with other materials and not kept separately? Have these films been secured?

**Mrs Jeewa-Daureeawoo:** I think it is for the enquiry to determine this particular issue. I am not in a position to answer.

**Mr X. L. Duval:** I wanted to assure the family that the films have been secured and not somehow someone has forgotten to pick up the films or something. Perhaps they will know whether the films are with them.

**Mrs Jeewa-Daureeawoo:** Well, I do not think it will be proper for us at this stage to comment on this issue also. As I have said, we are all concerned. On this side of the House, we take it very seriously. One person has lost his life and we do not want this to happen again. Three enquiries are ongoing. Therefore, let us wait for the conclusion of the enquiry and then decide.

**Mr X. L. Duval:** Madam Speaker, in the light of the fire and with the coming of end-of-year festivities, all the warehouses of all the supermarkets must be overly full the same. Is the hon. Vice-Prime Minister arranging for the Fire Services to urgently visit all the

supermarket warehouses and other relevant warehouses to ensure that we do not have the same situation - which would be quite unforgivable - over the next few weeks?

**Mrs Jeewa-Daureeawoo:** Yes, I take note of the hon. Leader of the Opposition's suggestion.

**Madam Speaker:** Is the hon. Leader of the Opposition now coming to his last question?

**Mr X. L. Duval:** I have two more questions.

**Madam Speaker:** You have two more questions before your last question.

**Mr X. L. Duval:** No, two more questions, that's it.

**Madam Speaker:** Okay, so one and then I will pass on to the others.

**Mr X. L. Duval:** Yes, Madam Speaker. Madam Speaker, in Mauritius, there is no offence, I am told, of corporate manslaughter where management, senior management and the company itself can be brought to task in cases like death etc. Is the Government, is the Minister coming forward with legislation to put in our law the offence of corporate manslaughter? Don't look at the Deputy Prime Minister, look at me!

**Mrs Jeewa-Daureeawoo:** I am not looking...

**Madam Speaker:** Don't make comments, please!

*(Interruptions)*

**Mrs Jeewa-Daureeawoo:** What a comment!

**Madam Speaker:** She has to look at the Chair, not at you!

*(Interruptions)*

**Mrs Jeewa-Daureeawoo:** Well, I will leave it to the Attorney General to look at it.

**Madam Speaker:** Yes, hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. In view of alarming information that is going around, namely that there were self-contained breathing apparatus where only two were available and both at the time in question were non-functional, that the fire protective

clothing which was available to the Fire Services is not from the reliable supplier as it used to be, but now the thermal capacity is lowered and hence hampered the activity, and that no foam was used which would have been a better process according to some experts. In light of all this, would she not consider suggesting to the hon. Prime Minister that, at least, a Select Committee of the House is instituted to look into all the failings of the training and equipment given to the very courageous firemen and the Fire Services in order to improve situation and reduce risk to members of the public?

**Madam Speaker:** Okay, we have understood the question.

**Mrs Jeewa-Daureeawoo:** All these are hearsay evidence in newspaper. At this stage, I don't think I will be able to commit myself. As I have said, there are already three enquiries which are ongoing. So, let us proceed gradually. Rest reassured that everything will be done in a proper manner.

**Madam Speaker:** Hon. Ramano!

**Mr Ramano:** Merci, Madame la présidente, suivant l'éclatement de l'incendie le dimanche 12, la ville de Quatre Bornes, plus précisément les régions de Pellegrin, Belle Rose, Quatre Bornes centre ont été envahies par une épaisse fumée toxique. Est-ce que je peux savoir de l'honorable ministre si une étude a été faite, soit par le *Fire Services* ou bien par d'autres instances du gouvernement pour voir la qualité de l'air y prévalant et quelles sont les mesures correctives qui ont été prises?

**Mrs Jeewa-Daureeawoo:** This question, I think, should be addressed to the Ministry of Environment and not to my Ministry. I do not have the answer at this stage.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, as stated by the hon. Minister, the whole population is still shocked by this tragic accident. Can the hon. Minister, at least, use his good offices and liaise with her colleague, the Minister of Health and Quality of Life, to have a medical check-up be rapidly done in the region of Pellegrin, as stated by hon. Ramano, which is situated just behind the Shoprite complex where people of the region, especially old persons and small children have been affected by heavy smoke? Can the hon. Minister, at least, liaise with her colleague, the Minister of Health and Quality of Life to have this medical check-up be done rapidly?

**Mrs Jeewa-Daureeawoo:** This concerns the Ministry of Health and Quality of Life; he is one of the stakeholders in the Crisis Committee. So, if need be, the said Ministry will do the needful.

**Madam Speaker:** Yes, last question, hon. Leader of the Opposition!

**Mr X. L. Duval:** Madam Speaker, in light of all that has been said in the Papers, in the light of information that a lot of the equipment given to the firemen was defective on that date, for public safety and so that we may learn the lessons that need to be learnt from this sad event, would Government agree to a team of foreign competent experts to come to Mauritius and look at the whole issue, the whole events and tell us where we did right and where we did wrong so that next time we are better prepared for such an event? Because we all know there will be a next time.

**Mrs Jeewa-Daureeawoo:** Well, is the hon. Leader of the Opposition saying that in Mauritius we don't have competent people to do the job?

*(Interruptions)*

This is his opinion. He puts the question. I have the right to answer. I personally think we have in Mauritius competent people to do the job. So, let our people do the job and then we will see. I am not agreeable to the opinion of the Leader of the Opposition. This is my right.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ No. B/793 in regard to private television will be replied by the hon. Minister of Technology, Communication and Innovation. Hon. Ameer Meea!

#### **FINANCIAL SECRETARY – MR D. M. - BOARD MEMBER & OVERSEAS MISSIONS**

**(No. B/788) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Mr D. M., Financial Secretary, he will, for the benefit of the House, obtain information as to the parastatal bodies and/or State-owned companies of which he is the Chairperson or a Board member, since January 2015 to date, indicating in each case, the –

- (a) remuneration and other benefits drawn, and
- (b) overseas missions attended, indicating in each case, the countries visited, composition of delegation and cost incurred in terms of air tickets, *per diem* and other allowances.

**The Prime Minister:** Madam Speaker, I am tabling the information requested by the hon. Member.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Yes, meanwhile, if I can have a look at the information tabled, I will ask the hon. Prime Minister, in the reply he gave to the House recently in the month of November to a PQ related to Mr D. M., he stated to the House that the Public Service Commission has renewed the contract of Mr D. M. for two years, that is, with effect from October 2015 till September 2017 on the same terms and conditions. So, my question to the hon. Prime Minister is - clearly the contract has expired because it was till September 2017 - whether his contract has been renewed again, and under which conditions?

**The Prime Minister:** Well, the hon. Member can come with a specific question because this question is not related, but there is nothing to hide. I believe that I had, in the past, already answered that question. But I can circulate the renewed contract of the Financial Secretary with all the terms and conditions.

**Madam Speaker:** Hon. Ameer Meea, you have other questions?

**Mr Ameer Meea:** Yes, Madam Speaker, can I ask the hon. Prime Minister whether he finds it normal that - I can see from the list that he has given that Mr Dev Manraj sits on six parastatal bodies if I can say it, but one of these is the Financial Services Commission where he draws a salary of Rs50,000 - as the Financial Secretary, is it not conflictual to be judge and party because he sits as Financial Secretary of the Ministry of Finance and also as the Chairperson of the Financial Services Commission?

**The Prime Minister:** Well, again this question has been put in the past and I have already answered. There is no impediment for him to chair the Financial Services Commission. In fact, with regard to any situation of conflict of interest that can arise, it is not limited only to this particular institution, it can arise whenever he is chairing or he is a member of the other State-owned companies.

Now, when that kind of situation arises, obviously, it is for the person - and it is not limited to the Financial Secretary for that matter, it is related to any other officer or member - should there be a situation of conflict that he should not participate or abstain from any vote that has to be taken by the institution.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Prime Minister does not find any conflict of interest, but does not he agree that it is not normal for a full-time civil servant who is the Financial Secretary, who is advising on Budget, who is supervising all these sub-committees, to also spend so much time on the Board of parastatal bodies and is he sitting on these parastatal bodies during his working hours as Financial Secretary?

**The Prime Minister:** Let me say, first of all, Madam Speaker, that, in fact, we have advised that all these institutions hold their meetings after working hours. That is one. Secondly, if the hon. Member will have a look at the past, there have been so many other Governments whereby there have been officers who have been nominated on different Boards. I do not want to give examples of which Government whose officer has been appointed on a number of Boards. It has been this practice and, therefore, there is nothing abnormal with regard to the FS being a member or chairing different Boards. Now, the number of Boards that have been circulated is six, and I don't see any problem with regard to his work at the Ministry.

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

**Mr Mohamed:** Madam Speaker, in light of all the interesting and very constructive questions that are being put with regard to high level officers like the Financial Secretary chairing various other Boards, and the point being to be productive and efficient in his work, would the hon. Prime Minister consider the possibility of introducing the obligation for high level officers such as in the cadre of the Financial Secretary and others, including Ministers if need be, to clock in and clock out so that there is a time sheet in order to ensure that the taxpayers' money is being spent properly, and for efficiency and productivity to be present in the life of civil service as well.

**Madam Speaker:** This is a question of a general nature.

**The Prime Minister:** Madam Speaker, let me say - and I am not talking only about the Financial Secretary, but let me take his example - I can assure the House that, as Minister

of Finance and Economic Development, whenever he is required, he has always responded to my request to be present either in meetings or for other duties. And let me say also that, like the Financial Secretary, and I must commend here the number of officers who stay after working hours, who come to the office even on Saturdays and Sundays also exceptionally, and who do not complain, and who do not claim additional allowance and so on. So, in fact, we should encourage that attitude and the way they are working for the country. But the hon. Member will surely appreciate - he has been also part of the former Government - that these officers, in fact, do contribute a lot to the work of Government and to the objectives that we have ourselves already fixed.

### **EBÈNE CYBERCITY - PARKING TOWER PROJECT**

**(No. B/789) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed implementation of the Parking Tower Project at Ébène Cybercity, he will, for the benefit of the House, obtain from Landscope (Mauritius) Ltd., information as to where matters stand as to the –

- (a) proposed recruitment of a consultant to review the parking problems at Ébène, and
- (b) arbitration opposing the Joint Venture Laxmanbhai & Co. (Mtius) Ltd. – IREKO Construction Ltd. and former Business Parks of Mauritius Ltd. in relation thereto.

**The Prime Minister:** Madam Speaker, I announced in the Budget Speech 2017-2018 that the Ébène Cybercity will be upgraded into a mixed-use town model of multimodal streets, walkable blocs, various distinct types of buildings and dedicated public spaces.

To this end, Landscope (Mauritius) Ltd. has, on 27 September 2017, launched a request for proposal from local and international firms for consultancy services to develop the Ébène Urban Regeneration Framework.

The main objectives of this Framework are to address the problems of inadequate parking spaces, peak hour traffic congestion, blocked pedestrian footpaths, street hawkers and an nonexistent public realm in the Cybercity.

As regards part (a) of the question, I am informed that the closing date for receipt of proposals was Friday 17 November 2017. The evaluation exercise is ongoing and the consultant is expected to be appointed in December 2017.

In respect of part (b) of the question, there was an arbitration case between Ébène Car Park Ltd., a consortium led by Laxmanbhai & Co. and the former Business Parks of Mauritius Ltd. The dispute related to the implementation of the project.

I am informed that an agreement has now been reached between Ébène Car Park Ltd. and Landscope (Mauritius) Ltd. In view, thereof, Ébène Car Park Ltd. has informed that it will not go ahead with the arbitration case. There is, therefore, no impediment for the construction works of the car park to start in January 2018 as proposed by the promoters.

**Madam Speaker:** Yes, hon. Bhagwan!

**Mr Bhagwan:** I have a few supplementary questions, Madam Speaker. This is the fifth time I am asking the same question because the situation at Ébène - everybody who resides there, going around there knows - is becoming chaotic day by day. Pending the consultancy works and works to be started by the promoters, what steps are being taken by Landscope (Mauritius) Ltd. with the Police and the Local Authorities concerned, at least, to find, I would say, a short-term solution to this deplorable situation, not only in terms of traffic, but also in terms of environment and also public security?

**The Prime Minister:** Yes, we have obviously requested the Police to have more regular patrols because it is true that, with regard to parking, there are situations where, unfortunately, people just park their cars here and there, I can understand. Maybe because of lack of parking, but that causes an obstruction to road users. So, this is being monitored. Let us hope that now that the situation *a été décantée*, this project will go ahead as quickly as possible and I am sure this will alleviate the parking problems substantially.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** The problem of traffic for those who know the region is that when building permits were given for these high-rise buildings, no provision was made for adequate parking. We have seen recently that there are new buildings which are coming up. Can the hon. Prime Minister see with Landscope (Mauritius) Ltd., while giving the permits to these promoters, that, at least, adequate parking spaces are being taken care of in the whole setup of new buildings?

**The Prime Minister:** It is good to also remind the House, and this matter has been raised in the past in this House, that there was under the previous Government, under the previous management of BPML also, unfortunately, somebody who did not go according to laid down criteria and, in fact, had given permission left, right and centre. That was also subject to a Fact-Finding Committee which I remember; I was part of that Government. It was chaired by the then hon. Anil Bachoo, and we know the findings of that Fact-Finding Committee. It was so damning that it was recommended that he be taken to task. Anyway, let us not dwell on the past. Now that we have inherited such a situation, obviously, we will see to it how we can improve the situation there. The hon. Member mentioned something else, I forgot! No!

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** I am glad to learn about the measures being taken. On certain roads, the hon. Prime Minister has mentioned about blocked pavements. Cars are parked on both sides of the road, and what remains is a very narrow strip for cars to travel both ways. Can I suggest as an immediate measure that, at least, one side of the pavement is barred from parking because it is a real traffic safety issue? Can I make this suggestion to the hon. Prime Minister?

**The Prime Minister:** Well, this is what we have noted. That is why I have said that - not now - it has been since some time that we have asked the Commissioner of Police to look into it because it is not possible for people to park on both sides and, therefore, restraining, in fact, the space that is being used by road users. Therefore, we are seeing to it that this is not allowed.

#### **NEGATIVE INCOME TAX - CRITERIA**

**(No. B/790) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Negative Income Tax, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the -

- (a) number of applications received therefor, indicating the number thereof which have been rejected and reasons therefor, and
- (b) aggregate amount of funds which will be disbursed in November for the quarter July-September to each category of individuals eligible thereto.

**The Prime Minister:** Madam Speaker, between 2006 and 2015, there has been a sharp rise in the Gini coefficient in Mauritius, from 0.38 to 0.41, showing an increase in income inequality among our fellow citizens.

As a caring Prime Minister, I decided to introduce the Negative Income Tax to provide financial support to vulnerable employees earning less than Rs9,900 per month and thus reduce that inequality and bridge the income gap. Those fellow citizens deserve our encouragement and support.

The Nobel Prize Winner Joseph E. Stiglitz has said, and I quote: “Inequality Is a Choice” and results more from political decisions. The world is divided not just between the haves and have-nots, but also between those politicians who do nothing about it, and those who do.

As the hon. Member is aware, Government has very recently taken the decision to review and improve the eligibility criteria and conditions for paying the Negative Income Tax.

Accordingly, the MRA needs additional time to assess the applications received in the light of the new criteria and conditions. I am informed that so far, no application has been rejected by the MRA.

As regards part (b) of the question, the MRA is now in the process of computing the amount payable to the beneficiaries of the Negative Income Tax based on the revised criteria and conditions. In particular, the MRA is now being required to compute the Negative Income Tax allowance on the basis of the monthly basic salary instead of total earnings.

In the initial phase of registration, some 18,700 applications have been received. However, many more applications are expected to be received following the start of a sensitisation campaign on the revised criteria and conditions.

The MRA has also started a campaign to register employees directly at their place of work.

**Mr Uteem:** In the Budget Speech, the hon. Prime Minister mentioned that the Negative Income Tax system will provide financial support to some 150,000 employees and this was under more stringent eligibility criteria. Can I know from the hon. Prime Minister why has this historical measure, which he has announced, been such a fiasco?

**The Prime Minister:** Well, time will tell whether it has been a fiasco. This is what I can only say right now. But we have found out that, in fact, when the criteria was on total earnings, and I must say that I am pleasantly surprised, Madam Speaker, there are lots of our employees who are hard working and earning overtime. With regard to other allowances that they get, therefore they were earning beyond this Rs9,900. Now, it is good if people are hard working. That is why one of the criteria now that has been revised is that we are not going to include the other benefits and the overtime that they are earning, but, obviously, up to a certain level, the ceiling is Rs20,000. But I believe that would give, I must say, sufficient incentive for people who work hard, who earn overtime and they should not, therefore, be penalised by the former criteria. That is why this criteria has been reviewed and let us see. The hon. Member thinks that it is a fiasco. Well, as I said, time will tell.

**Mr Uteem:** It has been announced in the Press that the committee working on minimum wages has already communicated its report and the figures announced are around Rs8,000 and Rs8,500. Can I know from the hon. Prime Minister if the minimum wage is going to be Rs8,000, Rs8,500, would there be a revision of the eligibility criteria for the negative income tax? Because, at the moment, we have those earning Rs5,000 and those earning less than Rs7,000. All these, I suppose would be absorbed by the minimum wage. So, is the hon. Prime Minister considering increasing the top-up, since now we are no longer going to have workers earning less than Rs8,000, Rs8,500?

**The Prime Minister:** Well, first of all, let me confirm that the committee has submitted its report on minimum wage and that the report now is before Cabinet. So, I will not debate on the content of that report. Let Cabinet discuss and then take a decision. But what I can say, obviously, is that in the light of what will be decided and what will be agreed upon, we will see if there is a need to readjust the criteria of the Negative Income Tax. Obviously, we will take stock and we will then do the needful.

**Mr Osman Mahomed:** I have in front of me the fourth criteria, as decided by Cabinet, on 10 November, wherein the beneficiaries are supposed to declare NPF and NSF. Can I ask the hon. Prime Minister what will become to those who work in small SMEs and who do not have the habit of paying NSF and NPF and also to those who are really at the lower rung of the ladder and who are employed by themselves and who really need a Negative Income Tax?

**The Prime Minister:** Well, again, the previous criteria was that the employer had to be in line with his contribution with regard to an employee and that also has been a problem because, as the hon. Member said, there is a number of employers who were not up to date with their contribution. That is why we have relaxed this condition and that it now will suffice for whenever the employee has registered himself or herself, during the month that he is applying for this Negative Income Tax, during that month, the employer has to be in order with his contribution. Now, the hon. Member must understand that we must also see to it that we encourage employers to abide by the law. It is a legal provision that they should contribute to the Fund for each and every employee. But, again, the fact that we have reviewed this criteria shows my aim. My objective is, first and foremost, to support those employees who are at the lower rung of the ladder.

**Dr. Joomaye:** I would like to ask the hon. Prime Minister about the part-timers, that is, those persons who are in part-time employment, will there be eligibility to the Negative Income Tax?

**The Prime Minister:** Well, again, previously it was not available to part-timers, and now the condition is that the part-time employee will be eligible, provided that he works for a minimum of 24 hours over at least three days in a week. Further, he may be having also more than one employer.

**Madam Speaker:** Hon. Ganoo, last question!

**Mr Ganoo:** Madam Speaker, can I ask the hon. Prime Minister whether there has been any revision with regard to the total taxable income of a couple, which was Rs30,000?

**The Prime Minister:** Yes, there is, if the applicant is earning less than Rs9,900, but now the spouse should not be earning more than Rs30,000 a month. So, the ceiling would be that either one spouse would not be earning more than R390,000 for a year.

## **ECONOMIC DEVELOPMENT BOARD – SETTING UP**

**(No. B/791) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed establishment of the Economic Development Board for Investment Promotion, he will state where matters stand.

**The Prime Minister:** Madam Speaker, as announced at paragraph 22 of my Budget Speech 2017-2018, there is an imperative need to strengthen institutional capacity to support our growth objectives. To that end, I also announced that an Economic Development Board will be established to ensure greater coherence and effectiveness in implementing our policies and actions.

I highlighted that the Economic Development Board will have the following three directorates –

- (i) the first directorate will be responsible for national and sectoral economic development planning;
- (ii) the second directorate will be in charge of investment and export promotion. The various functions of the existing promotion organisations, namely the Board of Investment, Enterprise Mauritius, the Financial Services Promotion Agency and the Mauritius Africa Fund will be integrated in the Economic Development Board, and
- (iii) the third directorate will manage the e-licensing business platform. The Economic Development Board will thus be the main business-licensing agency in Mauritius and there will be no more office hopping to obtain a business licence.

Madam Speaker, in July this year, the Economic Development Board Act was passed by this August Assembly. Section 44 of the Act provides that the Economic Development Board shall come into operation on a date to be fixed by Proclamation and different dates may be fixed for the coming into operation of different sections of the Act. So far, sections 1, 2, 3, 4, 5(1)(a) to (e), 6 to 12, 28, 30 to 34 and 36 to 40 of the Act have been proclaimed to come into operation on 07 August 2017.

Madam Speaker, section 6 of the Act provides that the Economic Development Board shall be administered and managed by a Board consisting of –

- (i) a Chairperson, to be appointed by the President on the advice of the Prime Minister after consultation with the Leader of the Opposition;
- (ii) a Vice-Chairperson, to be appointed by the Prime Minister, and
- (iii) not less than six and not more than eight other members, to be appointed by the Prime Minister.

Madam Speaker, in accordance with section 6(2) of the Economic Development Board Act, the hon. Leader of the Opposition has been consulted. And I am pleased to announce that on 20 November 2017, the President of the Republic has appointed Mr Joseph Charles Cartier as Chairperson of the Economic Development Board. The Vice-Chairperson and the other members of the Economic Development Board will be appointed shortly.

Once the Board has been constituted, action will be initiated for the recruitment of the Chief Executive Officer to drive the process of merger of the organisations mentioned earlier.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** Madam Speaker, the hon. Prime Minister stated himself that this agency is a very important agency in terms of international trade and investment promotion. Yet, Government has taken nearly four months to appoint the Chairman.

May I know whether there is a time frame when all the other entities, the BOI, etc., will be fused and merged under one single body? Is there a time frame for that?

**The Prime Minister:** Well, let us go step by step. We have appointed the Chairperson – now, the other members. I can assure the hon. Member it has taken some time - probably it is easier to legislate - because we wanted to see to it that we get as far as possible the right profile and people who, we believe, will deliver with regard to that institution. I can assure the hon. Member that now that the Chairperson has been appointed, the other members will very, very soon be appointed. It will, therefore, be for them now, for the Board, to set up the institution properly and then to move forward with the agenda that Government has already announced. So, I cannot give a time frame as to when this will materialise.

**Mr Ramful:** Can the hon. Prime Minister give the package of the Chairman?

**The Prime Minister:** Well, I can circulate that later on.

**Madam Speaker:** Yes, hon. Jhuboo!

**Mr Jhuboo:** Thank you, Madam Speaker. Concerning the Board members to be appointed, could we have the assurance from the hon. Prime Minister that the future nominees will not be engaged actively in politics and that they are people of high calibre?

**The Prime Minister:** I do not know whether I am mistaken; I do not know whether it is in the law. I can recall, when the Bill was before the House, there is a section which says that no member should be actively involved in politics. But I can assure the hon. Member.

This is why it has taken some time because you will see that there will be people - I hope that you will appreciate - of quality.

**Madam Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** The hon. Prime Minister has given us some indication of the importance of this institution, voted by Parliament. Can the hon. Prime Minister give the assurance to the country and the nation that, among the Board members who will be appointed, there will not be any Mr Prakash Maunthrooa, the senior adviser?

**Madam Speaker:** Do not mention names!

**Mr Bhagwan:** It would be his choice! We all know the guy facing justice, Mr '*pren kass*'. So, he will not put him on another Board to take *kass*!

**Madam Speaker:** After the hon. Prime Minister replies, time will be over!

**The Prime Minister:** Maybe to give further information to the House, section 6 (3) (a) (ii), with regard to the Board, says that –

“(3) (a) Every member appointed under subsection (2) shall be a fit and proper person

-

(ii) who is not actively engaged in any political activity.

*(Interruptions)*

**Madam Speaker:** Please! Time is over! The Table has been advised that PQ B/819 in regard to sports complex of Residence Barkly will be replied by the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands. Hon. Rughoobur!

#### **GRAND' BAIE & POUDRE D'OR - ROAD RESURFACING**

**(No. B/795) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to Constituency No. 6, Grand' Baie and Poudre d'Or, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the total cost of road resurfacing works undertaken thereat in 2016 and since January 2017 to date, respectively, indicating if funds have been earmarked for the resurfacing of the road from Batie, in Grand Gaube to St François, in Cap Malheureux.

**Mr Bodha:** Madam Speaker, with your permission, I will answer this question.

Madam Speaker, I am informed by the Road Development Authority that the total cost for resurfacing works carried out in Constituency No. 6, Grand' Baie and Poudre d'Or is as follows –

- (a) year 2016, Rs19,488,000, and
- (b) year 2017 Rs21,662,065.

Regarding the works from Batie in Grand' Gaube to St. François in Cap Malheureux, an amount of Rs15 m. has been earmarked for resurfacing and cut and patch over a distance of 3.69 Km during the current financial year. Works are expected to start by early January 2018.

**Madam Speaker:** Hon. Rughoopur!

**Mr Rughoopur:** Thank you, Madam Speaker. These resurfacing works are undertaken by contractor under framework agreement whose contract, I am told, has expired since July 2017. May I know from the hon. Minister if the contract has now been awarded for works to continue normally?

**Mr Bodha:** We have a new framework agreement now, Madam Speaker.

**Madam Speaker:** Yes, hon. Rughoopur!

**Mr Rughoopur:** Part of these resurfacing works also includes the road markings. May I know from the hon. Minister, or else if he could please check and ensure that the quality of these road markings is being undertaken effectively, because the quality of these road markings is a potential cause of accidents?

**Mr Bodha:** I will certainly do that. Hon. Bhagwan has been mentioning this a few times and I have raised the matter with the Road Development Authority.

**Madam Speaker:** Hon. Mrs Selvon!

**Mrs Selvon:** In view of the considerable damage caused by flash floods in Constituency No. 6, will the hon. Minister state if his services are coordinating all road works with the Land Drainage Authority and with the public services that damage roads, like the CWA, CEB and others?

**Mr Bodha:** Madam Speaker, we have the coordination programme with the CWA and the Utilities. We also have a coordination programme with the National Development

Authority. But, I will request also the PPS of the constituency to help us in the coordination of these projects.

**Madam Speaker:** Next question, hon. Rughoobur!

### **TRAFFIC MANAGEMENT AND ROAD SAFETY UNIT - RESEARCH UNIT**

**(No. B/796) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Traffic Management and Road Safety Unit, he will state if consideration will be given for the setting up of a research unit on traffic management thereat and, if not, why not.

**Mr Bodha:** Madam Speaker, I am informed that the Traffic Management and Road Safety Unit (TMRSU) of the Ministry of Public Infrastructure and Land Transport was set up in 2001. In line with budgetary measures announced in Budget 2016/2017, actions have been initiated for a restructure of the TMRSU with the creation of four additional sections, namely Road Safety Education, Road Safety Observatory, Maintenance and Traffic Planning. The Traffic Planning Section and the Road Safety Observatory Section will undertake research works in the field of traffic management and road safety respectively.

With respect to research work in the field of traffic management, a Traffic Modelling Unit has been set up with the assistance of a Korean Expert in October 2017 and this expert has wide experience in this field and is conversant with the state-of-the-art technology on road traffic management. The objectives of the Unit are as follows –

- better traffic monitoring;
- better traffic planning;
- assessment of traffic impact for development projects;
- elaboration of appropriate measures to alleviate traffic congestion, and
- improvement of the level of service along the road networks and junctions.

The Traffic Modeling Unit will be assisted by technical officers from the Road Development Authority (RDA), National Transport Authority, Police Department, Mauritius Research Council, University of Mauritius, as well as the Ministry of Information Technology, Communication and Innovation. The University of Mauritius has agreed to contribute in the areas where expertise is available, namely Computational Transportation Intelligence, Geographical Information Systems, Simulation and Modeling, and Development of Pedestrian Simulation Models.

In relation to research work in the field of road safety, a Road Safety Observatory is being set up with the objective of gathering statistics on road crash data with a view to carry

out studies to determine the real causes of road crashes. One of the main objectives of the Road Safety Observatory, Madam Speaker, is to provide easy access to independent road safety research and information for anyone working in the road safety section and for the members of the public.

Finally, Madam Speaker, my Ministry has initiated discussions with the Centre for Accident Research and Road Safety of Queensland, Australia for the setting up of a Road Safety Centre for conduct of in-depth research on road safety in Mauritius. In that respect, the collaboration of the University of Mauritius has been sought and a Memorandum of Understanding between the latter two organisations is being worked out to initiate research works.

**Madam Speaker:** Yes, hon. Rughoobur!

**Mr Rughoobur:** I thank the hon. Minister for his reply. I have got one supplementary, Madam Speaker. The Road Safety Strategy was elaborated, I think, in 2016, 2016-2025. May I know from the hon. Minister about this Research and Development Programme that was mentioned and what is the status today?

**Mr Bodha:** The status is exactly what I have said, that is, we have the Modelling Unit, we have the Research Unit and we are going to have the Observatory.

**Madam Speaker:** Hon. Baboo!

**Mr Baboo:** Thank you, Madam Speaker. Can the hon. Minister inform the House whether the Traffic Management and Road Safety Unit carries out surveys for the opening of new roads and to align those roads having too many bends?

**Mr Bodha:** Well, the alignment is designed by experts and usually we go by tender exercises. We have experts who do the design and they present them to the TMRSU or the RDA to prepare the specifications for the tenders.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. To pick up where hon. Rughoobur left with regard to the Road Safety Unit, with regard to public transportation, especially buses, are we making sure that these are safe in events of crashes, as is done elsewhere, crash tests etc. and how we can improve the safety, especially of passengers and the controller, who usually is the one who is most injured in bus accidents and the drivers? Is there anything being done about this? Is there a follow-up?

**Mr Bodha:** We are going to give specific attention to the public transport system, the more so as, I think, about 25 per cent of our fleet is more than 10 years old and there are a number of buses which have often been reconditioned. So, we are working on it to have new

specifications. In fact, we do not have many specifications; it is with the Semi Low Floor bus that we have come up with new specifications as regard to road safety.

**Madam Speaker:** Last question, hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you, Madam Speaker. Mention was made about the Korean company. Some time ago we got to know that the Korean contract would be about half a billion rupees or so, Rs400 m. plus. Can I ask the hon. Minister whether this aspect for traffic management is part of that same contract or is it over and above? Will they be paid extra or is it included in that contract?

**Mr Bodha:** What I can say, Madam Speaker, is that the Korea Expressway was chosen for the design and supervision of the RDP. This is another contract. This has nothing to do with the road safety. Next time I can give the hon. Member the figure.

**Madam Speaker:** Next question, hon. Rughoobur!

#### **NTC - DEPOT MANAGERS - RECRUITMENT**

**(No. B/797) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) names and qualifications of the Depot Managers thereof, indicating the –
  - (i) mode of recruitment thereof, and
  - (ii) number of existing vacancies for the post thereof, if any, and
- (b) number of employees posted at each depot thereof.

**Mr Bodha:** Madam Speaker, I would like, first of all, to inform the House that, in line with the new restructuration exercise of the National Transport Corporation, the ‘Depots’ have been renamed as ‘Regional Offices’.

With regard to part (a) of the question, I am informed that there are five Depot Managers, restyled NTC Regional Managers, at the National Transport Corporation who have been recruited by open advertisement.

With your permission, I am tabling the information as regard to their names and qualifications. In fact, all of them have a bachelor degree in Business Administration or in Economics or an MBA.

I am also informed that there are five NTC Regional Managers on the establishment now and, there are no vacancies.

With regard to part (b) of the question, I am informed that there is a total of 2,061 employees posted at the five Regional Offices as follows -

Remy Ollier, Vacoas	708
La Tour Koenig	343
Forest Side	450
Souillac	295
Rivière du Rempart	<u>265</u>
Total	<u>2,061</u>

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** With regard to the number of employees in the different - not depots, but regions, I do not know how you call it now – depots, may I know from the hon. Minister whether there is a training programme on leadership for the Regional Managers who have been recruited?

**Mr Bodha:** The hon. Member is right, Madam Speaker. In fact, what we are doing is we are restructuring completely the National Transport Corporation with the Head Office being at Ébène. In fact, I inaugurated the Head Office on Friday last and each Regional Centre is going to function as a company on its own. So, the Regional Manager will be in charge of his fleet, in charge of his workforce and will have just to send daily reports to the Head Office.

As regard to training, they have been given some training from the Council of the International CLT, that is, Land Transport Engineers.

**Madam Speaker:** Next question, hon. Jahangeer!

### **SOUTHERN COAST - PAS GÉOMÉTRIQUES - RETRIEVAL**

**(No. B/798) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Housing and Lands whether, in regard to prime land along the southern coast, from Le Morne to Gris Gris, commonly known as *pieds dans l'eau*, he will state the extent thereof retrieved by his Ministry for failure to develop same and indicate the names of the lessees to whom same have been re-allocated.

**The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah):** Madam Speaker, with your permission, I will reply to this question.

There is only one portion of State land forming part of *Pas Géométriques* Bel Air to the extent of 1,600m<sup>2</sup> which has been retrieved for failure to develop same. The said plot of land now forms part of the newly declared public beach at *Pas Géométriques* Bel Air commonly known as Pomponette for the extent of 10 *arpents*, 39 perches. The public beach has been declared on 15 February 2017 as per Government Notice 222 of 2017.

**Madam Speaker:** Hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Our island is very limited in size and the population is growing. So, land is scarce. My question to the hon. Minister is: is there a policy to limit the quantum of such land given to individuals and companies?

**Mr Bholah:** I do not have this information, but I will pass on this question to the substantive Minister upon his arrival for reply.

**Madam Speaker:** Hon. Jhuboo!

**Mr Jhuboo:** Merci, Madame la présidente. Même si le ministre Bholah n'est pas le ministre de tutelle, Madame la présidente, suite à la levée des boucliers, suite à l'allocation de la plage de Pomponette, une des propositions des ONG était la suivante : l'établissement d'un *Coastal and Land Commission* pour identifier les besoins du public dans le futur afin de ne pas répéter les mêmes erreurs du passé. Est-ce que l'établissement d'une telle Commission peut être considéré par le gouvernement ?

**Mr Bholah:** I will look into it.

**Madam Speaker:** Next question, hon. Jahangeer!

#### **BUILDING AND MECHATRONICS ENGINEERS – REGISTRATION**

**(No. B/799) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the registration of Building and Mechatronics Engineers with the Construction Industry Development Board, he will, for the benefit of the House, obtain from the Board, information as to where matters stand.

**Mr Bodha:** Madam Speaker, as individual professionals providing their service in the construction industry, Mechatronics Engineers have to register themselves with the Council of Registered Professional Engineers first.

With regard to the Construction Industry Development Board, registration is offered to firms providing their services as consultants in different fields of specialisation. One of these fields is the MEP (Mechanical, Electrical and Plumbing) Services which also comprises services in Mechatronics.

**Madam Speaker:** Hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Actually, we have hundreds of these Engineers in Mauritius, who are unemployed because of an injustice caused to them. Can the hon. Minister confirm if these engineers can work as a consultant by themselves?

**Mr Bodha:** These Engineers, once they are registered at the Council of Registered Professional Engineers, they can practise.

Now, as regard to Consultants, they can form part of firms of Consultants. So, they can regroup themselves and then come forward and register as firms of Consultants.

**Madam Speaker:** Next question, hon. Ameer Meea!

#### **PUBLIC PLACES - OLD/ABANDONED VEHICLES**

**(No. B/800) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the old and abandoned vehicles lying in public places, he will state where matters stand as to the –

- (a) removal thereof, and
- (b) consideration for the proposed setting up and operation of a scrapyard therefor.

**Mr Sinatambou:** Madam Speaker, as the hon. Member is aware, in my reply to PQ B/247 of 18 April 2017, I informed the House of the actions being taken by the relevant authorities, including the *Police de l'Environnement* to ensure that abandoned vehicles lying in public places are removed by the owners.

From January 2017 to date, 29 complaints relating to abandoned vehicles have been received at the *Police de l'Environnement*. These include 10 abandoned vehicles on public

premises and 19 abandoned vehicles on private premises, especially bare lands. Eyesore Abatement Notices have been served on the owners of the bare lands. As at date, 28 abandoned vehicles have been removed, whilst one contravention has been established.

Madam Speaker, as pointed out in my previous reply to Parliamentary Question B/247, various legislative provisions exist for dealing with abandoned vehicles. It is comprised of the Road Traffic (Removal of Vehicle) Regulations of 1962, Section 17 of the Road Traffic Act and Section 61, Subsection (11) of the Local Government Act.

Under that last legislation, it is stipulated that –

“No person shall deposit, or cause, or allow to be deposited, any (...) vehicle (...), on any street, pavement, bareland, vacant premises, (...) or any public place.”

In such an event, the Court can find the accused guilty, fine him up to Rs25,000 and order the car owner to remove the car.

I am informed, Madam Speaker, that during the current semester, the following actions have been taken by the relevant authorities –

- (i) the National Transport Authority issued a Press communiqué in June 2017 where the attention of the public was drawn to the legal provisions with regard to abandoned vehicles in public places;
- (ii) fresh site visits and surveys have been conducted by all the 12 Local Authorities in their respective jurisdiction areas, where it has been observed that a total of 369 wrecks have been abandoned in both public and private places. As per the provisions of the Local Government Act, the Local Authorities have served notices on the known landowners for the vehicles to be removed and most of them have complied with the notices. In a few cases, I am informed that Court actions have been taken by the Local Authorities;
- (iii) I am informed that the Local Authorities have referred all the cases of abandoned vehicles to the National Transport Authority for de-registration purposes and the Commissioner of Police for towing away of the vehicles in accordance with powers conferred upon them by the Road Traffic Act and Regulations made thereunder.

I wish to point out that the Solid Waste Management Division of my Ministry had three meetings, namely in May, June and July of this year with various stakeholders with a

view to streamlining procedures with regard to the collection, storage and disposal of abandoned vehicles. The transfer station of La Laura has been designated as an area where these vehicles can be stored, pending the clearance of the Commissioner of Police for their disposal as per the provisions of the law. At these meetings, arrangements were also made for the collection and disposal of these vehicles after the clearance of the Commissioner of Police.

With regard to part (b) of the question, Government is fully aware that merely having the necessary legislation in place is not the solution. Accordingly, the Ministry of Public Infrastructure and Land Transport, in collaboration with my Ministry, is working on a proposal for the setting-up and operation of a scrapyard for old and abandoned vehicles in Mauritius. The meeting, co-chaired by the Minister of Public Infrastructure and Land Transport, and myself, was held on 28 July 2017. The scrapyard being envisaged will, however, have to cater not only for abandoned vehicles, but also for vehicles which have been declared as total loss. Accordingly, relevant legislation...

**Madam Speaker:** Hon. Minister, I think your reply is getting too long! You have already taken five minutes for your reply. How long do you have?

**Mr Sinatambou:** 30 seconds left.

**Madam Speaker:** Otherwise you can circulate your reply, please, because you have already taken five minutes for the reply.

**Mr Sinatambou:** I will then table the reply if that is convenient to you all, Madam Speaker.

**Madam Speaker:** What is ...

**Mr Sinatambou:** I will then table the reply if that is okay with you.

**Madam Speaker:** You may circulate the reply.

**Mr Sinatambou:** Or I can finish it in 30 seconds, if that is okay with you.

**Madam Speaker:** I can give you 30 seconds.

**Mr Sinatambou:** So, all we are saying is that we are of the view, Madam Speaker, that before proceeding further and embarking on such a project, a feasibility study needs to be carried out to determine its viability taking into account the number of vehicles, the collection system, the economic model and the financing mechanism. Thank you, Madam Speaker.

**Madam Speaker:** Thank you. Yes, hon. Ameer Meea!

**Mr Ameer Meea:** Thank you, Madam Speaker. Madam Speaker, the issue of abandoned cars has been canvassed in the House on several occasions and I must say that I am very surprised that, in only one case that there has been a fine or seizure of vehicle that the hon. Minister mentioned. So, therefore, can I ask the hon. Minister whether it would not be more practical to amend the law so as to tackle this new phenomenon because it is not only constituency wise, it is an island wide problem? To my knowledge, there are not only 300 abandoned vehicles on our roads, there are more than 1,000.

**Madam Speaker:** It is okay, hon. Ameer Meea. We understood your question.

**Mr Sinatambou:** Madam Speaker, the hon. Member, I am afraid, is mistaken. When I mentioned from January 2017, 29 complaints were received, these included 10 abandoned vehicles on public premises and 19 abandoned vehicles on private premises. The 28 abandoned vehicles out of 29 have been removed and that is why only one contravention has been established as regards those 29 complaints.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** I would refer the hon. Minister to my PQ B/247 which he mentioned in his reply whereby he stated that there were 59 vehicles that were on the road in Constituency No. 3 only and that 37 out of these 59 vehicles have been removed. I have a list of all vehicles and the respective roads where these vehicles are being parked. So, I will ask the hon. Minister clearly to make a new survey, to come to Constituency No. 3 and he will see by himself that the figures that he is giving to the House are not correct.

**Mr Sinatambou:** Well, Madam Speaker, as I stated in my reply, fresh site visits and surveys have been conducted by all the 12 Local Authorities in their respective jurisdiction areas where it has been observed that a total of 369 wrecks have been abandoned in both public and private places. I cannot substitute myself to 12 Local Authorities despite all my good intentions.

**Madam Speaker:** Yes, hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, in this reply, B/247, the hon. Minister mentioned to the House that the MPI and Land Transport recently conducted a steady tour to Reunion island with a view to consider the setting up of an operation of a scrapyard for old and abandoned vehicles. May I ask the hon. Minister if he can table a report from this study tour,

what was the recommendation and also who formed part of this delegation of this study tour to Reunion Island?

**Mr Sinatambou:** Well, we have no problem in doing that, Madam Speaker.

**Madam Speaker:** Last question, hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. If I understand correctly the answer, the Minister has not mentioned at all the disposal of these cars. In what way are they disposed of? It has been seven months since the question of April where the Minister said that he would look into it and we still have no sign of any scrapyard being constructed, so....

**Madam Speaker:** Ask your question!

**Mr A. Duval:** Last time he evaded the question. How are these cars being disposed of as at now? How is he getting rid of the problem?

**Mr Sinatambou:** In fact, I did explain in my reply, Madam Speaker, that, at the moment, when the meetings were held by the Solid Waste Management Division of my Ministry to streamline the procedures with regard to collection, storage and disposal of abandoned vehicles, the transfer station of La Laura has been designated as an area where these vehicles can be stored pending the clearance of the Commissioner of Police for their disposal.

At those meetings, arrangements were also made for the collection and disposal of these vehicles after the clearance of the Commissioner of Police. Now, my understanding is that once the clearance is given by the Commissioner of police, then arrangements are made for disposal by metal recyclers and this is how it is going to be proceeded with.

**Madam Speaker:** The Table has been advised that PQ Nos. B/827, B/835 and B/836 have been withdrawn.

I suspend the sitting for one and half hours.

*At 1.08 p.m., the sitting was suspended.*

*On resuming at 2.42 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Ameer Meea!

## ABDOOL RAMAN ABDOOL GOVERNMENT SCHOOL - INFRASTRUCTURAL WORKS

**(No. B/801) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the proposed reconstruction of the Abdool Raman Abdool Government School, she will state where matters stand.

**Mrs Dookun-Luchoomun:** Madam Speaker, I wish to refer the hon. Member to the reply I made in July 2017 to PQ B/550 wherein I highlighted the infrastructural works to be undertaken at the level of the Abdool Raman Abdool Government School.

Allow me again to point out that the project was to be carried out in two phases. The first phase comprising, amongst others, the demolition of the old classroom block and the construction of a 3-storeyed block, ground plus 2, and a 2<sup>nd</sup> phase of the project, (which involves 3 stages) was expected to start after the completion of phase 1, thus, allowing for part of the school operations to be moved to the newly constructed block.

Madam Speaker, following the termination of the initial contract for phase 1 in May 2017, the Ministry of Public Infrastructure and Land Transport was requested to prepare bidding documents for the outstanding works which consisted mainly of flooring, partitioning, painting, electrical components, burglar proofing and fencing works. The bidding documents for the outstanding works were submitted to my Ministry in October 2017 and my Ministry has already launched an invitation for bids this month. According to the implementation plan the works are expected to start by end of January 2018 and completed by April 2018.

Madam Speaker, as regards phase 2, I am informed that the working drawings are being finalised by the technical team at the Ministry of Public Infrastructure and Land Transport. Bids are expected to be launched by mid-January 2018 and works are due to start after the completion of phase 1.

**Mr Ameer Meea:** Madam Speaker, this project dates back to 2014 and I understand that the company that was awarded the contract, the proprietor passed away and then it went to receivership and so on. But my query today is that all the pupils going to this school are being severely affected by the state of the school. It is in construction since four years. So, I will ask the hon. Minister if she can speed up the matter with the contractor so that the contract be awarded rapidly and works start as quickly as possible?

**Mrs Dookun-Luchoomun:** Yes, Madam Speaker, we are trying to get the work done as fast as possible, but we do have to go through the procedures.

**Madam Speaker:** Next question, hon. Osman Mahomed!

**MAURITIUS POST LTD. - POSTAL EXECUTIVES - PROMOTION EXERCISE**

**(No. B/802) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Technology, Communication and Innovation whether he will state if he is in presence of complaints in relation to the recent promotion exercise carried out from the posts of Postal Executives to Senior Postal Executives at the Mauritius Post Ltd. and, if so, indicate the actions taken in relation thereto, if any.

**The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):** Madam Speaker, with your permission, I will answer this question.

Madam Speaker, a letter of complaint dated 20 August 2017 addressed to the Chief Executive Officer of the Mauritius Post Ltd and copied, among others, to the Ministry of Technology, Communication and Innovation has been received in relation to the recent promotion exercise carried out from the post of Postal Executive to Senior Postal Executive.

However, as the hon. Member is aware, the Mauritius Post Ltd being a private company governed by the Companies Act and by its Board of Directors, it will not be appropriate for me to give any directive to the company relating to the recent promotion exercise.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Alright. Thank you. But at least can the hon. Minister tell us whether the letter that has been received is being looked into, is being processed so that justice is restored because people are complaining that those who are lower in the hierarchy have crossed over and promoted over them.

**Mr Boissézon:** Madam Speaker, as I said, it will not be appropriate for me to give any directive to the company. This is a copy of the letter.

**Madam Speaker:** Does the hon. Member have another question?

**Mr Osman Mahomed:** I am not asking the hon. Minister to give directive to the company; I am just asking a question as to whether the matter is being looked into?

**Mr Boissézon:** I will submit the request of the hon. Member to the substantive Minister.

**Mr Rutnah:** Is it not right if the hon. Minister can confirm if someone is aggrieved in relation to promotion, there are other institutions like ICAC or elsewhere where they can complain?

**Mr Boissézon:** It is very difficult for me to answer. I will ask all those questions to the incumbent Minister.

**Madam Speaker:** Last question!

**Mr Osman Mahomed:** I know the hon. Minister is not the substantive Minister and it is good that he is not here because of the following question. The hon. Minister is saying that it is a private company and he cannot interfere. Then can he, please, explain to the House how come the brother-in-law of the hon. Minister was appointed Board member, and then, had to resign because of public outcry? Since it is a private company, how did it happen?

**Madam Speaker:** This is another question. It does not form part of the main question. Hon. Quirin, next question!

### **IOIG 2019 - RÉUNION ISLAND - NON-PARTICIPATION**

**(No. B/803) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the 10<sup>th</sup> Indian Ocean Island Games 2019, he will state the actions taken, if any, by his Ministry or any other institution to find a solution to the declaration made on 04 May 2017 by the *Comité Régional Olympique Sportif de la Réunion* regarding the non-participation of Réunion Island therein.

**Mr Toussaint:** Madam Speaker, in regard to the Indian Ocean Island games 2019, I am informed by the President of the Mauritius National Olympic Committee that a meeting of the *Comité International des Jeux (CIJ)* has been scheduled on 12 December 2017 in Mauritius to address the issue and forestall any possible non participation of Réunion Island or any other island in the IOIJ 2019.

**Madam Speaker:** Hon. Quirin!

**Mr Quirin:** Madame la présidente, dans sa réponse, l'honorale ministre nous informe qu'il y aura une réunion du Comité international des jeux, le CIJ, qui se tiendra le 12 décembre et de ce fait, peut-on savoir quels sont les points de désaccord du mouvement sportif réunionnais et qu'est-ce qu'ils proposent comme solution ?

**Mr Toussaint:** Madame la présidente, la Réunion demande à ce que le CIJ revoit l'Article 7.

**Mr Quirin:** Et que dit l'Article 7, Madame la présidente ?

**Mr Toussaint:** In terms of participation in the games, both Réunion Island and Mayotte are subject to the provisions of Article 7 of the charter of the games to the effect that their athletes should be either born in their respective island or be licensed with the relevant sports federation of their respective island for either a period of 3 continuous calendar years including the year of the games or alternatively have been licensed for a period of at least 5 years in the respective island.

**Mr Quirin:** Peut-on savoir les points sur lesquels les Réunionnais ne sont pas d'accord ? Est-ce que c'est sur l'Article 7 dans son intégralité ou bien une partie seulement de cet article ?

**Mr Toussaint:** Madame la présidente, dans une lettre adressée à M. Antonio Gopal, président du CIJ, le CROS dit - je vais citer un bout de la lettre –

« Toutefois, il y a des articles de la charte qu'il est nécessaire de faire évoluer pour que chaque membre du CIJ soit traité en toute égalité. »

Donc, c'est le CROS qui dit cela à M. Gopal –

« Ainsi, nous jugeons que l'Article 7.2 reste un Article discriminatoire envers la Réunion et Mayotte. Nous pensons qu'au bout de 40 ans d'existence des jeux, nous pouvons avoir un Article dont les termes sont communs à l'ensemble des territoires concernés par les jeux des îles. Le fait que certains membres du CIJ puissent être dans une situation de juge et partie prenante dans certaines décisions n'est pas propice pour le bon fonctionnement de notre structure. Il est nécessaire de modifier cela afin que certains litiges puissent être réglés par un organisme indépendant du CIJ. »

**Mr Quirin:** Est-ce qu'on peut savoir, Madame la présidente, quelle est la position du ministère de la Jeunesse et des Sports justement à la proposition du CROS, d'amender l'Article 7 ? Est-ce que le ministère est favorable ou pas ?

**Mr Toussaint:** Madame la présidente, il serait assez délicat de donner une opinion aujourd'hui pour une réunion qui va se tenir en décembre. Donc, la Réunion viendra le 12 décembre, les représentants mauriciens vont écouter la proposition de la Réunion ensemble avec ce que les autres membres ont à dire, les Seychelles, Maldives, Madagascar et à la

lumière de ce que la Réunion va proposer et ce que les autres membres aussi vont proposer, ce que Maurice va pouvoir dire, on espère trouver une solution à ce problème.

**Mr Quirin:** Madame la présidente, peut-on savoir, au cas où le CIJ et le CROS n'arrivent pas à s'entendre, si le ministère, si le gouvernement mauricien est disposé à organiser, à tenir ces jeux ici, à Maurice, sans la participation de La Réunion ?

**Mr Toussaint:** Oui, justement, la question ne se pose pas, Madame la présidente. Ce n'est qu'une supposition.

**Madam Speaker:** Next question, hon. Quirin!

#### **ATHLETES - INTERNATIONAL OVERSEAS MEETINGS – OUT-OF-POCKET ALLOWANCE**

**(No. B/804) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the policy of allocating *per diem* allowances to athletes when participating in overseas competitions, he will state if same is ongoing and, if not, why not.

**Mr Toussaint:** Madam Speaker, my Ministry does not have a policy for *per diem* allocation to athletes on the same basis as the *per diem* allocation to public officials proceeding on mission overseas. In fact, there is an out-of-pocket allowance which is granted to athletes proceeding to international overseas meetings.

Requests are considered on a case to case basis in line with set criteria and subject to the availability of funds.

Whenever such requests are considered positively, the funding can be either total or partial and may include the out-of-pocket allowance where justified. As far as I am aware, this policy is ongoing.

**Mr Quirin:** Madame la présidente, l'honorable ministre peut-il nous dire s'il a pris connaissance des propos tenus par l'entraîneur de *kick boxing*, Mr Jeannot, à son retour, justement, de la Hongrie, et quand M. Jeannot a ouvertement critiqué le fait que ces athlètes, Bauluck, Agathe, etc., n'avaient pas reçu pour ne pas utiliser le mot '*per diem*' – le *out-of-pocket allowance*, comme l'honorable ministre vient de l'affirmer ? Peut-on savoir quelle est la raison, pourquoi cette délégation n'a reçu absolument rien en termes de *out-pocket-allowance* ?

**Mr Toussaint:** Madame la présidente, avec votre permission, je peux dire que la fédération de *kick boxing*, de janvier 2017 à ce jour, a reçu en général une somme de R 1,790,908 pour gérer les affaires de la fédération. En août, la fédération avait participé à une compétition. Le ministère avait financé à hauteur de R 254,330 pour les billets d'avion, etc., et la fédération avait été remboursée une somme de R 42,800 en septembre 2017, justement pour le *out-of-pocket allowance*, après la soumission des reçus. Dans le cas actuel, dont fait référence l'honorable membre, c'est dans le cadre de WAKO World Championship qui avait été tenu en Hongrie du 03 au 12 novembre 2017. La fédération a bénéficié pour six personnes, c'est-à-dire cinq kick boxeurs et un coach, un total de R 592,650 en tout, et ceci pour couvrir les frais de billets d'avion, R 323,400 ; les frais d'hébergement, R 244,800 ; l'assurance, R 6,450 ; le transport, R 16,000 ; l'*overtime* pour les chauffeurs du ministère, R 2,000. Donc, ce qui fait un total de R 592,650 qui a été versé à la fédération. Et comme je l'ai dit dans ma première réponse, le *out-of-pocket allowance is on a case to case basis*. Et dans ce cas-ci, le *out-of-pocket allowance* aurait arrivé vers les R 52,000, qui fait un dixième. Alors, je pense qu'il est bon que les fédérations aussi prennent un peu leurs responsabilités. Je redis, le ministère, l'État mauricien a dépensé pour cette activité R 592,650.

**Madam Speaker:** We have understood your reply!

**Mr Quirin:** Madame le présidente, je suis étonné que l'honorable ministre vienne justifier l'injustifiable. Pour une délégation qui va en Hongrie et qui revient avec une médaille d'or, champion du monde Fabrice Bauluck, R 52,000 de *out-of-pocket allowance*!

**Madam Speaker:** Ask your question!

**Mr Quirin:** Comment l'honorable ministre peut venir, ici, dans cette Chambre, justifier le fait de ne pas avoir alloué à cette délégation un argent de poche qui aurait permis à Bauluck, à Agathe et les autres de pouvoir se restaurer, parce que les athlètes, quand ils vont à l'étranger participer à des compétitions, ils ne passent pas leur temps dans leurs hôtels, si l'honorable ministre ne le sait pas ! Ils sont sur les sites de compétition, sur les sites d'entraînement...

**Madam Speaker:** Allow the hon. Minister to reply!

**Mr Quirin:** Laissez-moi terminer, Madame la présidente.

**Madam Speaker:** The hon. Member should not make a statement!

**Mr Quirin:** Ils ont besoin de se restaurer. Et pour se restaurer, ils ont besoin d'argent de poche !

**Madam Speaker:** The hon. Member cannot make a statement! Hon. Minister, give your reply!

**Mr Toussaint:** Je n'ai pas compris la question.

**Mr Quirin:** Est-ce que l'honorable ministre est en train de justifier le fait de ne pas avoir alloué d'argent de poche, de *out-of-pocket allowance* à la délégation de *kick boxing* qui nous a ramené une médaille d'or ? Est-ce que l'honorable ministre justifie ou pas ?

**Madam Speaker:** Yes, we understand!

**Mr Toussaint:** Madame la présidente, le *out-of-pocket allowance* dans ce cas-ci, je le répète, allait arriver à un montant de R 52,000, et le ministère a donné R 592,650.

*(Interruptions)*

Et, Madame la présidente, c'est un budget qui a besoin être géré pour une année. Nous sommes en novembre ; l'année financière se termine en juin 2018, et jusque-là il y aura encore d'autres compétitions où les athlètes de cette fédération en particulier auront besoin d'argent pour aller à l'extérieur.

**Mr Quirin:** Madame la présidente, une dernière question. Peut-on savoir si cette politique s'applique aussi aux officiers du ministère de la Jeunesse et des Sports quand ils se déplacent à l'étranger ?

**Madam Speaker:** That is another question!

**Mr Toussaint:** Madame la présidente, ce n'est pas nous qui décidons...

**Madam Speaker:** That is another question!

**Mr Toussaint:** Oui.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Minister mentioned that payment is subject to availability of funds. May I know from the hon. Minister how much funds is allocated every year by his Ministry to pay out-of-pocket allowance and how is this amount disbursed? Is it on a first come first serve basis or is it dependent on the tournament, the competition involved?

**Mr Toussaint:** Madame la présidente, il y a des critères bien spécifiques pour donner le *out-of-pocket allowance*. Cela dépend des catégories des pays. Les pays sont regroupés en différentes catégories ; A à F. Cela dépend du type de compétition. Donc, c'est à partir de cela que le calcul est fait.

**Mr Quirin:** Avec votre permission, Madame la présidente, peut-on savoir de l'honorable ministre quelle est la somme qui a été allouée en terme de *out-of-pocket allowance* pour l'année financière en cours ?

**Mr Toussaint:** En général ou pour cette fédération ?

**Mr Quirin:** Les athlètes qui se sont déplacés ! En général !

**Mr Toussaint:** Je n'ai pas cette information. Donc, je pourrais soumettre. Il n'y a pas de soucis.

**Madam Speaker:** Next question, hon. Quirin!

#### **ZEP SCHOOLS - KITCHEN & EATING AREA**

**(No. B/805) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Canteens/Lunch Rooms for Pupils attending *Zone d'Education Prioritaire* Schools Project, she will state the number of canteens/lunch rooms constructed as at to date, indicating the –

- (a) ZEP Schools in which same have been constructed and are fully operational, and
- (b) expected completion dates thereof in the remaining ZEP Schools.

**Mrs Dookun-Luchoomun:** Madam Speaker, four ZEP schools, one in each zone, had been identified to be invested with kitchen and eating area for the provision of meals. This is pilot project for the ZEP schools, and the schools were Bois des Amourettes Government School, Pointe aux Piments Government School, Cascavelle Government School and Aimé Césaire at Camp Levieux.

Infrastructural works for the kitchen and eating area for two schools, namely Bois des Amourettes and Pointe aux Piments Government School, have been completed. However, additional works are required in these schools so as to ensure sanitary and hygienic conditions within the eating areas. The Ministry of Public Infrastructure and Land Transport has been asked to ensure that same be done as soon as possible.

As for part (b) of the question, I am informed that with regard to the construction works at Cascavelle Government School, the contract had to be terminated on 18 November 2016 as the contractor had left the site. Bidding documents are being prepared by the Ministry of Public Infrastructure and Land Transport for completion of outstanding works.

As far as works at Aimé Césaire Government School are concerned, bids had been launched twice in June 2015 and January 2016 respectively and as the bids received were not responsive for the two exercises, bids were re-launched in October 2016. However, the quoted price exceeded by far the estimated cost (beyond 63%), and as per the provisions of Public Procurement Act, the exercise had to be cancelled on 28 August 2017. Tenders will be floated anew.

I am informed that efforts are being sustained to ensure that completion of all the infrastructural and associated works are done as soon as possible.

My Ministry relies on the expeditious action at the Ministry of Public infrastructure and Land Transport for the implementation of these projects which are overdue.

**Mr Quirin:** Est-ce que je peux savoir, Madame la présidente, dans les écoles que l'honorable ministre vient de citer, Bois des Amourettes, Pointe aux Piments, etc, si le projet de repas chauds aux élèves a déjà repris ?

**Mrs Dookun-Luchoomun:** Madam Speaker, we have to ensure that the space is proper for the distribution of hot meals, but meals are being provided in all our ZEP schools.

**Mr Baloomoody:** The hon. Minister just mentioned that there are four schools which have been identified on a pilot project. What about the remaining schools? With regard to the four schools, may we know who decides who will be the caterer? Is it the PTA or is he appointed by the Minister or any individual who wants to?

**Mrs Dookun-Luchoomun:** Madam Speaker, the four schools are provided food through a tender exercise which is carried out at the level of the Zonal Directorates.

*(Interruptions)*

It is through a tender exercise at the Zones, by the Zonal Directorates.

**Mr Uteem:** The hon. Minister did not answer the first part of the question. Only four schools have been considered on a pilot basis. What about the other schools? Is there a time lag for implementation of these canteens in the other ZEP schools?

**Mrs Dookun-Luchoomun:** Madam Speaker, when I first answered the question regarding this project, I mentioned that it was on a pilot basis. We have to see how well we carry out the project and, subsequently, the works would get started in the other schools, provided the space is available.

**Mr Quirin:** Peut-on connaître le coût des travaux là où le projet a été complété?

**Mrs Dookun-Luchoomun:** Madam Speaker, I have the impression it is around Rs4.6 m., but I will check and let the hon. Member know.

**Madam Speaker:** Next question, hon. Ameer Meea!

#### **MINISTRY OF HEALTH AND QUALITY OF LIFE - NURSING OFFICERS - APPOINTMENT**

**(No. B/806) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Health and Quality of Life whether, in regard to the Nursing Officers employed since August 2013 and who are holders of the National Diploma in Nursing, he will state the number thereof, indicating if they have been confirmed in their appointment and, if so, when and, if not, why not.

**Dr. Husnoo:** Madam Speaker, I am informed that a batch of nursing students was enlisted in August 2013.

A total of 124 candidates sat for the National Diploma Level VI in General Nursing after completing their studentship. Examinations were held in December 2016 and the results of 81 successful candidates were proclaimed on 17 March 2017. Resit exam was then held in May 2017 and the results were proclaimed on 06 June 2017. 36 additional students passed the exam. A second resit exam was again held in August and the result was proclaimed on 26 September 2017. Five more students were successful.

Madam Speaker, I am further informed that as per established existing procedures for nursing officers, there is need for the whole cohort who have been enlisted on a same date as per an established merit list to complete the examination before any appointment can be made so as not to disrupt the seniority list. This explains the delay which occurred in the processing of document for substantive appointment and which is beyond control.

I am further informed that as per existing procedures *ad hoc* report on the work, conduct and attendance of these nursing students have been requested. Thereafter, a recommendation will be made to the Public Service Commission for their appointment as

Nursing Officer on 12 months' probation, following which they will be offered substantive appointment.

**Madam Speaker:** Next question, hon. Abbas Mamode!

### **MINISTRY OF HEALTH AND QUALITY OF LIFE - TRANSPORT FACILITIES**

**(No. B/807) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Minister of Health and Quality of Life whether, he will state if he is aware that officers of his Ministry have sent letters to the Independent Commission against Corruption on 25 September and 03 October 2017, respectively, regarding the use of transport facilities in his Ministry, indicating if he will consider inquiring into the use made of the Nissan Patrol 3300 cc acquired by his Ministry.

**Dr. Husnoo:** Madam Speaker, I am informed that my Ministry has received two letters dated 25 September and 03 October 2017 respectively from the Independent Commission Against Corruption (ICAC) relating to an investigation on the use of transport facilities. The investigation is currently underway and my Ministry is collaborating in this exercise.

With regard to the Nissan patrol vehicle acquired by my Ministry in September 2017, I wish to inform the House that this vehicle is used as a rapid intervention vehicle for the transportation of medical team, following motorcade of high level dignitaries during a State visit. This vehicle will also be used during adverse climatic conditions, including floods and cyclone for transporting medical and health staff from hospital to disaster prone region in order to speedily extend medical care. It will also carry medical kits and consumables as well as medical staff in rapid intervention instances.

It is no longer possible to rely solely on the existing fleet of vehicles for providing emergency intervention as they are subject to frequent breakdown and hamper the service. No complaint has been registered regarding the use of this vehicle.

**Mr Abbas Mamode:** Can the hon. Minister inform the House of the cost of the vehicle?

**Dr. Husnoo:** The cost of the vehicle was Rs3,739,130.44.

**Madam Speaker:** Hon. Adrien Duval! No! Next question, hon. Henry!

## MAURITIUS SOCIETY OF AUTHORS - COPYRIGHT FEES

**(No. B/808) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether, in regard to the proposed increase of royalties paid to the local artists, he will state where matters stand.

**Mr Roopun:** Madam Speaker, following amendments brought to the Copyright Act 2017, which was done last week, the Mauritius Society of Authors has been given additional authority in relation to the collection and distribution of copyright fees as well as charges. The Society will now, in consultation with all stakeholders, work out the new set-up.

I am advised that, in the meantime, as per existing mechanism, the Society is presently finalising a distribution which will be effected by mid-December.

**Mr Henry:** Peut-on savoir quel est le montant actuel qu'on paie et depuis combien de temps cela n'a pas été changé ?

**Mr Roopun:** Madam Speaker, what I can say is that there was a distribution in April this year - we are also working on a distribution this year. I would not venture to give an exact amount, but it should be around Rs8 m. to Rs9 m. Insofar as the amount is concerned, it is not only a question of increasing but also of viewing the situation globally, in the sense that we will have to establish a clear mechanism so that all users of copyright do pay. There are instances where certain arrears have not been paid and we should view the situation of collection and distribution more globally.

**Mr Henry:** Peut-on savoir quel est le montant payé aux auteurs à chaque fois que leur chanson passe à la radio ou à la télé?

**Mr Roopun:** Madam Speaker, there is a mechanism which depends upon the places where the different songs are being played but, as this juncture, I cannot say exactly what is the amount for one song played on radio.

**Mr Baboo:** Can the hon. Minister inform, for the benefit of the House, as to whether an application software is being used to calculate the royalties automatically?

**Mr Roopun:** I can confirm that a new software is being used to facilitate the computation of royalties.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** *Thank you, Madam Speaker.* Je voudrais savoir de l'honorable ministre sur quelle fréquence les paiements sont effectués, sur une base mensuelle, trimestrielle, deux fois par an ou juste de temps en temps comme ça ?

**Mr Roopun:** From my notes, it would seem that in 2015, there were two payments, one in April and one in December. In 2016, again, in April and December and I feel that this year also, there will be two payments, one in April and one in December.

**Madam Speaker:** Last question, hon. Henry!

**Mr Henry:** L'honorable ministre peut nous dire s'il y a eu une réunion avec les artistes où il y a eu des propositions pour la révision de ce tarif et le montant sur lequel vous vous êtes tombés d'accord ? Enfin, la proposition qui a été faite par les artistes, est-ce qu'il est au courant qu'il y a un montant qui a déjà été proposé au ministère ?

**Mr Roopun:** I do not recollect having any meeting with the artists on that issue and I have to check if there is a request at my Ministry, but I cannot confirm.

**Madam Speaker:** Next question, hon. Henry!

### **TROIS BOUTIQUES & GRAND BEL AIR - FOOTBALL GROUNDS - LIGHTING & UPGRADING**

**(No. B/809) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the proposed installation of lighting and the upgrading of the football grounds in Trois Boutiques and Grand Bel Air, she will state where matters stand.

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I am informed that the projects for –

- (i) the reconstruction of the football ground at Trois Boutiques, including provision of lighting facilities, and
- (ii) the refurbishment of fencing, including provision of lighting facilities at Grand Bel Air football ground

are being undertaken by the National Development Unit.

The draft bidding documents are currently being finalised by the Consultant for the project “Grand Bel Air football ground”.

Further, it is expected that bids will be floated around mid-January 2018, through an open Advertised National Bidding exercise.

As regards the Trois Boutiques Football Ground Project, I am informed that the detailed design report has been obtained on 18 October 2017. However, in view of the topography of the ground on this site and the cost involved to level the pitch and for the construction of reinforced concrete retaining walls, which may have an impact on the project cost, the National Development Unit is examining other alternatives prior to taking a decision on the design proposal by the Consultant.

**Madam Speaker:** Hon. Henry!

**Mr Henry:** Merci, Madame la présidente. Pourrait-on savoir quand est-ce que la ministre a eu la conclusion des ingénieurs sur ces deux projets parce que ces deux projets datent de plus de trois ans ?

**Mrs Jeewa-Daureeawoo:** I do not have the date; I will look at it and forward it to you.

**Madam Speaker:** Hon. Armance !

**Mr Armance:** Merci, Madame la présidente. Je voudrais savoir de l'honorable ministre si c'est la *NDU* qui va faire le projet ou le projet va être sous-contraté au *District Council* ou au *Village Council* ?

**Mrs Jeewa-Daureeawoo:** It is the *NDU* who will carry out the projects.

**Madam Speaker:** Next question, hon. Henry!

**Mr Henry:** Est-ce qu'on pourrait savoir de la ministre qui est le responsable au niveau de la *NDU* qui va suivre ce projet-là ?

**Madam Speaker:** That is the last question, because I had already asked the next question.

**Mrs Jeewa-Daureeawoo:** At this stage, it has not yet been decided and as soon as we get the necessary information, I will pass it over to you.

**Madam Speaker:** Next question, hon. Henry!

#### **CAMP CAROL - LAND LEASES**

**(No. B/810) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Housing and Lands whether, in regard to the proposed regularisation of land leases to inhabitants of Camp Carol in Constituency No. 12, Mahebourg and Plaine Magnien, he will state where matters stand.

**The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah):** Madam Speaker, with your permission, I will reply to this question.

I am informed that in 1983, Government acquired a plot of land to the extent of 11A55 at Camp Carol, Kenya, Le Bouchon from Mon Trésor Mon Desert Ltd to regularise the occupation of families who had occupied the site after the passage of cyclone Carol.

Initially 75 plots were leased to families living thereat for a period of 20 years. Over the years, many other families squatted on vacant lots. In view of the disorderly occupation of the site by inhabitants of the locality, the Ministry prepared a new layout to address issues of encroachment and to provide access to squatted plots. 136 plots have been surveyed and pegged out.

Out of the 136 plots, 86 plots have already been sold, 50 cases comprising 36 leased plots and 14 squatters to be regularised *in situ* and will be finalised after further inquiry.

**Madam Speaker:** Hon. Henry!

**Mr Henry:** Merci, Madame la présidente. Est-ce que le ministre est au courant qu'il y a quelques années de cela, l'ancien Vice-Premier ministre et ministre des Terres avait annoncé, en grande pompe, à la télé - il y avait l'honorable Jhugroo et moi-même qui étaient présents ce jour-là - et avait remis des contrats aux gens de Camp Carol et leur avait demandé d'aller voir leur avoué pour mettre leur contrat à jour, mais ça fait plus d'un an que ça a été fait, mais jusqu'aujourd'hui personne n'a eu son contrat. Pourrait-on savoir quand est-ce que les contrats vont être donnés à ces personnes-là?

**Mr Bholah:** Je vais m'en enquérir et je vais demander au ministre de fournir les renseignements.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** Can I ask the hon. Minister whether he has the information with regard to those 50 cases? What is the problem with those 50 cases? Can we have a time frame for the lease agreement and can we know whether the title deeds for these 50 cases are going to be regularised?

**Mr Bholah:** Yes, as per information available, 50 plots, I understand, cannot be sold as the extent of land is greater than 10 perches, in view of the existing legal provisions and policy.

**Madam Speaker:** Yes, hon. Ramful!

**Mr Ramful:** I would request the hon. Minister to convey to the substantive Minister, whether he will bring amendments to the regulation so that those 50 cases as well can be regularised.

**Mr Bholah:** I will ask the substantive Minister to look into this.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. We have exactly the same situation in my Constituency in Dubreuil, but exactly for Camp Carol...

**Madam Speaker:** No...

**Mr A. Duval:** No, but I am sticking to the subject.

**Madam Speaker:** Hon. Adrien Duval, your question relates only to Camp Carol, so, it has to be for Camp Carol.

**Mr A. Duval:** I am sticking to Camp Carol. I am just saying it is very similar to my Constituency. The Land Surveyors have done a site visit, but for more than a year now, there has been no information that has been given to these applicants. Nothing at all! And they are now in the complete dark, as to whether or not they will get their land deeds.

**Madam Speaker:** Is the hon. Member asking a question about Camp Carol?

**Mr A. Duval:** In Camp Carol, yes.

**Mr Bholah:** Again, I will convey the concern of the hon. Member to the Minister.

**Madam Speaker:** The Table has been advised that PQ Nos. B/816, B/818, B/819, B/820 and B/821 have been withdrawn.

Next question, hon. Henry!

### **VILLE NOIRE BRIDGE - MAINTENANCE**

**(No. B/811) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Ville Noire Bridge, he will state if consideration will be given for the upgrading thereof.

**Mr Bodha:** Madam Speaker, the Ville Noire Bridge also known as the Cavendish Bridge is situated along Plaine Magnien – Mahebourg Road (A12). Around the year 2000, footpath was constructed on both sides of the bridge to allow safe movement of pedestrians. The footpath is a metal structure with wooden planks.

A detailed inspection was carried out last year and subsequently checks are being carried out at regular intervals. The bridge is found to be structurally sound. Therefore, any upgrading of the bridge proper does not arise for the moment.

However, the wooden planks are subject to theft, decay, wear and tear. The maintenance section carries out maintenance of the wooden planks on a regular basis and whenever required to ensure the safety of pedestrians.

Madam Speaker, I am informed that with a view to minimising maintenance interventions, the RDA has decided to replace the wooden planks by better environment resistant materials. The National Heritage Fund has been consulted in this respect and has raised no objection to the proposed repairs. We have been able to find funds in the current Budget, and the RDA is finalising the scope of works and there will be a Request for Proposal very soon within the framework agreement on the works to be done.

**Madam Speaker:** Hon. Henry !

**Mr Henry:** Merci, Madame la présidente Je voudrais demander au ministre, quand il avait fait le *site visit* - c'est vrai que le pont en haut demande quelques aménagements - est-ce que les ingénieurs sont partis voir au bas l'état des ferrailles rouillées ? Vraiment, il faut voir dans quel état c'est en-dessous.

**Mr Bodha:** Moi, je n'ai pas de renseignement à ce sujet, mais ce qu'on m'a dit c'est que les structures sont bonnes. Je vais faire une enquête.

**Mr Ramful:** Madam Speaker, this question has been put back on 20 October 2015 to the then hon. Prime Minister and, at that time, he stated that a provision of Rs500,000 had already been earmarked for the replacement of those wooden planks. May I know where matters stand?

**Mr Bodha:** We had a problem with the National Heritage. We needed to have their no-objection to be able to replace them.

**Mr Ramful:** Has this bridge been listed as a National Heritage Monument?

**Mr Bodha:** It seems.

**Madam Speaker:** Hon. Ramano, next question!

## BERTHAUD AVENUE - UPGRADING

**(No. B/812) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to part of Berthaud Avenue linking Quatre Bornes and Trèfles/Rose Hill, he will state if consideration will be given for urgent repairs to be carried out thereat and for the widening thereof.

**Mr Bodha:** Madam Speaker, I am informed that part of the Berthaud Avenue, from its junction with St. Jean Road to its junction with Remy Ollier Avenue is classified, and thus, falls under the purview of the Road Development Authority (RDA). However, the remaining part from Ollier Avenue to Ratsitatane Avenue which is an urban road is under the purview of the Municipal Council of Beau Bassin-Rose Hill.

The section under the responsibility of the RDA from La Louise Junction to Remy Ollier Avenue has recently been resurfaced and the road is in good condition.

As regards the remaining section, from Remy Ollier Avenue to Trefles/Rose Hill, I am given to understand that the National Development Unit (NDU) will soon be undertaking the upgrading and widening of Berthaud Road in Quatre Bornes, including the drainage works. Geotechnical investigation works for the project as well as land acquisition procedures have already been completed.

I am informed by the NDU that bidding documents for the project have already been launched at the level of the Central Procurement Board with a closing date set for 20 December 2017. The project is expected to start in March 2018 for a duration of 8 months.

**Madam Speaker:** Hon. Ramano!

**Mr Ramano:** Madame la présidente, je remercie l'honorable ministre pour sa réponse. Dans le court terme, est-ce que le ministre est disposé à considérer favorablement la réparation de la route vu que cela représente quand même une gravité certaine pour les automobilistes et aussi pour les habitants de la région?

**Mr Bodha:** Ce que l'honorable membre demande, Madame la présidente, ce sont des mesures temporaires...

*(Interruptions)*

Je vais voir qu'est-ce qui est possible.

*(Interruptions)*

**Madam Speaker:** Next question, hon. Ramano!

**LA SOURCE, PALMA & BASSIN - POLICE STATION**

**(No. B/813) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to La Source, Palma and Bassin, in Quatre Bornes, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the construction of a Police Station to cover the regions thereof.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that the regions of La Source, Palma and Bassin fall under the jurisdiction of Quatre Bornes Police Station. These regions are adequately policed by Quatre Bornes Police Station and other support Units such as -

- (a) Emergency Response Service (ERS);
- (b) Divisional Support Unit (DSU);
- (c) Divisional Traffic Police (DTP);
- (d) Field Intelligence Office (FIO);
- (e) Criminal Investigation Division (CID), and
- (f) Anti-Drug and Smuggling Unit (ADSU).

Therefore, the need for the construction of another Police Station to cover these regions is not felt for the time being.

**Madam Speaker:** Hon. Ramano!

**Mr Ramano:** Merci, Madame la présidente. Madame la présidente, la population de Quatre Bornes est passée aujourd’hui à plus de 90,000 habitants avec des développements très poussés dans les régions de Palma, Bassin et aussi Ebène. Vu le moyen limité des stations de police de Quatre Bornes et de Sodnac, et il y a eu pas mal de doléances des officiers de police travaillant dans ces deux stations pour une question de manque d’effectifs et d’équipements, est-ce que le ministre est disposé à reprendre la question avec le Commissaire de police pour revoir la question en ce qui concerne les régions de Palma, Bassin et La Source?

**Sir Anerood Jugnauth:** Madam Speaker, the Commissioner of Police finds there is no need, therefore, I cannot be *plus royaliste que le roi!*

*(Interruptions)*

**Madam Speaker:** Okay, next question, hon. Armance!

### **MAURITIUS RESEARCH AND INNOVATION COUNCIL – SETTING UP**

**(No. B/814) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Technology, Communication and Innovation whether, in regard to the Mauritius Research Council, he will state if it has been transformed into the proposed Mauritius Research and Innovation Council and if so, indicate –

- (a) the amount of funds injected in the National Innovation and Research Fund and, for the benefit of the House, obtain therefrom information as to the amount thereof disbursed as at to date, giving details in each case, including the names of the beneficiaries thereof, and
- (b) if the National Research Repository has been set up.

**The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):**

Madam Speaker, with your permission, I will answer this question.

Madam Speaker, as announced under paragraph 34 of the Budget Speech 2017-2018, I wish to inform the House that actions have already been initiated to transform the Mauritius Research Council into the Mauritius Research and Innovation Council.

In this context, a draft MRIC Bill has been worked out and consultations are presently being held with the relevant stakeholders.

As regards part (a) of the question, I wish to inform the House that a National Innovation and Research Fund will be set up once the new MRIC legislation will be enacted.

Madam Speaker, as regards part (b) of the question, as announced under paragraph 36 of the Budget Speech 2017-2018, a Mauritius Research Repository will be set up once the new MRIC legislation will be enacted. The Repository will be an online open access collection of data, published research, and other technical and scholarly contents produced by Mauritian researchers, innovators and experts from both the public and private sectors.

**Mr Armance:** Can the hon. Minister define the proper role of the National Innovation and Research Fund? What is this money going to do? What is the purpose of this Fund?

**Mr Boissézon:** In fact, today, we have Rs150 m. that has been allocated under the Research and Innovation Programme. Out of the Rs150 m., an amount of Rs78 m. has been earmarked for the projects under the programme and funding scheme of the MRC.

The MRC budget for Rs78 m. is being spent on six programmes listed as follows –

- (i) assessment for sites and policy formulation;
- (ii) knowledge creation and management;
- (iii) knowledge dissemination and exchange;
- (iv) knowledge transformation and value addition;
- (v) innovation scheme, and
- (vi) promoting emerging sectors.

**Mr Armance:** Madam Speaker, can the hon. Minister please confirm to the House that a budget of Rs150 m. was allocated in 2015, Rs125 m. was allocated in 2016 and nothing has been disbursed regarding the National Innovation and Research Fund?

**Mr Boissézon:** Madam Speaker, out of the Rs150 m. an amount of Rs78 m. has been disbursed.

*(Interruptions)*

I cannot give the date, but I can tell that Rs78 m. has been earmarked for the projects.

**Mr Armance:** Madam Speaker, can he also confirm whether there is a Chairman right now in the Mauritius Research Council?

**Mr Boissézon:** Unfortunately, I do not have this information.

**Mr Armance:** Can he confirm that the Acting Permanent Secretary is acting as Chairperson of the Mauritius Research Council now?

**Mr Boissézon:** No, I do not have that information.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. If the hon. Minister can, at least, tell us when the MRIC legislation will be brought? It was announced *en grande pompe* in the Budget Speech, six months have passed and there is still no Bill in the House. Can he, at least, give us a timetable when the Bill will come?

**Mr Boissézon:** Madam Speaker, as I said, the draft MRIC Bill has been worked out and consultations are presently being held with the relevant stakeholders. I cannot say how much time it will take for the consultations.

**Madam Speaker:** Next question, hon. Armance!

### **NATIONAL COMPUTER BOARD - COMPOSITION**

**(No. B/815) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Technology, Communication and Innovation whether, in regard to the National Computer Board, he will, for the benefit of the House, obtain therefrom, information as to the composition thereof, indicating in each case, the monthly pay package thereof.

**The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):**  
Madam Speaker, I am tabling the requested information.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Can we have a look at it, please, Madam? I would like to know whether the National Computer Board has right now a Chairman and a Director.

**Mr Boissézon:** The question was on the composition of the Board. I can say that today there is a Chairman who is the Deputy Permanent Secretary of the Ministry of Technology, Communication and Innovation.

**Mr Armance:** I would like to know from the hon. Minister whether in September 2015 there was an advertisement for the post of Director, whether there have been shortlisted candidates and why this has not gone through? Why the Director has not been appointed?

**Mr Boissézon:** In fact, Madam Speaker, the post of Executive Director is vacant since August 2015. Actions had been initiated for the filling of the post of Executive Director as follows -

- (i) The vacancy of Executive Director was advertised on the NCB website from 06 October 2017 and on newspapers as follows –
  - (i) *Le Mauricien* - 06 October, 2017;
  - (ii) *Defi Plus* - 07 October, 2017;
  - (iii) *Week-End* - 08 October, 2017;

**Madam Speaker:** There is no need to give all those details, reply to the question which has been asked.

**Mr Armance:** Whether there has been a shortlist of candidates in 2015, not in 2017?

**Mr Boissézon:** The hon. Minister has to wait. He should have some patience. The closing date for submission of application was 28 October 2017. 38 applications have been received...

**Madam Speaker:** Wait, allow the hon. Minister to reply, then you can ask supplementary questions!

**Mr Boissézon:** 48 applications have been received at closing date. The NCB Board has appointed the following members for the shortlisting Committee - the Chairperson, the Board member of the Ministry of Education; the members are the representative of the Ministry of Civil Service and Mrs Ramjaun from NCB.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Madam Speaker, how is it possible that after two years the post has not been filled properly? Is there no skilled person who has applied for the job in 2015? Can the hon. Minister confirm that?

**Mr Boissézon:** No, I am not in position to answer that question. Nevertheless, I will submit that question to the substantive Minister.

**Mr Armance:** The hon. Minister mentioned that the DPS is the Acting Director right now. Can I know from the hon. Minister whether this DPS, Mr Seebaluck, is qualified in ICT? Has he got any qualification to act as a Director for a very important Board?

**Mr Boissézon:** Madam Speaker, I do not understand the questions because since 10 March 2015, the post has been...

*(Interruptions)*

**Madam Speaker:** Please!

**Mr Boissézon:** The job was performed by...

*(Interruptions)*

**Madam Speaker:** The hon. Member has asked a question, he should allow the hon. Minister to reply!

**Mr Boissézon:** ...the Permanent Secretary of the Ministry.

**Mr Armance:** My question was whether he is qualified in ICT, because 'Acting Director' is a very important post. Is the guy qualified in ICT? That is, he is the Acting Director of the National Computer Board now.

**Mr Boissézon:** Madam Speaker, I do not understand. He is a Chairman and he has the necessary employees to help him. I do not see whether we have to go for his qualifications. Presently, he is a Deputy Permanent Secretary of the Ministry.

**Madam Speaker:** Hon. Abbas Mamode!

**Mr Abbas Mamode:** Is the hon. Minister aware that members sitting in the subcommittee are having the sum of Rs50,000 monthly and members in the main committee are having Rs20,000 monthly? How can he explain the situation that members sitting on the subcommittee are having more money than members sitting in the main committee?

**Mr Boissézon:** Unfortunately, the hon. Member has to come with a substantive question for that. He is speaking of subcommittee, what subcommittee?

*(Interruptions)*

**Madam Speaker:** Next question, hon. Armance!

Order, please!

#### **PETROLEUM PRICING COMMITTEE – BOARD COMPOSITION**

**(No. B/816) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the Petroleum Pricing Committee, he will, for the benefit of the House, obtain therefrom, information as to the composition of the Board thereof, indicating in each case, the monthly pay package thereof.

*(Withdrawn)*

#### **TRAINING AND EMPLOYMENT OF DISABLED PERSONS BOARD – ACTIVITIES**

**(No. B/817) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Training and Employment of Disabled Persons Board, he will, for the benefit of the House, obtain therefrom –

(a) information as to the -

- (i) composition thereof, indicating in each case, the monthly pay package thereof ;
- (ii) number of employees thereof, indicating the monthly amount budgeted therefor, and
- (iii) number of training centres attached thereto, and

(b) the list of activities thereof for the year 2016-2017.

**Mr Sinatambou:** Madam Speaker, the Training and Employment of Disabled Persons Board is regulated by the Training and Employment of Disabled Persons Act of 1996 as amended by an amendment legislation of 2012.

By virtue of section 3(3) of the Act, the Training and Employment of Disabled Persons Board is composed of a Chairperson, a representative of my Ministry, a representative of the Ministry of Labour, Industrial Relations, Employment and Training, a representative of the Mauritius Institute of Training and Development, a representative of the Ministry of Social Integration and Economic Empowerment, the Head of the Disability Empowerment Unit of my Ministry, a representative of the Mauritius Employers' Federation, a representative of trade unions and four representatives of persons with disabilities.

The Chairperson is paid an allowance of Rs23,152.50 monthly, and the members receive an allowance of Rs890 per sitting. I am tabling the list of Board members together with their respective date of appointment.

With regard to part (a) (ii) of the question, I am informed that there are presently 16 persons employed by the Training and Employment of Disabled Persons Board, of whom eight report to the Headquarter in Rose Hill and eight report at the Training Centre in Calebasses. The employees include one officer-in-charge, one accounts officer, one Clerk/Word Processing Officer, two receptionists, two telephone operators, two instructors, one assistant instructor, two drivers, three office/ transport attendants, two general workers and one assistant store officer. An average amount Rs435,000 is budgeted on a monthly basis for the remuneration of those employees.

With regard to part (a) (iii) of the question, I am informed that there is presently one Training Centre attached to the Training and Employment of Disabled Persons Board in Calebasses which offers training in wheelchair repair, jewellery making, ceramic and

agriculture. I am also informed that the second Training Centre in Rose Belle which was offering training in wheelchair repair, embroidery, literacy and numeracy was closed on 15 August 2017 for safety and security reasons.

As regards part (b) of the question, I am informed that the activities for the year 2016/2017 in respect of the training and employment of disabled persons included information technology courses in favour of 70 persons with disabilities in collaboration with the United Skills Workers Cooperative Society Ltd and the Mauritius Employers' Federation. The housekeeping course, carried out in collaboration with the MITD, was also provided to 25 persons with disabilities; 18 persons with disabilities have been trained by the MITD in mushroom cultivation; 13 persons with disabilities have been offered waiter training and 20 persons with disabilities have been trained in literacy and numeracy. Finally, 5 persons with disabilities have been placed in different enterprises as part of the Skill Development Programme.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Merci, Madame la présidente. Le ministre a mentionné que le *training centre* de Calebasses a huit employés, parmi deux chauffeurs. Est-ce que je pourrais savoir de l'honorable ministre, puisqu'il n'y avait pas de véhicule, qu'est-ce qu'il va faire avec deux chauffeurs dans le *training centre* de Calebasses ?

**Mr Sinatambou:** Well, I am sure the hon. Member should first realise that in my reply I never stated that the training centre in Calebasses actually employs *deux chauffeurs*. What I stated is that there are currently 16 persons employed by the Board, of whom eight report to the Headquarter in Rose Hill, and eight report at the training centre in Calebasses, and I gave then the list of 16 employees.

**Mr Armance:** Madam Speaker, I am given to understand that again on the Training and Employment of Disabled Persons Board, there is no dedicated Chairman and there is a PS that is acting as a Chairman. Can he confirm, please?

**Mr Sinatambou:** Well, I would not say that there is no dedicated Chairman. If I can just inform the House that all the members were actually appointed on 02 June 2014 except for two members; the Chairperson, who was appointed in September 2016 and the representative from my Ministry, who was appointed on 28 December 2015. I am quite sure that the Chairman is discharging his functions properly.

**Mr Armance:** Madam Speaker, I would like to know whether the Training and Employment of Disabled Persons Board is responsible for the work, placement of disabled persons in Mauritius.

**Mr Sinatambou:** I am not sure I have the reply to this question here. What I can, however, inform the House, Madam Speaker, is that for the year 2016/2017, I am informed that 262 persons with disabilities were assessed by the Assessment Committee, of whom 143 have been certified as disabled and able and willing to work. They have been registered with the Training and Employment of Disabled Persons Board. I am further informed that the committee of employers of the Training and Employment of Disabled Persons Board has met on a regular basis to sensitise employers on the Act so as to enhance the employability prospects of persons with disabilities.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. Can I know from the hon. Minister who is the General Manager of that Training Board and what is his or her qualification?

**Mr Sinatambou:** I do not have the reply to this question because the question was about the composition of the Board.

*(Interruptions)*

Well, let me find out first. If you know the answer, why ask the question?

*(Interruptions)*

**Madam Speaker:** Hon. Uteem!

**Mr Sinatambou:** If the hon. Member knows the reply, why ask the question?

**Madam Speaker:** Hon. Uteem, you cannot talk from a sitting position, please!

**Mr Uteem:** May I ask the hon. Minister, as Minister responsible for MITD, why has he not looked into the matter and see whether a General Manager has been appointed, and if he has not been appointed, why has the Minister not ensured that he is appointed? Because the Board appoints after communication, after approval by the Minister.

**Madam Speaker:** I am sorry. Did the hon. Member say MITD?

**Mr Uteem:** I meant the Training and Employment of Disabled Persons Board.

**Mr Sinatambou:** It is called TEDPB. Well, as I said, the Member just has to come with a substantive question and I will be so happy to reply.

**Madam Speaker:** Last question, hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. In regard to the employment of disabled, I think there is a mandatory condition for the private sector to employ 2% of the disabled. May I ask the hon. Minister what is the status today with these private organisations and whether they are employing actually, whether they are satisfying this condition?

**Mr Sinatambou:** Although I have a part reply only, Madam Speaker, from a previous Parliamentary Question which was put some time ago, I can say that, first of all, the rule regarding 3% applies only where we have to do with a company which employs more than 35 employees. However, I will invite the hon. Member to come with a substantive question and I will be very happy to reply.

**Madam Speaker:** Next question, hon. Abbas Mamode!

*(Interruptions)*

No! This question has been sufficiently canvassed! Next question!

#### **DRUGS – SEIZURE – DESTRUCTION**

**(No. B/818) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to seized drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the established procedure for the destruction thereof.

*(Withdrawn)*

#### **RESIDENCE BARKLY - SPORTS COMPLEX – RELOCATION**

**(No. B/819) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the sports complex of Residence Barkly which was pulled down in the wake of the implementation of the Metro Express Project, he will state if a site has been identified for the putting up of another one in replacement thereof and, if so, indicate the –

- (a) location thereof ,and
- (b) timeframe for the coming into operation thereof.

(Withdrawn)

### **NHDC LTD - HOUSING UNITS – APPLICANTS**

**(No. B/820) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Housing and Lands whether, in regard to the social housing units, he will, for the benefit of the House, obtain from the NHDC Ltd. and table the list of applicants therefor and respective date of application, indicating the ones who have been delivered therewith, since January 2015 to date.

(Withdrawn)

### **AFRICAN DREAM PROGRAMME - MAURITIUS VOLLEYBALL FEDERATION – GRANT**

**(No. B/821) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the African Dream Pogramme for the implementation of which the *Confederation Africaine de Volleyball* allocated a grant to the Mauritius Volleyball Federation in 2014, he will, for the benefit of the House, obtain from the Federation, information as to if same has been implemented.

(Withdrawn)

### **ROUTE DES PAMPLEMOUSSES – TRAFFIC CONGESTION**

**(No. B/822) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the junctions at the Route des Pamplemousses and the Military Road and Route des Pamplemousses and the Bernardin de Saint Pierre Road, in Port Louis, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if –

- (a) the recommendations for the decongestion thereof have been implemented and, if not, why not, and
- (b) surveys for the provision of a secondary access road at Vallée des Prêtres have been carried out and, if so, indicate the outcome thereof.

**Mr Bodha:** Madam Speaker, I wish to refer the hon. Member to the reply I made to Parliamentary Question A/29 at the sitting of the National Assembly on 05 July 2016, wherein I gave a full account of the proposed measures to reduce traffic congestion along

Route des Pamplemousses near its junction with Bernardin de St Pierre Road, and these measures included, *inter alia*, the following -

- (a) setting up of a one-way scheme along part of Military Road and Sirdars Road at *Cité* Martial;
- (b) prohibiting vehicular traffic along Military Road to exit into Route des Pamplemousses during both morning and afternoon peak hours;
- (c) prohibition of on-street parking along Abdool Razack Mohamed Street during peak hours from its junction with *Cité* Laval Street to its junction with Magon Street, and
- (d) provision of an additional lane along Abdool Razack Mohamed Street from its junction with Military Road to its junction with *Cité* Laval Street.

Madam Speaker, I am informed by the Traffic Management and Road Safety Unit (TMRSU) that a PR exercise was carried out in the region with the assistance of the Citizen Advice Bureau. However, the inhabitants expressed strong resentment against the proposed measures as the existing roads are being used for on-street parking for private vehicles and delivery vehicles for their business activities. Furthermore, the proposed one-way loop system was found to be too lengthy and inconvenient by the residents. The TMRSU could not, therefore, proceed with the implementation of the proposed measures.

Madam Speaker, I have to inform the House that, in the past, a set of traffic lights was installed at the junction of Military and Pamplemousses Roads. Unfortunately, the inhabitants expressed their disagreement thereto and the controller thereof was set on fire. This scheme was also aborted.

I am further informed that the permanent solution to the problem would be the implementation of the Ring Road Phase 2 and Phase 3 under the Road Decongestion Programme. As part of the project, a new interchange will be provided at that particular location, which will ease traffic flow at these junctions.

But, Madam Speaker, I am prepared to have a fresh look at the matter with the new traffic modelling unit which has been set up by the TMRSU and, in the meantime, I have requested the police, today itself, to see to it that there is police presence, and we will be able to have better fluidity of traffic.

As regard to part (b) of the question, I am informed by the RDA that, in view of the complexity of the site and the space constraints due to the presence of industrial and

commercial buildings, the most feasible approach is to have a permanent solution within the Ring Road Projects, but that is costing billions and it will take some time.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, this issue has been long on the cards since 2010. I, myself, have brought this PQ so many times. There is no miracle solution to that pending the investment for the Ring Road and so on. So, my appeal to the hon. Minister is to have policemen, in the short run, posted every day, in the morning and in the evening, because the situation is getting worse day by day.

**Mr Bodha:** I have talked to Inspector Mattur before answering the question and I am going to talk to the Commissioner of Police himself. Police presence is essential.

**Madam Speaker:** Next question, hon. Abbas Mamode!

#### **FIRE STATIONS - OLD & DAMAGED FIRE VEHICLES**

**(No. B/823) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether she will state if she is aware that several old and damaged fire vehicles are lying in the compound of the fire stations and, if so, will she, for the benefit of the House, obtain from the Mauritius Fire and Rescue Service, information as to if remedial measures will be taken in relation thereto.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, I am informed by the Chief Fire Officer that there are eight water tenders and eight utility vehicles which have been found to be beyond repairs and need to be disposed of. They are actually found at the Mechanical Workshop, Coromandel.

A Board of Survey has been set up at the level of the Mauritius Fire and Rescue Service to carry out a survey of these vehicles and submit a report within two weeks.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Thank you, Madam Speaker. I know we had the PNQ about the Fire Services this morning. I would like to know from the Vice-Prime Minister, since now we are talking about the damaged vehicle and the new one that has been ordered already, if she can assure the House now that they are going to have a proper maintenance contract so that we avoid this situation again.

**Mrs Jeewa-Daureeawoo:** Well, in answering the PNQ this morning, I have said that we need to have a Fire Service that is ready to face any challenges. I have also said that repairs and improvements need sufficient budget. Let me remind the Member of the House I find it strange that he is asking this question because in ...

*(Interruptions)*

Yes, let me explain. In 2013, the hon. Leader of the Opposition, who was then Minister of Finance, decreased ...

*(Interruptions)*

**Madam Speaker:** Please!

**Mrs Jeewa-Daureeawoo:** No, this is important also! The then Minister of Finance decreased the budget ...

*(Interruptions)*

**Madam Speaker:** Please! Hon. Henry!

*(Interruptions)*

Hon. Henry, please!

*(Interruptions)*

Hon. Armance, allow the Vice-Prime Minister to reply to her question, please! Do not disrupt!

*(Interruptions)*

Have you finished? Any other question? No?

**Mrs Jeewa-Daureeawoo:** Let me answer! The hon. Member has put a question!

*(Interruptions)*

**Madam Speaker:** Please, allow the Vice-Prime Minister to reply!

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I think the game should be fair. The hon. Member has put a question. So, he has to listen to the answer also!

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mrs Jeewa-Daureeawoo:** The hon. Member put the question! I have to ...

(*Interruptions*)

**Madam Speaker:** Give your reply! Let us be pertinent!

**Mrs Jeewa-Daureeawoo:** I have said that the Budget has been...

**Madam Speaker:** Yes, hon. Member! You have a point of order?

**Mr Armance:** Madam Speaker, my question relates to the maintenance of vehicles, it has nothing to do with the 2013 Budget. The answer of the Vice-Prime Minister is irrelevant.

(*Interruptions*)

**Madam Speaker:** No! Hon. Armance, this is not a point of order, because it relates to the question. You have asked a question about remedial measures regarding damaged vehicles. It involves funds and the Vice-Prime Minister is talking about funds. Yes, hon. Vice-Prime Minister!

(*Interruptions*)

**Mrs Jeewa-Daureeawoo:** Hon. Leader of the Opposition, it is not a question of kindness or not. The question has been put to me. I am only stating facts. The hon. Member said that repairs have not been done and that repairs have to be carried out.

(*Interruptions*)

**Madam Speaker:** Don't disturb! Please!

**Mrs Jeewa-Daureeawoo:** I have to state the facts. In 2013, when the hon. Leader of the Opposition was Minister of Finance, the Budget was decreased considerably by Rs400,000. I have said this morning that this Government has made it a must to increase the budget, and the budget is on the rise. Now that the budget is sufficient, we will do the needful to address all the issues. I have said that we need to have a service which is more efficient and professional. To do this we need budget also. This is a fact.

(*Interruptions*)

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. Does the Vice-Prime Minister find it normal then, that after nearly three years of this Government being in office, out of 32 fire fighting trucks, 18 are out of service? More than half out of service! The last PNQ brought by the Leader of the Opposition was *le même constat*, half of the vehicles are not working!

What has her Ministry done since she has taken office, but even before her, since hon. Jhugroo was Minister of Local Government? What have they done to immediately cater for all these fire fighting trucks that are not working? Imagine more than half out of service! We are not talking about the aerial ladders or all of the rest of the equipment that are not working.

**Madam Speaker:** We have understood your question.

**Mrs Jeewa-Daureeawoo:** This morning, Madam Speaker, I have already listed certain measures which have already been carried out and measures which are in the pipeline. Everything cannot be done overnight. We need time. We need funds and I have said that I will look at it...

*(Interruptions)*

**Madam Speaker:** Please, don't make remarks!

**Mrs Jeewa-Daureeawoo:** I will see to it that we have the best service that is needed.

**Madam Speaker:** Last question, hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. In relation to the fire engine, this morning...

*(Interruptions)*

**Madam Speaker:** Please! No crosstalking! Yes, hon. Member!

**Mr Rutnah:** Thank you, Madam Speaker. In relation to the fire engine, this morning we were given to understand that out of 32 fire engines, 18 are in operation, 14 are subject to reparation. Can the hon. Vice-Prime Minister enlighten the House since when these 14 fire engines have been subjected to repairs?

*(Interruptions)*

**Madam Speaker:** Don't interrupt! Hon. Adrien Duval, please!

*(Interruptions)*

**Mrs Jeewa-Daureeawoo:** I don't have the exact date, but the hon. Member will realise that it depends on wear and tear and the normal usage.

**Madam Speaker:** Last question, hon. Adrien Duval!

**Mr A. Duval:** I am very concerned, Madam. We had the tragic death last week and, in fact, the Vice-Prime Minister gave the answer herself this morning. We spoke about this; more than half are out of service. Instead of saying that she will remedy ...

*(Interruptions)*

**Madam Speaker:** Don't make remarks, please. Ask your question!

**Mr A. Duval:** My question is...

**Madam Speaker:** Ask your question!

**Mr A. Duval:** My question is, Madam Speaker, the Vice-Prime Minister has said that she will look into it, etc. - a bit like updating the website of her former Ministry - will she take care of this problem now? 18 fire trucks out of service! Will she remedy to that situation as soon as possible? The Vice-Prime Minister has said that there is no funding. Will she then go and see the Minister of Finance, after this Parliamentary session, to make sure that she has the money, to make sure that we avoid further deaths because of the incompetence of this Government?

**Madam Speaker:** We have understood your question. Please, be brief!

**Mrs Jeewa-Daureeawoo:** Madam Speaker, this tragedy should have been a non-controversial issue. Here, we are talking of the death of one employee of Shoprite. It is a pity that this question ...

*(Interruptions)*

I have never said...

*(Interruptions)*

**Madam Speaker:** Don't make comments!

**Mrs Jeewa-Daureeawoo:** I have never said in my reply that there is not sufficient budget. I have said that there is on the rise. I am going to see that we improve the system. There is always room for improvement. I will always champion the good practice.

**Madam Speaker:** Next question, hon. Abbas Mamode!

## PORT LOUIS – WATER SUPPLY

**(No. B/824) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities

whether, in regard to Constituency No. 3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the number of service reservoirs available thereat, indicating in each case, the –

- (a) streets/regions served;
- (b) number of hours of water service per day, and
- (c) extent of water pipes renewed under the Build Mauritius Fund, indicating the expected completion date of works thereunder.

**The Deputy Prime Minister:** Madam Speaker, for the purpose of water distribution, Mauritius is divided into district water supply zones so that one cannot replies with regard to a particular constituency. I shall, therefore, provide information for the Port Louis water supply zone to which I assumed the hon. Member is referring.

With regard to parts (a) and (b), there are 12 service reservoirs serving Port Louis. I am tabling a list of the reservoirs, indicating the regions that each of them serve as well as their hours of supply. 8 out of the 12 service reservoirs ensure 24/7 water supply, namely Paille, Vallée Pitot, Diego Garcia, Lower Monneron, Labourdonnais, La Cure, Vallée des Prêtres, Fong Sing reservoir. La Cure Reservoir ensures 15 hours supply. 3 service reservoirs, namely Anse Courtois, Priest Peak, Vallée des Prêtres ensure 12 hours supply.

With regard to part (c) of the question, I am informed by the Central Water Authority that 9.5 kms of pipelines will be replaced in the regions of Plaine Verte and Cité Martial and will concern 1,500 households. The contract will be awarded by January 2018 and the works will be completed in 18 months.

9 kms of pipes concerning 1,800 households will be replaced in the region of Roche Bois. The contract will be awarded by January 2018 and works will be completed in 18 months.

**Madam Speaker:** Hon. Abbas Mamode!

**Mr Abbas Mamode:** Will the hon. Deputy Prime Minister inform the House, timeframe, for having a 24-hour service within the capital, the city of Port Louis?

**The Deputy Prime Minister:** Well, up to now - as the House will see - the best part of Port Louis is served 24/7. I have made it a point that we increase these hours of supply. The rest, as we see from the table, we have some regions which are 15 hours, others 12 hours. We have to mention also the worst parts of Vallée des Prêtres, Caroline Addy Lane Telbidus,

8 hours, that is, from the Vallée des Prêtres Reservoir, No. 10 - that is the worst part. The majority in Port Louis is now 24/7. If we compare to what it was in 2014, it has dramatically increased.

**Madam Speaker:** Hon. Lesjongard, next question!

#### **AFRICAN TOWN, RIAMBEL - ELECTRICITY SUPPLY**

**(No. B/825) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the squatters residing at African Town, in Riambel, who are holders of leases from Government, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if electricity is supplied thereto.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Central Electricity Board (CEB) that on 29 July 2017, the Ministry of Housing and Lands made a request for electricity supply to 60 households who are holders of a lease, living at African Town in Riambel.

The supply of electricity to these households requires an extension of high net tension network. The installation of a transformer and a low voltage network, I am further informed by the CEB that the Ministry of Housing and Lands has paid for these works in November 2017. These will be completed by mid-December 2017. The CEB will request each household to proceed with a formal application for the connection.

**Madam Speaker:** Hon. Lesjongard!

**Mr Lesjongard:** Yes, thank you, Madam Speaker. I wish to thank the hon. Deputy Prime Minister for his reply. I do not know whether he has the information since how long those families have been without electricity supply in that area.

**The Deputy Prime Minister:** I am sorry!

**Mr Lesjongard:** Since how long?

**The Deputy Prime Minister:** They have been out of electricity supply since ages past, since years and years. And now, we are doing the needful for them to have electricity at long last, I should say. Let me say a word! I have to thank the hon. Member because he has been behind - and I will have to place it on record - all these organisations to get these squatters to get their electricity. Thank you very much.

**Madam Speaker:** Hon. Lesjongard!

**Mr Lesjongard:** Thank you, Madam Speaker. We should also thank the former Vice-Prime Minister for doing that. May I ask the hon. Deputy Prime Minister whether he can confirm that those families will be able to have electricity before Christmas?

**The Deputy Prime Minister:** Well, they will have electricity by mid-December 2017. Yet, they will need to formally apply for the electrical connections. This comes with the payment of the normal electricity charges.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Can the hon. Deputy Prime Minister confirm that these squatters have, only a few months ago, been formally regularised as occupiers of State lands, and they had their formal lease only a few months ago, and it was because of this situation that they were able to be provided with electricity by the CEB?

**The Deputy Prime Minister:** Yes, indeed the former Minister of Housing and Lands, the then Vice-Prime Minister together with the hon. Members - in fact, hon. Ganoo had made a case for the regularisation of these squatters as well as hon. Lesjongard, and the hon. Vice-Prime Minister did everything to regularise their situation and this is why now we are able to supply electricity. I do not want to look in the *rétroviseur*, but what was done before 2014, everyone will agree, was shameful to these people.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Can the hon. Deputy Prime Minister confirm whether these families would also be entitled to be considered for the eligibility of being on the Solar Panel Scheme which will be free?

**The Deputy Prime Minister:** A list has been done. As I recall, there are certain people who are on the list for Solar Panel, that is, for free electricity. But that is a different question. If the hon. Member comes with a substantive question, I will be able to provide the information. I did the exercise only yesterday, but I cannot recall whether Riambel falls in this category.

**Madam Speaker:** Hon. Lesjongard, next question!

#### **BAMBOUS - DRUG-RELATED OFFENCES – ARREST**

**(No. B/826) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to drug-related offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of arrests effected in connection therewith in the region of Bambous since last year, indicating if he is in presence of information to the effect that some gang of youngsters are creating disturbances thereat.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that since January 2016 to date fifty-seven (57) persons have been arrested in connection with drug related offences in the region of Bambous.

As regards any gang of youngsters creating disturbances in the region of Bambous, I am informed that the Police is not in the presence of such information.

However, I am informed that on 24 July 2017, Police attended to a request following a phone call about disturbances at Allée Jacques, Bambous, following which three (3) cases of larceny by persons armed with offensive weapons and two (2) cases of assault with premeditation were registered at Bambous Police Station.

In the course of the Police enquiry into the above cases, seven (7) persons were arrested and were charged with larceny armed with offensive weapons and assault with premeditation before the Bambous District Court.

To date, out of the seven persons arrested, three are still remanded in Police cell and the other four have been remanded to jail.

Enquiry into the cases is still ongoing.

**Madam Speaker:** Do you have a question here?

#### **WEST COAST - AQUACULTURE PROJECTS**

**(No. B/827) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the west coast of the island, he will state the number of aquaculture projects implemented or to be implemented thereat, indicating –

- (a) the name of the promoters and of the respective experiences thereof in the sector, indicating if foreign nationals are co-shareholders thereof;

- (b) if he is in presence of complaints from the AHRIM, tourist operators, fishermen and inhabitants thereat in relation to the implementation thereof, and
- (c) if a study has been carried out to determine the impact thereof on the tourism sector.

*(Withdrawn)*

### **LAND TRIBUNAL – SETTING UP**

**(No. B/828) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the descendants of slaves and of indentured labourers, he will state where matters stand as to the proposed setting up of a Land Tribunal in order to look into cases of dispossession of the lands thereof.

**The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn):** Madam Speaker, with your permission, I would like to answer this question.

Madam Speaker, the Government Programme 2015-2019 does not contain any measure in relation to the setting up of a Land Tribunal. However, I wish to inform the House that the Truth and Justice Commission has, in Volume I of its Report, stated the following, I quote –

“As regard to the numerous cases of land dispossession and the various obstacles to recovering the same, the Commission wishes to recommend that a Land Research and Monitoring Unit be set up to cater for these obstacles. Further, the Commission recommends that a Land Division of the Supreme Court be set up to expedite matters in relation to land matters.”

Madam Speaker, with regard to the setting up of Land Research and Monitoring Unit, the Truth and Justice Commission recommended the following –

- The Land Research and Monitoring Unit will be called upon to carry out an in-depth investigation into any complaint and establish the genealogical tree of the claimants to advise the applicant after investigations and to offer mediation to all parties.
- If an agreement is reached, it should be binding upon all the parties wherever appropriate.

- In cases of disagreement, the case will be referred to the Supreme Court.

The Chairperson of the Coordination committee of the Truth and Justice Commission, *Me Panglose* on 10 May 2013 requested the then Attorney-General to release a law officer on a full time basis to look into the cases of dispossession of land, and the then Attorney-General has, by way of a letter, dated 20 June 2013, informed the Truth and Justice Commission that a Junior State Attorney may assist the Land Research and Mediation Commission on an *ad-hoc* basis.

Madam Speaker, I also wish to inform the House that Cabinet has, at its meeting of 06 February 2015 agreed to the setting up of a ministerial committee under the chairmanship of the then Deputy Prime Minister, Minister of Tourism and External Communications to reconsider the recommendations contained in the report. The Ministerial Committee had its first meeting on 06 August 2015 and to consider cognizance of the recommendations of the Truth and Justice Commission. The Committee has taken note of the report submitted by Mr Mandary on cases of dispossession of land as highlighted in the Truth and Justice Commission report.

The Ministerial Committee decided that the report submitted by Mr Mandary be submitted to the Attorney General's Office for advice on the way forward.

The AGO received the report of Mr Mandary on 07 August, and the Solicitor General has designated two law officers to study the recommendations and tender legal advice. It is highlighted that the report of Mr Mandary is labelled 'Land Research and Mediation Commission Interim Report' and contains 188 pages, and the report will have to be carefully studied before legal advice is tendered.

Madam Speaker, the Judiciary is not presently contemplating the setting up of a Land Division at the Supreme Court.

However, I have been informed by the Master and Registrar that the Judiciary would welcome the setting up of a dedicated Land Tribunal dealing with land disputes and which will also deal with cases of compulsory acquisition of land by Government in order to avoid clogging of our Courts. The issue of setting up a Land Tribunal does not, therefore, arise at this stage.

It is also important to consider that the jurisdiction of the Tribunal will have to be carefully studied before a decision to set up a Tribunal is taken. A decision whether to set up

a Land Tribunal will be taken after the complexed legal issues involved are examined in-depth.

Further, I am also informed that the substantive Attorney-General has referred this matter to the Law Reform Commission under Section 6 Subsection (1) of the Law Reform Commission Act. Thank you.

*(Interruptions)*

**Madam Speaker:** Please, please! No provocative remarks! Yes, hon. Lesjongard!

*(Interruptions)*

Please! Hon. Baloomoody, please!

**Mr Lesjongard:** I know the Minister is replacing the Attorney-General. My question is mainly related to the creation of a Land Tribunal. I do not know whether the Minister is aware that, if we go back to 2016 where I put a similar question, we had the same reply whereby the Master and Registrar stated that the Judiciary would welcome the setting up of a dedicated Land Tribunal. I know that a year later we do not have a timeframe. Can the hon. Minister convey to the Attorney-General my worries with regard to that and, if possible, inform whether the Judiciary will go ahead with the Land Tribunal and, if yes, what would be the timeframe?

**Mr Callichurn:** I will certainly do so.

**Madam Speaker:** You have got a question? Be brief, please!

**Mr A. Duval:** Thank you, Madam Speaker. I know the hon. Minister is not the substantive Minister. He spoke of the Ministerial Committee, can he, at least, tell us since December 2016 to date, how many meetings that Committee had and who is now chairing the Committee?

**Mr Callichurn:** I am not in presence of those information. However, I can tell the hon. Member that the Chairperson of that Committee was the then Deputy Prime Minister, now Leader of the Opposition. I am given to understand that several meetings were held in that respect.

*(Interruptions)*

The current Chairperson of the Committee? Unfortunately, I do not have this information. I shall convey it to the hon. Member when I get it.

**Madam Speaker:** Hon. Ganoo had a question. I'll give him the last question because time is running out.

**Mr Ganoo:** Since the hon. Minister made mention of a report of 188 pages which had been submitted by Mr Mandary, can I ask him where is this report now? To whom has it been submitted? Has the report also been transmitted to the claimants, to the dispossessed owners?

**Mr Callichurn:** Well, the report, Madam Speaker, is under consideration at the Attorney-General's Office. Two dedicated officers have been delegated to look into the recommendations of the report.

**Madam Speaker:** Time is over!

### **MOTION**

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

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

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

### **STATEMENTS BY MINISTERS**

(4.17 p.m.)

#### **MO IBRAHIM INDEX OF AFRICAN GOVERNANCE FOR 2016 – MAURITIUS RANKING**

**The Prime Minister:** Madam Speaker, with your permission, I have the following statement to make.

This week, the Mo Ibrahim Index of African Governance for 2016 has been published.

For the year 2016, the overall score of Mauritius is 81.4 compared to 79.9 in 2014 enabling Mauritius to keep its first position in rank.

Mauritius has also, during that period, either maintained or improved its scores and ranking in the four components of the Index as follows -

In the Safety and Rule of Law component, the score of Mauritius in 2016 is 82.7 at the same level in 2014 ranking first among all other countries.

In the Participation and Human Rights component, Mauritius has improved its score from 73.8 in 2014 to 77.5 in 2016 at the same time improving from 5<sup>th</sup> to 2<sup>nd</sup> in rank.

In the Sustainable Economic Opportunity component, Mauritius has improved its score from 77.5 in 2014 to 79.4 in 2016 keeping its first place among all the other countries.

Madam Speaker, it is to be noted that, in infrastructure, a sub-component of the Sustainable Economic Opportunity component, Mauritius came out first with a score of 91.6.

Madam Speaker, the highest score in 2016 is in Human Development component at 86.1 compared to 85.7 in 2014. With this score, Mauritius ranks first in that index.

The performance of Mauritius in the Mo Ibrahim Index of African Governance for the year 2016 speaks of the efforts that are being undertaken to improve the quality of life, the investment climate and the business environment which are a consequence of the effectiveness of government policies.

I also wish to point out that we have scored 100 points on 18 of the areas that are tracked by the Index.

In dealing with Business Bureaucracy and Red Tape, we scored 100 points, and we came out first on Investment Climate. These are two major subcomponents of the Business Environment Criteria.

The progress we have been making is also borne out by the World Bank's Ease of Doing Business survey for 2017, where Mauritius has gone up 24 places in the world's ranking.

The dynamics of the world economy keep changing very fast and to keep pace with the development, we will continue on the path of improvement.

I thank you, Madam Speaker.

### **38<sup>TH</sup> WORLD TRAVEL MARKET – MADAGASCAR PLAGUE OUTBREAK**

**The Minister of Tourism (Mr A. Gayan):** Madam Speaker, with your permission, I wish to make the following statement.

Madam Speaker, I attended the 38<sup>th</sup> World Travel Market (WTM) in London, United Kingdom, which is the major Tourism and Travel Trade Exhibition from 06 to 08 November 2017, together with 38 private sector stakeholders.

This year, the WTM was highly significant for the Mauritian hotels that are popular with the UK and which reopened after renovation. The WTM was a platform to reinforce the visibility of our destination on the UK market.

Madam Speaker, the Saudi Authorities have, at that period, made an announcement about travel in the Indian Ocean region in view of the plague in Madagascar. It was noticed that Mauritius was included in that announcement as an unsafe travel destination.

Madam Speaker, the Middle East is a promising emerging market, particularly as the Saudi Airlines has started operating direct flights to Mauritius since September 2017.

I had to address this issue as it had become a matter of concern with the travel trade. I met the Saudi delegation at the WTM and conveyed our apprehension about the announcement.

Our mission in Riyadh followed up the matter and the Saudi Minister of Foreign Affairs subsequently issued a communication to the effect that there is no risk at all for international travellers to Mauritius.

Madam Speaker, I highlighted that there are excellent health surveillance systems and control mechanisms in place in Mauritius in line with the World Health Organisation norms and that there had been no cases of the plague reported here. Nevertheless, Mauritius was maintaining a high level of surveillance and control at all points of entry. I invited all those planning their visit to carry on as Mauritius is as safe and secure as ever.

As all the Member States of the Vanilla Island Organisation were present at the World Travel Market, Dr. Taleb Rifai, Secretary-General of the UNWTO called a meeting at the request of the Malagasy Authorities regarding the same issue of plague in Madagascar. The Commission for Africa was also represented. The UNWTO thereafter issued a statement to the effect that the region is safe for international travellers.

Madam Speaker, on the side-lines of the WTM, the 2017 UNWTO and the WTM Ministers' Summit on 'Overtourism: Growth is not the Enemy, it is how we manage it', I addressed the issue of tourism-phobia.

This phenomenon has been reported in cities, including Barcelona and Venice, where citizens have been protesting against what they call the invasion of tourists adversely affecting their way of life. Mauritius, however, supports the United Nations Decoration of

2017 as the international year of sustainable tourism for development and, in this regard, we have adopted policies for an inclusive and sustainable tourism.

Growth has to be aligned with responsibility and sustainable tourism must promote environmental protection and tangible and intangible tourism assets, and more importantly must involve local communities in all tourism projects and activities.

In that context, it is essential that all stakeholders, including the local communities, develop a sense of ownership in order to promote sustainable tourism as an instrument for development and prosperity for all.

I thank you, Madam Speaker.

(4:24 p.m.)

#### **NEW MAURITIUS HOTELS LTD - SHARES**

**The Minister of Financial Services and Good Governance (Mr D. Sesungkur):** Madam Speaker, with your permission I have a statement to make further to the reply I made to PQ B/650, relating to the acquisition of the shares of the New Mauritius Hotels Ltd, at the National Assembly sitting on 31 October 2017. The House will recall that in my reply I stated that the FSC would issue a communiqué on this matter.

Following allegations made regarding the acquisition of the shares of the New Mauritius Hotels Ltd by ENL Land Ltd, Rogers and Company Ltd and Swan Life Ltd, the Board of the FSC had appointed a special investigator to investigate into the matter.

The special investigator submitted an interim report, the contents of which were, unfortunately, leaked and following which several Court cases were filed against the special investigator. Under such circumstances, the FSC had to seek legal advice before proceeding further. The Board of the FSC met on 30 October 2017 to take a decision.

I am informed that the FSC has given due consideration to all material circumstances relating to this matter and in line with its objective to ensure the stability of the financial system in Mauritius, the Commission has decided that no further regulatory action is required. The FSC has, in the meantime, set up a committee to study the current legal framework with a view to facilitate its application in the future. The Commission has issued a communiqué to take effect on 10 November 2017.

I thank you, Madam Speaker.

## PUBLIC BILLS

### *First Reading*

*On motion made and seconded the Mauritius Institute of Health (Amendment) Bill (No. XVII of 2017) was read a first time.*

### *Second Reading*

#### **THE EQUAL OPPORTUNITIES (AMENDMENT) BILL**

#### **(NO. XVI OF 2017)**

*Order for Second Reading read.*

**The Prime Minister:** Madam Speaker, with your permission, I move that the Equal Opportunities (Amendment) Bill (No. XVI of 2017) be read a second time.

The object of this Bill is to amend the Equal Opportunities Act so as to prohibit discrimination in employment, both at recruitment and promotion level, where a person's criminal records are not relevant to the nature of his employment.

Members of this Assembly will recall that in the Government Programme 2015-2019, it is stated at paragraph 38, I quote -

“In order to increase the employability of people convicted of minor crimes and misdemeanours, such records will cease to appear on their certificates of character after one year”.

Madam Speaker, Government is committed to deliver on its programme and to keep its promises. Many of the measures announced in our programme have already been implemented and we are doing our utmost to overcome the obstacles that are delaying the realisation of the remaining ones. We are fully confident that we will be able at the opportune time, to show to the people our achievements to enable them to assess our performance at the end of this present mandate.

It is with this spirit and determination that I have been working towards implementing this specific measure. In fact, for quite some time now, in-depth discussions have been held between my Office and that of the Attorney-General to decide whether amending the Certificate of Character Act would be the appropriate course of action to tackle this issue.

Following these consultations, I have come to the conclusion that bringing amendments to the Certificate of Character Act to enhance the employability of persons with criminal convictions may not be the most effective way of dealing with the issue of

discrimination in employment in relation to persons who have criminal records. I also looked into the practice of other countries, especially Australia, and the general trend is not to issue a clean Certificate of Character when, in fact, the person has a previous conviction.

This being so, I am of the view that amending the Equal Opportunities Act will provide a more effective solution which will benefit our job-seekers with criminal records and that with the proposed amendments, the following two objectives will be achieved -

- 1) the implementation of yet another measure announced in the Government Programme 2015-2019, which relates to increasing the employability of persons who have been convicted of minor crimes and misdemeanours, and
- 2) allowing persons who have been convicted of more serious offences to be employable provided that such offences are not inherently related to the jobs these persons have applied for.

Madam Speaker, this proposal has not been made out of the blue. It is the result of extensive consultations, as well as research work regarding the practice in other countries and I must say that I have been particularly impressed by the Australian model which we propose to adapt to the local context.

In fact, some Australian States prohibit discrimination in employment on the basis of irrelevant criminal record of a person. In these States, it is unlawful to discriminate against persons who have previous convictions which are not inherently related to the job they have applied for.

This policy option is further expatiated in a document entitled “Guidelines for the Prevention of Discrimination in Employment on the basis of Criminal Record” which has been published by the Australian Human Rights Commission, and which provides detailed examples of how such legislation is applied in Australian States, in particular, Tasmania and the Northern Territory.

Madam Speaker, I am therefore proposing to amend sections 10 and 11 of the Equal Opportunities Act, so as to protect prospective employees from discrimination on grounds of having a criminal record, as follows -

- 1) by adding under section 10 that no employer or prospective employer shall discriminate against another person where that person has a criminal record which is irrelevant to the nature of the employment for which that person is being considered; and that the burden of establishing the relevance of the

criminal record to the nature of employment shall rest with the employer or prospective employer;

2) by adding under section 11 that no employer or prospective employer shall discriminate against another person where an employee has a criminal record which is irrelevant to the nature of the promotional post for which the employee is being considered; and that the burden of establishing the relevance of the criminal record to the promotional post shall rest with the employer.

Madam Speaker, I should also like to inform the House that I have taken note of the issue raised by the former Chairperson of the Equal Opportunities Commission, Mr Brian Glover, on a Private Radio, and I thank him for his views. However, I beg to differ with his opinion that the definition of “status”, in section 2 of the Act, ought to be amended to add, as a 13<sup>th</sup> ground of discrimination, the ground of “criminal record”. If we amend the definition of “status”, as suggested by Mr Glover, then the added words “criminal record” will apply to the whole Equal Opportunities Act. This was not the intended approach when the Bill was being drafted, as this Bill pertains only to employment and is, therefore, restricted to the amendments to only sections 10 and 11 of the Equal Opportunities Act.

However, with a view to avoiding any confusion and for the purpose of certainty, I have considered a different amendment to the definition of “status” in line with what I have said. I have for that purpose circulated a Committee Stage amendment, which will dispel any doubt as to what is intended.

Madam Speaker, I wish to conclude by saying that I am satisfied, in my capacity as Prime Minister, to have been able to introduce this important Bill and I hope to have wide consensus on its adoption.

With these words, I commend the Equal Opportunities (Amendment) Bill (No. XVI of 2017) to the House.

Thank you.

**The Deputy Prime Minister rose and seconded.**

**Madam Speaker:** I suspend the sitting for half an hour.

*At 4.35 p.m., the sitting was suspended.*

*On resuming at 5.09 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** Hon. Leader of the Opposition!

**The Leader of the Opposition (Mr X. L. Duval):** Mr Deputy Speaker, Sir, back in the year 2000, I was instrumental in starting the ball rolling for the Equal Opportunities Bill. At that time, I brought one Mr Gurbux Singh who was the Chairman or Director of the Equal Opportunities Commission in the UK. He came to Mauritius because there were lots of misapprehensions and people were a little bit frightened. But, eventually, eight years later, the law was passed.

Now, Mr Deputy Speaker, Sir, I will not delve into it because it is not the time, but, just to start, I would like to say that the law requires a complete review. It has done its time. It was an important law at the time, but it now requires a complete review and not just a few cosmetic amendments. Now, we are tinkering with the Bill. It is surprising that, after so many consultations, such long and arduous discussions, we still ended up with a Bill which was so badly drafted and it is just now, at the eleventh hour, being corrected; so badly drafted, as to make the whole amendment *caduc*, useless. But, thank God, it is now being corrected.

Mr Deputy Speaker, Sir, let me say this first. I had, originally, welcomed the Bill. I thought, okay, it is a step in the right direction. But, after good consideration, I think, Mr Deputy Speaker, that, in fact, this Bill ought to be withdrawn. Its intention is good, but the effect is totally in the opposite direction. As they say, the road to hell, Mr Deputy Speaker, Sir, is paved with good intentions, and I think this is exactly where we are going.

Just to put the thing in context, there are about 25,000 convictions every year for crimes and misdemeanours. 25,000 in 2015, 25,000 in 2016! So, maybe some people have been convicted twice. We are basically talking about 50,000 people who have been convicted of crimes and misdemeanours in just those two years, and these are the sort of crimes and misdemeanours that will appear on the certificate of character, Mr Deputy Speaker, Sir.

So, what is the issue? The main issue is fighting poverty. The main issue is crime prevention. Because statistics show - there was a study done by the previous Commissioner of Prisons - that about 85 per cent of convicts, in fact, fall back into crime, take up again a life of crime and are reconvicted. So, we are talking about 85 per cent of ex-convicts being recidivists, coming back to a life of crime. So, there is a basic reason for that, not to mention those that resist going back to a life of crime and prefer to live in poverty, and we have had a lot of talk about fighting poverty in this country, Mr Deputy Speaker, Sir.

Why is it that people find it difficult to find employment in Mauritius? Because it is not like that everywhere. One main reason, let us say, is because of this famous Certificate of Character which goes extensively into the criminal record of a person and, as the law stands, for the first five years, everything goes on it and after the five years, a number of things fall out. There are more than 200 offenses that remain on the Certificate of Character, should someone had been convicted for one of these offenses. So, we are still talking about a major issue with a person who has a criminal record.

In fact, Mr Deputy Speaker, Sir, we can imagine a teenager who makes a mistake - many people do - and for the whole of his life he will end up with a criminal record and be unable to get proper employment, most probably. And as I mentioned, he will probably fall back or fall back into a life of crime. So, Certificate of Morality is important; many employers, for various reasons, for different kinds of jobs ask for a Certificate of Morality and, of course, the Civil Service also for any job; parastatal bodies, for any job, ask for a Certificate of Character. What are we doing just now? What is being proposed, we are just asking the employer to disregard, by himself, whichever he does not think relevant. As if we are not all humans, as if when we see things on the Certificate of Character – say, you have two persons, one has a clean Certificate of Character, the other one has certain blemishes on it, as if as human beings we would not automatically opt for the clean Certificate of Character. Obviously, it is going to be like that, even if we do not want to. Subconsciously, people will do that and that is the problem. I heard the Prime Minister say that he had followed the Australian example. I am going to suggest, Mr Deputy Speaker, Sir, that we follow the UK example; the UK example is totally different.

It is more aimed at re-insertion of offenders rather than punishment for a lifetime of offenders. Now, what does the UK do? In fact, the UK has an office which is called the Disclosure and Barring Service, and it is, in fact, equivalent to what the DPP does here with our criminal record. It used to be called the Criminal Record Office, now it is called the Disclosure and Barring Service.

The Mission Statement of the Disclosure and Barring Service is not to prevent offenders from getting a job, like what the Certificate of Character does here in Mauritius, but the mission is to make employers make safer recruitment decisions and also its mission is to prevent unsuitable people from working with vulnerable groups.

Now, what does the Disclosure and Barirng Service (DBS) do? The Disclosure and Baring Service will respond to a request from registered employers. Not every type of employer can have access to the Disclosure and Barring Service, but only certain types of employers in certain categories of jobs. They have access to the DBS and they will say: "Mr So & So is looking for a job, this is the type of job, what have you got to say?" And it will be up to the DBS, Mr Deputy Speaker, Sir, to decide what to put on the equivalent of the Certificate of Character. They may decide that, for that particular job, a previous conviction, whatever it may be, is irrelevant to the application. So, it is not up to the employer, consciously or sub-consciously, to differentiate between applicants because that information will never even reach the employer. It is all withheld as a matter of policy, Mr Deputy Speaker, because they realise the need for re-insertion of offenders. And that is, Mr Deputy Speaker, Sir, what I am suggesting. I am, in fact, suggesting that we scrap all this.

Although I was part of the Government that brought various changes to it, I agree, but we all learn by our mistakes; let us scrap this and be bold. We are fifty years into independence now. We are not a baby anymore. We are nearly middle-aged, nearly pensioners, fifty years now. In ten years, it will be sixty. So, it is time to be bold and to look at it. As I mentioned, over the last two years, fifty thousand people have been convicted and these fifty thousand people are waiting for this Parliament to help them to be re-inserted; the majority of them want to walk away from crime. But how are we helping them? How are we giving them a helping hand to get away if we are continuing to maintain this present system, although we are putting something in the Equal Opportunities Act, which will ask people to be nice and to disregard such information?

Mr Deputy Speaker, Sir, my request is for a complete revamping of the Certificate of Character, how we handle it because it is clear that many, many crimes and misdemeanours have absolutely nothing to with any job application. I do not want to take any particular crime, but it is clear, if you want to be an accountant, then, the only thing, maybe, to deal with fraud may be relevant. If you have been convicted for *sodomie*, for instance, what is the relevance?

*(Interruptions)*

You are smiling! But I suppose some people are. What is the relevance? If a young person has been convicted of possession of cannabis, has that got to stay with him for the next fifty years until he retires? That is a point, Mr Deputy Speaker, Sir. So, if you look again at the

Disclosure and Barring Service in the UK, you will find, Mr Deputy Speaker, Sir, that whatever decision the Disclosure and Barring Service may make, after eleven years in the UK, all fines disappear from the criminal records. All fines disappear after eleven years! I think it is time also in Mauritius we do the same, that after ten or eleven years, all fines disappear from the criminal records, and also, Mr Deputy Speaker, Sir, when someone has been convicted and he is under eighteen years old, it is after six years that such fines disappear. So, by the time he is twenty-four maximum, he is back with a clean criminal record. Mr Deputy Speaker, Sir, I think this is the sort of bold measure that we require if we are really serious about fighting crime and, no doubt, if you ask any Mauritian, incidence of crime is the most worrying aspect of life for the ordinary individual - those that do not have bodyguards, etc.

Mr Deputy Speaker, Sir, the need to reinsert offenders into mainstream society is paramount. And here, coming to this Bill, I would suggest that we maintain the five years; after five years, a number of minor crimes disappear, but it is after ten years that we do as the UK and have a dramatic change in the way that we report crime, and when we are dealing with youngsters, then, that limit of five, ten years should be drastically reduced.

Now, this Bill is, in fact, a request that a prospective employer disregards any convictions that are not relevant. It is for him to decide what is relevant. He may have lots of ways of looking at it. This will change as many employees as you have and there would be as many opinions as to what is relevant or what is not relevant in employment. Let us say, he discriminates. Okay, we will change the law because the thing was completely incorrect because of this discrimination by status etc. and thank God that we have amended the law here. But let us say even with this new law, let us say he discriminates. What sort of discrimination? Let us not talk about what is topical; let us talk about the jobs. I think discrimination for a job ruins that person's life. If he cannot get a decent job that he is worth, why we are talking about meritocracy etc., discrimination not just for this particular amendment, but, generally speaking, jobs, housing or whatever, should be a criminal offence. It should be a criminal offence. It should not just be Rs500,000 fine. We should have teeth to encourage people to come up and report these things, Mr Deputy Speaker, Sir.

Again, this Bill only deals with employment. If we want to reinsert people, if we want to fight poverty, are not these people allowed to have a business? To have a business, don't you need a trade licence? You may even want to be a beach hawker. You may be doing a lot of things. You do not have just to beg for an employment from your local MP. You have to

go and maybe do a business. Why then? I would like to know when the Prime Minister sums up why this deals only with employment. Limited flaws as it is, what we are bringing, it should be enlarged not just to include discrimination for employment, but discrimination for lots of other things, trade licences etc. for which often the Authority or the Municipality requires a Certificate of Character. So, I think that is another flaw if I may say so, but, unfortunately, there are other flaws.

As we know, the Equal Opportunities Act only applies to the private sector. It does not apply to the biggest employer in Mauritius, that is, the Civil Service. So, again, there is a flaw. This amendment is not being brought in the Certificate of Morality Act which would have affected everyone; it is only being brought in the Equal Opportunities Act which only relates to the private sector and so it leaves open the whole scourge of discrimination which will remain in the Public Service because that does not cover the Public Service. So, again, Mr Deputy Speaker, Sir, this is another issue that we need to look at. I have little chance of success, I guess.

So, let us talk about the Second Schedule which is still applicable and which includes something like 200 or more offences which remains with you all your life. Here, I think, if we are to disregard the rest of my speech, my plea is for this Second Schedule to be looked at carefully and as many of the irrelevant cases be taken out from that Second Schedule.

Mr Deputy Speaker, Sir, today, you might get convicted for illegal littering and you will find that on your Certificate of Morality for the next five years. There is something wrong in the Kingdom of Denmark and we need to correct it. I wish very heartily, Mr Deputy Speaker, Sir, that this Assembly corrects the wrong that is being done to tens of thousands of Mauritians and we would do so today.

Thank you, very much.

**The Deputy Speaker:** Hon. Vice-Prime Minister!

(5.28 p.m.)

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo):** Thank you, Mr Deputy Speaker, Sir. Allow me, at the very outset, to thank the hon. Prime Minister for bringing the Equal Opportunities (Amendment) Bill (No. XVI of 2017) to the House today.

I welcome and support the introduction of the Equal Opportunities (Amendment) Bill which is amending and improving at the same time the existing provisions of the Equal Opportunities Act of 2008, which was promulgated to promote equal opportunity and also to prohibit discrimination. The existing provisions of the Equal Opportunities Act of 2008 which also binds the State, prohibits an employer from discriminating against a prospective employee on one of the following 12 protected grounds –

- (i) age;
- (ii) caste;
- (iii) colour;
- (iv) creed;
- (v) ethnic origin;
- (vi) impairment or physical handicap;
- (vii) marital status;
- (viii) place of origin;
- (ix) political opinion;
- (x) race;
- (xi) sex, and
- (xii) sexual orientation.

With the introduction of the present Bill, the Government is adding a new additional ground on which discrimination will be prohibited by an employer against a prospective employee at the time of recruitment. This new prohibited ground being introduced today is discrimination in employment based on relevant criminal record. It is also known as conviction based employment discrimination. After the amendment, the New Section 10 of the Equal Opportunities Act which is entitled ‘Employment of Persons’ will, therefore, read as follows –

“No employer or prospective employer shall discriminate against another person where that person has a criminal record which is irrelevant to the nature of the employment for which that person is being considered and the

burden of establishing the relevance of the criminal record to the nature of employment shall rest with the employer or prospective employer.”

Section 10, after this amendment, will therefore incorporate into our law the new ground of discrimination in employment based on irrelevant criminal records. This new conviction based employment discrimination will be prohibited and sanctioned by the Equal Opportunities Commission. Any prospective employee who feels that he has been discriminated on the basis of his criminal record at the time of recruitment can seize the Equal Opportunities Division by lodging a written complaint in his capacity of aggrieved party and complainant within a delay of 12 months. If after investigation the Act of discrimination on the basis of criminal record by the employer is proved and the employer cannot establish the relevance of the criminal record to the nature of employment, he faces the risk of being ordered by the Equal Opportunities Tribunal to pay compensation up to an amount of Rs500,000 to the aggrieved prospective employee.

The purpose of this amendment is, therefore, to prohibit an employer from discriminating against a prospective employee on the basis of his irrelevant criminal record at the time of recruitment. The aim of the present Government is, therefore, to eliminate all types of discrimination in the field of employment and, at the same time, to promote an exclusively merit-oriented approach when it comes to selecting, recruiting, employing or promoting an employee. Merit, itself, is composed of three linked elements which are, as we know, talent, competence, and the willingness and desire of the prospective employee to work.

The present Government is coming up with this Bill to solve a big problem being faced by former offenders and convicts in our Mauritian society. The actual practice prevailing in the Mauritian labour market is that a criminal record appearing on the Certificate of Character of these ex-offenders and convicts makes it a bar for them to secure an employment. Most potential employers, at the time of the recruitment exercise, request the prospective employees to furnish their Certificate of Character, which is issued by the Office of the Director of Public Prosecutions.

The main problem is that the Certificate of Character will contain the criminal records which might be minor past offenses and which might not be directly relevant to the nature of the job, the potential employee is applying for. These former offenders and convicts are therefore being constantly and continuously discriminated on the basis of their past criminal

record. They are being denied employment and face barriers to full participation in the Mauritian community, and this is becoming a big problem in our society. The situation has become such that the future of these past offenders is being assessed by their past criminal record which might be a minor one.

The Bill aims at providing a solution to the problem by balancing and protecting the competing interests and rights of the two different parties namely the potential employer on the one hand and the former offender with a criminal record on the other.

On the one hand, former offenders have served their time and paid their debt to society and have the same right to seek employment as any other member of the society. On the other hand, there may be circumstances where a person with a particular criminal record causes an unacceptable high level of risk if he is employed in a particular position. The test, therefore, is that, in order to determine whether it is appropriate to exclude people with criminal records from certain areas of employment, the inherent requirements of a particular job must be identified and there must be careful consideration about whether a particular person's criminal record would disqualify him from properly meeting those requirements.

This Bill places the burden of carrying out this objective test of relevance on the prospective employer. In any society, persons with a criminal record also experience other social and economic issues such as low levels of education, health problem, housing problem and lack of work experience which make it more difficult for them to find employment. These issues, experienced by these people having a criminal record, can leave them to fall in the vicious circle of recidivism as they are tarnished and burdened by their past and they have problems to reintegrate in society by failing to secure an employment.

Through the introduction of the present Bill, the Government's objective is to counter these problems faced by former offenders. It will now become difficult for employers to refuse employment to former offenders on the ground of their past criminal record which has no relevance and bearing to the job they are seeking for. This will now become a prohibited ground of discrimination and employment discrimination based on irrelevant criminal record will not be allowed.

The Bill will promote for sure the employment opportunities of former offenders and convicts having a criminal record. Employed ex-offenders will be less likely to reoffend and hence will provide –

- (i) an income support;

- (ii) a stake in staying out of trouble;
- (iii) a structured routine;
- (iv) pro-social colleagues and associates;
- (v) an increased self-esteem of former offenders, and
- (vi) the reintegration of former offenders into mainstream society.

This will indirectly better and improve the Mauritian society by decreasing the crime rate and other related problems. With the present Bill, an employer can also refuse to employ a former offender if his criminal record means that he is unable to fulfil and perform the inherent requirements of the particular job he is applying for. His criminal record will not automatically disqualify him from securing a job unless his past offence is relevant to the nature of the employment in that it is inconsistent with him performing and satisfying those particular job duties and responsibilities, and also requirements.

An inherent requirement is something that is essential to the job the former offender is applying for. The burden is now on the employer to identify the inherent requirements of that particular job and consider their application to the specific former offender employee. Finally, there must be a tight correlation between the inherent requirements of the particular job and the former offender's criminal record. All these make it difficult for the employer to invoke and satisfy the exception of the relevance test to escape discrimination liability.

The present Bill deals with the important social concern raised by the actual prevailing practice of employment discrimination against persons with prior conviction in the Mauritian Labour Market. There is a strong societal interest in convicted citizens of this country successfully integrating into the Mauritian societal mainstream. If convicted offenders are relegated to a criminal sub-culture and a future of repeated offending and punishment, our Mauritian society will be harmed financially and physically.

However, it is also true that Mauritian employers have a legitimate interest in preferring reliable, honest and self-disciplined employees. The dilemma cannot be made to disappear simply by insisting that a criminal conviction does not reflect character nor predict future misconduct. Recidivism, itself, is a consequence of prevailing employment discrimination. The Bill will strike a balance between the legitimate and competing rights of both former offenders and potential employers.

To conclude, Mr Deputy Speaker, Sir, I would like to commend this Bill, which will no doubt put an end to the discrimination prevailing actually in our society, in the Mauritian

Labour Market against former offenders and convicts on the basis of their irrelevant criminal records. The present Bill will not only facilitate the reintegration of former offenders in the Mauritian Society, but will also improve and better our society by preventing the recidivism rate of former offenders and also reduce considerably the crime rate in Mauritius.

Thank you.

**The Deputy Speaker:** Hon. Baloomoody!

(5.40 p.m.)

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Thank you, Mr Deputy Speaker. Mr Deputy Speaker, when the Bill was first circulated last week, it made no sense at all, because there was one principal amendment which we had to bring to that Bill. It's only this morning and I learned from the hon. Prime Minister; he had to listen to the radio for the ex-Chairperson to advise him that we have to amend the definition of Status, that today we are coming forward with the amendment of Status. I intend to speak a lot about that Bill as circulated; but fortunately, today, we have had the amendment circulated and so, at least, the Bill now makes some sense.

Now, let me refer to the Explanatory Memorandum. The object of this Bill is to amend the Equal Opportunities Act to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotion level, where a person's criminal record is not relevant to the nature of his employment.

So what we are doing today, a document which is of paramount importance for that Bill, on paper to give the result is the criminal record - the Certificate of Character. We do not agree with the hon. Prime Minister when he comes and says that we have looked into it and we have decided that, by amending the Equal Opportunities (Amendment) Bill, we do not need to amend the Certificate of Character Act. In fact, we believe that we are moving forward the wrong way. *Zott pe mett saret divan be!* *Mett la charrue divan be!* We are going backward. We should come forward; amend the Certificate of Character Act, then the use of that document, as amended, which will give better opportunities for employment.

Today, we know there have been several questions put in this House since 2014 with regard to the amendment of the Certificate of Character Act. As far back as December 2016, my learned friend, hon. Mrs Selvon, put a question, and this is what the then hon. Attorney-General had to reply, and I quote-

“In line with paragraph 38 of the Government Programme 2015-2019, and with a view to implementing the said paragraph in order to increase the employability of

people convicted of minor crimes and misdemeanours, officers of my Office, [the DPP] and myself have had brainstorming sessions (...)"

Brainstorming!

"(...) and have been studying the amendments to be brought to the Certificate of Character Act and maybe the Employment Rights Act and the Equal Opportunities Act (...)."

At that time, it was clear and is still clear today that if we want to increase the employability of people convicted of minor crimes and misdemeanours, we have to amend the Certificate of Character Act. This is why I say if we want sincerely to increase the employability of those who have been convicted of minor offence, we should amend, as rightly pointed out by that time by the then Attorney-General, the Certificate of Character Act.

Again, when that question was put six months later, the then Attorney-General went even further. He said, apart from the schedules which will be amended, and I quote –

"Now, Mr Deputy Speaker, Sir, examples of other minor offences which are included in the Certificate of Character and which we will deal with in the coming amendments (...)."

So, they intend to delete minor offences like –

- "smoking in the public place;
- throwing cigarette,"

I am still quoting!

- "consuming alcoholic drinks in public place;
- illegal littering;
- insult;
- being found in a place of amusement outside prohibited hours."

He comes and tells us that we are going to amend the Certificate of Character Act, doing away with these minor offences so as to ensure that they do not appear on the Certificate of Character and he intended to review the Schedule. But what do we have today? That document which is important for non-discrimination, how do we get it today?

Today, one has to apply to the Police for a Certificate of Character. And if it is somebody who is seeking employment, he is unemployed, he goes to the Police, he applies. It takes him more than three months to get that Certificate of Character from the DPP, and

sometimes even more. And when he gets that Certificate of Character, all the minor offences which he has committed, even when he was a minor, are mentioned on that Certificate of Character!

I have, in my hand, a Certificate of Character of one gentleman who was born in 1968. He will be 50 next year. This gentleman has been working in a private sector as an attendant. He asked for a Certificate of Character when he joined that job. I don't know which year, but in 2009 he applied for a Certificate of Character. And the Principal State Counsel, on behalf of the DPP, in and for Mauritius, mentions –

“(...) has the honour to inform whosoever it may concern that the above-named has not, in Mauritius, been convicted of any kind of misdemeanours during a period of 10 years immediately preceding the date of application.”

And with that Certificate of Character, born in 1968, he got a job; he was employed.

When we came with the new law, the Certificate of Character Act, he had to apply for another one. So, last year, he applied for another Certificate of Character because the law says every three years we have to renew one. So, he applied. The Assistant Director of the Prosecutor, for the same gentleman - I have the document. I have not deleted the name, but I am not going to produce that document, we don't want somebody's Certificate of Character to be public. I quote -

“On behalf of the Director of the Public Prosecution in and for Mauritius, has the onus to inform whosoever it may concern that the abovenamed person has at 30.09.2016 been convicted and sentenced in Mauritius for a crime and/or misdemeanours which are as follows.”

The same person, on 21.9.1979, was 11 years old. He was placed on two years' probation upon conviction for the offence of larceny. His contract of employment was terminated. He is a father today of two children; one doing HSC and one sitting for the SC exams. He is 49 years old, and he will be 50 next year. This gentleman's employment has terminated because we don't have what we call spent conviction for certain crimes and misdemeanours in our law. With this law, this gentleman can go and say probably he has been discriminated. To prove discrimination, he has to show that he has lost his job or promotion, and somebody has got his job and his promotion. If his company has not employed any other person to replace him how can he go for discrimination? Will this law help him? And what is worst he has tried to get another job. He went to see a lawyer to write

to the prerogative of mercy. He is still waiting till today. December 2016! More than a year now! He is still waiting for a Certificate because the prerogative of mercy, we all know, has only one full-time official. This was stated by the Minister. It sits when he wants to, and it has a backlog, according to my information, of more than 500 applications now. So, this gentleman is not working. He can't get this offence cleared - an offence he committed when he was 11 years old!

Today, we are coming with a law to say: "do not discriminate" when we are not amending the Certificate of Character Act. This is why I say that we have to amend and we should have come forward with an amendment of the Certificate of Character Act. Give that gentleman that document which would allow him to get a job. Because, now, what does the amendment say? This should not have anything to do; a person's criminal record is not relevant to the nature of his employment. He will decide and it is a subjective test. So, with an offence of larceny committed when he was 11 years old, the employer will say: "sorry, it is a contract of employment. I need to trust you and he has committed larceny when he was 11, although he has been working for me for the last 15 years without any offence. Now, I realise that he is somebody who is dishonest and there is not that element of trust between the two of us. Sorry!" Where is the discrimination?

So, if we had a proper Certificate of Character which, for certain offences committed when one was a minor, spent after 10 years - that in the UK, it is not as it was before - then, probably, this law would have helped him. But, as the law is now today, with that Certificate of Character, unfortunately, the Equal Opportunities Commission will not have much work because we are talking of a contract of employment. The Equal Opportunities Commission will not have much work, and this amendment will not increase the employability of people who have been convicted of minor criminal offence, be it misdemeanour or criminal. So, either we amend the Certificate of Character Act, then we come with amendment, further amendments if need be, to the Equal Opportunities Act.

Now, when we look at the amendment itself in the Equal Opportunities Act, we should remember we are talking, like I said earlier, about discrimination, not employment, because in that law, we have to show that I have been disfavoured in favour of another. It is not that I have been refused a job. You have to say, 'Sorry, I was supposed to get this appointment. I have not got that appointment because of my criminal record; where I was supposed to be promoted, I am not being promoted because of that criminal record.'

Now, when the Act was passed and when one reads the Act, it was supposed to bind the State.

### **“3. Application of Act**

(1) This Act shall bind the State.”

But why is it that now, because of the PSC and, as pointed out by the hon. Leader of the Opposition, the main employer, the Bill does not concern him! So, any person who has been convicted, even when he was a minor, will never join the Civil Service. So, the Civil Service is reserved for a certain category of people.

If one, when was a minor, has committed a minor offence like littering - we have the list - smoking in public, throwing cigarettes, will never join the Civil Service? Because of the ruling of the Attorney General’s Office in the case of Gunputh, that Police Officer who was once the bodyguard of the ex-Prime Minister and who did not get a promotion - the actual Minister Mentor - went to challenge because he has been discriminated on political ground. There was a ruling by the Attorney General’s Office who gave the instruction: ‘No, the Equal Opportunities Commission cannot entertain any application because of the appointment by the PSC.’

One would have expected the hon. Prime Minister to come with an amendment. If we are to amend the Constitution, we amend the Constitution to do away with that discrimination, because by the time you go to the other court, to the Appeal Tribunal, your chance of being promoted is over. So, this is the proper amendment we would have believed to have come; make sure that the biggest employer, here the State, is accountable, does not discriminate against others.

Now, this amendment also deals only with employment. But what about licences? What about if one has to apply for a licence, for a hawker’s licence - let alone a licence to run a private jet? The Municipality asks you for a Certificate of Character. And this is not included in the Bill. We are not amending the section which deals with profession, trades and occupation, section 15. You know, most of the cases before the Equal Opportunities Tribunal concern application of licence, be it for a taxi-driver licence, be it for a conductor licence by the NTA and even a hawker’s licence. These people are discriminated today on other grounds, but also on the ground that they have a previous conviction. And if you want people to be self-employed, because they have previous convictions, they cannot run a trade, a

profession or an occupation. Why don't we amend this as well? Why is section 15 excluded with that amendment?

So, it is clear that, like I said, we have put *saret divan bef*. If we really want to make it easy for those who have a previous conviction to be employed or to practise a trader profession, we should have amended the Certificate of Character Act. This simple amendment, as it is, will not help those people, and we should go further and amend section 15 of the Equal Opportunities Act so that those who are convicted can find it easy to be employed or to carry on the trade or profession of their choice.

I have done, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Callichurn!

(5.59 p.m.)

**The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn):** Mr Deputy Speaker, Sir, at the outset, I would like to congratulate the hon. Prime Minister for coming up with such important amendments to the Equal Opportunities Bill.

Mr Deputy Speaker, Sir, this Government has a mandate; a mandate for meaningful change, change that will improve the lives of the citizens of our country, be it in terms of security, social protection, environment protection, job creation, and to provide the platform for emancipation our society. The objective is to provide a platform and find a sense of belonging where his identity is recognised and respected and, more importantly, where his dignity as a person is always upheld. This is the type of society in which Mauritians want to live: a society devoid of discrimination and prejudice; a society where merit has the upper hand on other criteria; a society where each individual has the liberty and opportunity to engage in employment according to his qualifications and aspirations.

Mr Deputy Speaker, Sir, a couple of weeks ago, I had the privilege of introducing the National Employment Bill in this House. Now that this Bill has been passed, arrangements are underway for legislation to come into operation. Hon. Members will recall that, under the National Employment Act, provision has been made for the Commissioner of Prison to provide the National Employment Department with information on inmates.

I explained to the House that, for the purpose of making accurate forecast and with a view to providing accurate labour market intelligence, the Department will place an

obligation on all stakeholders, be it academic, technical, vocational or post-secondary education, to provide an annual return so that this information can be used for useful purpose. Similarly, the Commissioner of Prison will provide to the Department a report on the skills which Mauritian inmates possess so that they could be included in the database of the Department. For too long, inmates who have served their sentence have been denied the rights to engage in gainful employment. The stigma of their past criminal record has always been a barrier to their employability. I also advocated that, it is our intention to ensure that inmates re-integrate society and the active labour force becomes factors of production and contributes towards the economic development of the country.

Mr Deputy Speaker, Sir, the introduction of the Equal Opportunities Amendment Bill by the hon. Prime Minister is testimony to the sincere intention of this Government addressing the denial of persons with past criminal records to engage in gainful employment. The amendment to the Equal Opportunities Act is, therefore, the logical sequence of events after the adoption of the National Employment Bill.

The Bill before the House today has a very clear object and the Explanatory Memorandum is explicit. The hon. Prime Minister has, in his Opening Address, sufficiently canvassed the various aspects of the amendment being proposed. My intervention seeks to enforce the rational of these amendments and provide the House with those arguments for its adoption.

Mr Deputy Speaker, Sir, persons having a criminal record face significant barriers to fully participate in the community. Finding and being retained for a job is one of the areas of greatest difficulty for former offenders. Indeed, former offenders suffer from various forms of discriminations, such as they are refused jobs, dismissed from employment, denied trade opportunities, denied promotion, subject to less favourable working conditions or terms of employment.

Mr Deputy Speaker, Sir, we have to recognise that the principle of non-discrimination is all about removing stereotypes and allowing citizens to participate in society on the basis of their individual merits rather than be judged by the characteristics attributed to them. It is about ensuring that they have the same opportunities as others to participate in society. However, we have to remain alive to the fact that, like many other areas of discrimination, the issue of discrimination on the basis of criminal record involves a careful balancing of different rights; treaties that former offenders have served their time and paid their debt to

society and, as such, they have the same right to seek employment as any other citizen of this country.

On the other side, there may be circumstances where a person with a particular criminal record poses an unacceptable risk, if he or she is employed in a particular position. While we uphold the principle of non-discrimination, which aims at providing equal opportunities to people having criminal record to obtain a job, we need, at the same time, to make a differentiation between people with and without criminal records. Similarly, the principle of non-discrimination does not prevent differentiation between people with different types of criminal records. However, any differentiation that excludes a person from employment, on the ground that he or she has a criminal record, has to be made on an objective and appropriate basis. This aspect is canvassed under Clause 4 of the Bill.

Mr Deputy Speaker, Sir, the amendment being proposed should be examined from a holistic perspective. The words discrimination, employment and criminal record also form part of the terms used under certain international instruments. One such example is the International Labour Organisation Convention 111, the Discrimination Employment and Occupation Convention 1958, which has been ratified by Mauritius.

The ILO Convention, Mr Deputy Speaker, Sir, requires all countries party to the convention to, I quote –

“Declare and pursue a national policy designed to promote by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.”

While the Convention specifies certain grounds of non-discrimination, including race, colour, sex, region, political opinion, nationality and social origin, it also leaves room for parties to add further grounds of non-discrimination.

Article 1.1. of the Convention, defines discrimination in employment as follows –

“Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member State concerned after consultation with the representatives of the employers' and workers' organisations, where such exist, and with other appropriate bodies.”

The House may wish to note, that Article 1.2. of the Convention provides an exception to this general definition, known as the Inherent Requirements Exception, which states –

“Any distinction, exclusion or preference in respect of a particular job based on inherent requirements thereof shall not be deemed to be discrimination.”

The other international instruments I would like to refer to are the International Covenant on Civil and Political Rights, more precisely, Article 26 and Article 2 of the International Covenant on Economic Social and Cultural Rights which prohibit any discrimination against any person on the grounds, including race, colour, sex, language, religion, political or other opinion, national or social origin, poverty, birth and any other status. Both Conventions have been rectified by Mauritius. Therefore, Mr Deputy Speaker, Sir, international jurisprudence indicates that discrimination on the ground of criminal record would fall into the other status category mentioned in the UN Conventions.

In fact, the European Court of Human Rights has interpreted non-discrimination on the grounds of other status to include non-discrimination on the basis of criminal record.

From international instruments I have just referred to, it is abundantly clear that today we are filling a vacuum in our legislation on Equal Opportunities. Obviously, this was long overdue and it is a matter of regret that previous Governments did not take time to address the issue of former offenders being denied the opportunity to engage in gainful employment.

Mr Deputy Speaker, Sir, we live in a society that is traditionally conservative when it comes to treatment of offenders. The inherent values we have acquired make it difficult for many of our compatriots to give past offenders a second chance to form part of the league of decent citizens who can bring a contribution for the advancement of the cause of the nation.

Citizens of this country display humane qualities and compassion in difficult moments. Yet, for no fault of their past, offenders are not on their list of beneficiaries. This is, indeed, sad, Mr Deputy Speaker, Sir. All of us have an inescapable duty to have a change of heart and live up to our reputation as a hospitable nation.

Mr Deputy Speaker, Sir, the amendments before the House today has a strong nexus with the statistics on crimes in our society. Here, I would like to refer to the Economic and Social indicators of the Crime, Justice and Security published by Statistics Mauritius in June this year. The number of persons convicted by our Courts every year is alarming. In 2015, some 118,000 persons were convicted and in 2016 around 112,000 persons were convicted for various offences among which the majority of cases were in relation to road traffic offences.

Nevertheless, some 10,000 people every year are convicted for offences other than road traffic offences. These figures speak volumes, Mr Deputy Speaker, Sir. Year in, year out this is the saga of our society. With the exception of some timid voices in the civil society, those coming out of prison system had no advocate. We could not remain insensitive of the dreadful conditions of offenders who are locked up out of employment opportunities because of the stigma associated with their criminal record.

Mr Deputy Speaker, Sir, I have no doubt that there is a general convergence on the policy being proposed by this Government. I am equally sure that there are also some legitimate qualms on the proposal to reintegrate former offenders in the active workforce. Employers, of course, have always taken a keen interest in the histories of prospective employees. It is obvious that banks do not want to hire swindlers, embezzlers; truck companies do not want to hire drunken drivers while schools certainly would not want to hire paedophiles.

The reason is that no one is prepared to take risks which are disproportionate to the benefits they are likely to derive. This brings us to a pertinent question which has been so cleverly addressed by the legal draughtsmen. Here, I am to the relevance of a person's criminal record to the nature of his employment and the burden placed on the shoulder of prospective employers to establish the relevance of such record.

Mr Deputy Speaker, Sir, after the enactment of this legislation, employers may be faced with the dilemma of being accused of discrimination by denying a former offender of an employment opportunity. Well, employers should rest assured that it is not our intention to create havoc on the labour market; instead we are bent on an effective regulation.

The concept of relevance of criminal record to the nature of employment is a novelty in the local context. However, this concept is successfully and widely applied in a number of jurisdictions for quite some time. Mr Deputy Speaker, Sir, determining the relevance of

criminal record to the nature of employment may appear to be a daunting challenge for potential employers who have the right to employ someone of their choice based on the person's suitability for the job.

Employers' best understanding the essential requirements of the job as well as the qualities and competencies an employee should possess. However, employers also have an obligation to treat applicants and employees fairly without discrimination and in accordance with other legal obligations.

Discrimination on the basis of criminal record is a matter which has been successfully dealt with by Australian Human Rights Commission. The Commission has issued non-binding guidelines to deal with discrimination in employment together with guidance on areas which are connected to criminal record which may include spent convictions related to short custodial sentences.

Mr Deputy Speaker, Sir, for the successful application of the law, it would be desirable for the Equal Opportunities Commission to come up with guidelines to assist employers. This measure will achieve the twin objectives of, firstly, alleviating the fear of employers in general and, secondly, allow past offenders to have more clarity on their prospects to reintegrate society.

Mr Deputy Speaker, Sir, relevance of a person's criminal record to the nature of employment means that there is no discrimination if the applicant does not get a job or promotion because he cannot fulfil the essential aspects of a particular job. No matter what a person's criminal record, each person's ability to fulfil those requirements would have to be assessed on a case to case basis since each job and each person's criminal record is different. There is no steadfast rule in determining the inherent requirements of a particular job.

As I have explained, the inherent requirement exception is something that is essential to the position as opposed to it being incidental. The burden is on the prospective employer to demonstrate the inherent requirement of a particular position and a person's criminal record. There must be a tight correlation and a more logical link between the job and the criminal record.

The House will also appreciate that there are a number of professions and trades which restrict the participation of people with a criminal record. Some professions and trade are quite specific about the types of convictions which may disqualify an applicant.

Mr Deputy Speaker, Sir, with the adoption of this Bill, the future of past offenders will no longer be determined solely on their past as it was the case before. We are opening a new vista of integration of past offenders while, at the same time, providing the basis for safeguarding the integrity of professions and trades. I trust that employers understand the predicament of past offenders and behave rationally and in an exemplary manner.

With those words, Mr Deputy Speaker, Sir, I would, again, thank the hon. Prime Minister for coming with this beautiful amendment to the law.

Thank you.

**The Deputy Speaker:** Hon. Fowdar!

(6.22 p.m.)

**Mr S. Fowdar (Third Member for Grand Baie & Poudre d'Or):** Thank you, Mr Deputy Speaker, Sir. It is a very interesting debate. I would like, first of all, to congratulate the Prime Minister for bringing the Bill, and I know that, in the present circumstances, this is the best he can do; the laws that we have can be amended, it is what he is doing.

Mr Deputy Speaker, Sir, I have listened very carefully to the other Members of the House regarding particularly, the Certificate of Morality. I think we must all agree that the Certificate of Morality is a misnomer. It does not say anything about morality. It just states the fact. It is a misnomer ....

*(Interruptions)*

It states whether or not somebody has got a criminal record, that's it. It does not commend the character of somebody, so it is a misnomer and, maybe, the Prime Minister is taking good note of it. We can change it in the future. The second thing is we are mixing two things here: criminal record and equal opportunities.

Equal opportunities are to do with prohibiting discrimination in employment, in the provision of training, in the provision of education on the grounds of age, disability, gender, marriage, civil partnership, pregnancy, maternity, sex and so on, whereas a criminal record is to do with whatever happened - an accident or a crime, deliberate or an accident. They are two different things. Now what has a criminal record to do with employment? I do not think anyone in this House would be ready to employ somebody with a criminal record. We can be very polite, we are politicians; we say: "No, we have to rehabilitate these people", but, in fact, I am sure you will never - you will not dare to employ somebody who has a criminal

record. The criminal record can be two-fold; there can be accidental criminal record, juvenile crime or it can be deliberately real criminals. So there are two types of crime.

Now, as a Government and as a human being, our role is to try to give some bread to those who cannot earn it now, who cannot get a bread because they have got a criminal record; they cannot work. This is what we are doing here. We are trying to rehabilitate those people with a criminal record.

Mr Deputy Speaker, Sir, I have spent more than twelve years in the UK and I am privileged to let you know what is the rule there, what is the law there and it is fantastic. It works. There is nothing to do with a Certificate of Morality. This is what we need to bring and this is going to sort all the problems, all the hassles with criminal record. We need to bring what is known as rehabilitation of offenders. In the UK, we have the Rehabilitation of Offenders Act of 2010.

What does the Rehabilitation of Offenders Act say? This is simple; you do not need people to judge the character of people. It says that somebody who has got a custodial sentence of over 4 years, he can never be pardoned. It will never be spent. So lifetime, he will stay somebody with a criminal record. Somebody with a custodial of over thirty months up to four years, that is, forty-eight months, he will need to wait for seven years and, if within the seven years, he misbehaves, then he restarts again. So, he needs to behave properly for the seven years with no other criminal records and, after the seven years, the crime is spent. It will not be mentioned in any certificate.

Now we go further. Somebody, with a custodial sentence of six months to thirty months, will need to wait for four years before he can get, a Certificate of Morality, a clean one. It does not mention anything. Somebody who has got a custodial sentence of up six months, he waits for two years. So what are doing we here? We are telling those people who have committed a crime “Come on guy, you have committed a crime, you want to spend a good life now, behave well for some time”. And after that period, he will be given a chance.

Now, those who have community service, community order or use-rehabilitation, it is one year. Those who have got fines, those who pay fines, they have one year to wait until their criminal record is completely erased.

So, Mr Deputy Speaker, Sir, I do not think the employer has a right to judge an employee before he employs the employee. I think we are wrong here. If I am an employer, I cannot judge who I am going to employ before I put him on test, before he works for me. So,

what I am going to look at? His qualification and his criminal record! But if Government tells them that, with the Rehabilitation of Offenders Act, they have already spent the time period after the crime, nothing will be mentioned in their *certificat de moralité*. There is no certificate of morality in the UK and we have what it is called the Disclosure and Baring Service (DBS).

Now the DBS is available to anyone. It is not only the Police Inspector or the DPP or whoever. You can have your DBS yourself. You pay for it, it tells you what crime you have committed. The other magical thing in the UK is, whoever commits a crime, this is automatically recorded. It is what is known as the Police National Computer (PNC). Now, once it is in the PNC, it will never be removed until the rehabilitation period has passed on. I am not saying that we are wrong in what we have done. I think what we have done is great, and this is what I am saying, the Prime Minister has done what he can do on what we have today; the laws we have, we amend and make it better. But I think we have to look further, maybe next year, for the next mandate, we think about bringing the Rehabilitation of Offenders Act which is going to eliminate a lot of administrative hurdles and a lot of hassles for those who have committed a crime, but also will secure the employers when they take on board new employees.

Mr Deputy Speaker, Sir, this DBS is very rigorous when it comes to childcare and when it comes to dealing with vulnerable people, old aged, disabled people. We have heard a lot of rapes, crimes regarding these vulnerable people and childcare. So, this is really aggressive when it comes to these people in the UK. This is my submission. I do not want to drag on and say what has already been said before. I listened carefully to hon. Baloomoody and to the hon. Leader of the Opposition. We are more or less on the same wavelength on the new laws to be brought, but I cannot deny that what we are bringing today is good enough of what we have today.

Thank you, Mr Deputy Speaker Sir.

**The Deputy Speaker:** Hon. Wong Yen Cheong!

(6.31 p.m.)

**The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong):** Mr Deputy Speaker, Sir, it is an honour for me to share my thoughts on the Equal Opportunities (Amendment) Bill which is being debated in this august Assembly today.

The Bill, in itself, is a great leap forward in the promotion of equal opportunities for each and every citizen of our Republic as it provides for the prohibition of discrimination in employment and on grounds of a person's criminal record.

Mr Deputy Speaker, Sir, for decades we have been witnessing cases where people are deprived from getting a job or even a promotion following minor offences they have committed. I will go further to say that it is sad to note that, as it is stipulated in the Explanatory Memorandum of the Equal Opportunities (Amendment) Bill, very often, these petty offences committed by these persons have nothing to do with the nature of the job they are seeking or the promotion they deserve. Hence, this Government, under the able leadership of our Prime Minister, hon. Pravind Kumar Jugnauth, is showing its commitment and determination to put an end to discrimination.

Mr Deputy Speaker, Sir, I am personally glad to be part of the Government which has got the courage to bring such an amendment that will be a source of relief for so many persons who get unjustly penalised. I have always believed that someone cannot be penalised in various spheres of life just for having committed a minor offence. Worse, this situation adversely impacts not only on the convicted person, but also on his whole family. I know that many Members of this House have talked in the same way and I do not want to take too much time of the House, but I will mention one specific case that I know very well.

Sometimes back, I came across the case of a gentleman who was, unfortunately, at the wrong place at the wrong moment. In fact, he brought his children to a concert and he was sitting on the ground, in a place where illicit products were being consumed by some other people. But when the boys came on the ground, they threw the rest of marijuana next to the feet of the children and the police arrested everyone for inquiry. Unfortunately, because of his children, that gentleman thought it was easier just to pay the fine. But he was wrong and he did not know. He is someone who was given promotion after promotion. He worked with good conduct, discipline, sacrifices and dedication to his work. He got promotion and arrived at a time of his life which we say mid-forties and he was a Manager in his branch. But from what he was convicted, the employer dismissed him summarily. What happened? He paid the fine and that was a first punishment. He got a second punishment, that is, he lost his job. And what happened further is his own family, he has three children, in forms five, six and going to University. In the same way, like hon. Baloomoody said, he could not afford paying studies anymore for the children and the children have never been able to go for further studies in their life. This gentleman tried to commit suicide many times and that was very sad. That is

why I think that today, with hon. Pravind Kumar Jugnauth, who brought that Bill before the House, it is something very courageous that many other Governments have not done before. It is not to criticise, but I can't understand, like to say to put *la charrue devant les bœufs*, but we can make propositions to the House.

(*Interruptions*)

You can make propositions to the House and it would be nicer!

(*Interruptions*)

**The Deputy Speaker:** Order!

(*Interruptions*)

Order, please!

**Mr Wong Yen Cheong:** Anyway! We can imagine that person, the psychological effect that this had on himself and the rest of the families and what happened to him. He has never been able to get another job in his life.

I heard also about people who tried to get a hawker's licence. I can assure hon. Baloomoody that when I was myself the Chairman of the Tourism Authority, I debated on it because when I found out that there were some hawkers who were penalised for not having their licence and I ruled it. I wanted to know what kind offence it was. When I found that they were minor offences, I gave the licence. It can be done and it is up to the person sitting on a chair and trying to see what can be done.

Mr Deputy Speaker, Sir, allow me also to dwell on another aspect of the disadvantage and discrimination faced by some people who are penalised for having committed a minor offence. Every week, as Members of Parliament, we receive our constituents and many of them are seeking for an employment, but are unable to get same just because they do not have a clean Certificate of Character after having committed an offence not related to the nature of the job they are looking for.

Mr Deputy Speaker, Sir, I would go further on this specific topic. In fact, very often, these people who have talents and competencies come from vulnerable/poor families and this brings me to my Ministry, the Ministry of Social Integration and Economic Empowerment. When these poor people are deprived of a job and, therefore, are unable to ensure a living for their family, they come to my Ministry; they apply for registration under the Social Register of Mauritius (SRM) in order to take advantage of the subsistence allowance. Very often, once

they are found to be eligible, these people tend to become dependent and stop making efforts to get a job further. Government, through my Ministry, is giving a helping hand to those who need assistance, but would not it be better if those people, who have committed a minor offence, could be given an opportunity to get a job, become independent and stand on their own feet? I, therefore, welcome the Equal Opportunities (Amendment) Bill as it will bring some major changes.

On the other hand, Mr Deputy Speaker, Sir, the Bill stipulates that the burden of establishing the relevance of criminal record to the promotional post shall rest with the employers. However, we must concede that there is nothing in the Equal Opportunities Act that forces an employer who has been found in breach of this equality principle to employ a person. Moreover, in case of a complainant who feels aggrieved and successful before the Equal Opportunities Tribunal he may be compensated to an amount of not exceeding Rs500,000. Therefore, this piece of legislation is commendable since it may serve as a deterrent for those employers who, in bad faith, discriminate on grounds of criminal records. Once again, I personally welcome this Bill.

Thank you.

**The Deputy Speaker:** Hon. Osman Mahomed!

(6.40 p.m.)

**Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central):** Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to speak on this Bill that seeks to amend the Equal Opportunities Act by adding a new paragraph so that no employer or prospective employer can discriminate in recruitment and promotion exercise on the ground of the criminal record of the aggrieved person where the contents of the criminal record is not relevant to the nature of the job.

To recall, the Equal Opportunities Commission was set up as a flagship institution under the previous Government to work towards the elimination of discrimination, the promotion of equal opportunities and the promotion of good relations between people of different status where complaints on these issues cannot be resolved through conciliation at the level of the Commission, these are referred to the Equal Opportunities Tribunal. It has been said just now how much of a delay there is today in getting a Certificate of Character. I am told that there was a time, it was two weeks, and in cases where someone was to leave the country, having had an opportunity to work overseas, there was a fast track system that

allowed it to be obtained in just 48 hours. In the case where someone has a tainted Certificate of Character and then he needs to make a petition to the Commission for the prerogative of mercy for free pardon, the wait can even be longer and meanwhile the subsistence of many families are jeopardised.

Let me, therefore, right away say that I am supportive of the intention with some caveats behind this Bill at a time when there are so many other issues in relation to the either real or perceived complaints to the operation of the Equal Opportunities Act, especially in recruitment and promotion.

My purpose here, Mr Deputy Speaker, Sir, is to raise certain pertinent issues and suggestions just as mentioned by hon. Wong Yen Cheong on the proposed amendments that is before the House, and I have the following questions to start with. The first is on section 10 (b) (f) which is to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotional level where a person's criminal record is not relevant to the nature of his employment.

My question is: how do we determine that the offence that was committed is in relation to the job being sought or the promotion being sought. This is my first question. The second one is on section 10 (c) (2) –

“The burden of establishing the relevance of the criminal record to the nature of employment shall rest with the employer or prospective employer.”

Does that amendment change anything at all?

The fact is that it is the employer who decides. Does not that tantamount to discrimination in itself? Should it not have been the Equal Opportunities Commission that deals with this aspect of things with a different mind-set? A different mind-set is important. The question today is that when someone comes out of prison, does he get rehabilitated and does he get a second chance? The answer is so often no.

Even in cases when someone has won the case and proved to the police that he was not the person who committed an offense, and in certain cases where even the DPP has exonerated the person, the stigma is still on. This is because our context is different, given that we are a small island context; people know each other. And subsequently, people therefore find great difficulty to get a job even though they have paid their debt to society.

My third question is: has the time not reached for Mauritius to consider the principle of spent conviction? Mr Deputy Speaker, Sir, securing employment or training and the ability to rebuild a life after committing an offence is crucial to breaking the cycle of offending. Effective Spent Conviction Legislations like the Irish Spent Conviction Bill of 2012 can play a major role in removing barriers to the reintegration of former offenders and prisoners who have demonstrated that they have moved on from past offending behaviour.

I have been told of a case of a good banking sector professional whom, as a Lower VI student in Mauritius, several decades ago, committed a prank over the telephone and is still having to live with it after so many years because at the material time, he had just pleaded guilty for the sake of convenience, given that he was not represented by a Counsel. So, today, after so many years, even though he is doing so well in the private sector, he is encountering a lot of difficulty when it comes to promotion.

Mr Deputy Speaker, Sir, how will this Bill work, when the burden rests with the employer, in this case the bank? Will they be impartial and let bygones be bygones? This is the question I have. Let me cite again the case of Ireland. Ireland is a small island just like Mauritius or less, where a spent conviction scheme already exists for anyone who committed an offence before their 18<sup>th</sup> birthday. But there are conditions attached, and they are as follows .

So, there, where everybody knows everybody else, the Children Act of 2011 provides that offences committed by those under 18 years of age can be expunged from the records once certain conditions are met. So, where a person has been found guilty of an offence and the offence was committed before they reach the age of 18 years, the offence is not required to be tried by the Central Criminal Court such as murder and rape. Three years have elapsed since the conviction, and the person has not been dealt with for another offence in that three-year period, then that person shall be treated as a person who has not committed or been charged with, or prosecuted for or found guilty, or dealt with for that offence.

In other words, the conviction will become spent. Criminal records for offences committed under the age of 18 become spent automatic on the basis of the Irish jurisdiction, provided the person meets the requirement detailed above. As a matter of fact, there is not even a requirement to make an application to the Court to have the conviction declared spent.

On a different note, in reading through the Bill before us today, Mr Deputy Speaker, Sir, I have yet another question for the hon. Prime Minister, and that is, why not include the term criminal record in the definition of status at section 2.

But I see there is one amendment that has been brought at committee stage and criminal record will be considered as the 13<sup>th</sup> status in addition to the list of 12 protected grounds. By adding criminal record as the 13<sup>th</sup> definition of the status, there will never be a discrimination based on criminal record as discrimination which is less favourable treatment based on status. But I still have a question and it is as follows: does that apply to the state of Mauritius as well?

Mr Deputy Speaker, Sir, it is an undeniable fact that, as per the Equal Opportunities Act, the employer is defined as -

““employer” includes a person, an enterprise, the State, a statutory corporation, a body of persons employing a worker, or a group of employers or a trade union of employers.’

Although the definition of employer includes the State in the Equal Opportunities Act, section 118(4) of the Constitution of Mauritius defeats the whole purpose.

Section 118(4) of the Constitution of Mauritius provides that no authority or person can subject the Public Service Commission, the Local Government Service Commission and the Disciplined Forces Service Commission to his directive or control. The Equal Opportunities Commission, therefore, cannot open an investigation on either the Public Service Commission, the Local Government Service Commission or the Disciplined Forces Service Commission. The State is an employer for the purposes of the Equal Opportunities Act, but the recruiting arms of the State are not answerable to the Equal Opportunities Commission.

We seem to be living a situation where, despite our wish to outlaw discrimination by employers, the biggest employer of all slips the purview of the EOC. May I remind this House, Mr Deputy Speaker, Sir, that this matter was the subject of a Parliamentary Question of hon. Mrs Selvon - in front of me - who, on 07 April 2015, had asked the then Rt hon. Prime Minister, Sir Anerood Jugnauth, “whether, in regard to the public service, he will state if consideration will be given for amendments to be brought to the existing legislation with a view to reinforcing chances of equal opportunities for all, regarding the (a) recruitment procedures, and (b) provision of (i) accrued powers to the Equal Opportunities Commission

and to the Equal Opportunities Tribunal respectively; (ii) increased facilities and avenues of redress to victims of discrimination or in relation to other complaints, and (c) tougher penalties for violations of the law.”

In his reply, Sir Anerood Jugnauth, now Minister Mentor, essentially said that “there are clear lines of demarcation between the roles and responsibilities of the three institutions and there may be a risk that any amendments to the Equal Opportunities Act, in order to enable the Equal Opportunities Commission to investigate into complaints regarding decision made by the Public Service Commission, would create an overlapping with the existing role of the Public Bodies Appeal Tribunal and this would not be in the public interest.” It was, therefore, not proposed to proceed with the amendments being proposed.

So, as at today, Mr Deputy Speaker, Sir, it would appear that there is no need for such amendments, as the Public Bodies Appeal Tribunal can review decisions taken by the PSC, the LGSC and the DFSC. But it is apposite to note that the PBAT can only review decisions pertaining to promotions, but not to recruitment. And on the other hand, the Equal Opportunities Commission (EOC) can only take an employer of the private sector *per se* to task when it comes to recruitment and not promotion.

Mr Deputy Speaker, Sir, may I ask the hon. Prime Minister whether, as matters stand, would the present amendment not once again amount to an eyewash, a sleight of the hand? I ask this, Mr Deputy Speaker Sir, as there seems to be a *politique de deux poids deux mesures* although the Equal Opportunities Commission can investigate on recruitment made by the private sector, it will still not be able to investigate recruitment made for the public sector by the PSC, LGSC and DFSC.

Before ending, I would like to bring us down memory lane about some unforgettable remarks that were made in this very august Assembly during the debates on the Second Reading of the Equal Opportunities Bill on 02 December 2008. My first reference is this -

*«La question que je me pose : c'est quoi la discrimination? Chaque matin, chaque soir, chacun d'entre nous fait une forme de discrimination. Un choix et une forme de discrimination, il n'y a rien de mauvais dans un choix, mais quand le choix que nous effectuons agit sur la liberté d'une autre personne, agit sur l'autonomie d'une autre personne à ce moment-là il devient illégitime. »*

That was hon. Mrs Dookun-Luchoomun back then. I am quoting from her speech. I have read her speech. Beautiful speech! Let me quote also a second gist - a last one - of this elegant extract from our past, and I quote -

“Do we have a dream, all of us, in Mauritius, that the children of those who came as colonial masters, the children of those who came as slaves and the children of those who came as coolies can sit together, harness all the energies of one of our nation in all fairness, and in a spirit of sharing, build a new Mauritius? This is the question today: do we share this dream, and to what extent a Bill like this can help to be a ladder of opportunity, of promotion, of status to achieve that dream?”

That was hon. Nandcoomar Bodha. I am quoting from his speech.

Indeed, Mr Deputy Speaker, Sir, a formidable array of optimistic eloquence in our past debates which we can greatly benefit to recall. But then, Mr Deputy Speaker, Sir, a few weeks ago the world got to know, through a video recording, of how a Police Constable explained that the Commissioner of Police in Mauritius cannot be appointed from within a particular community because of historical factors, and if anyone from that particular community ever becomes Commissioner of Police, it is going to be a problem for Mauritius as it is going to be upside down because of drug problems.

Well, Police Constable Dookhy, who has been on the net everywhere, spoke in Creole - I hope I have well translated it, but then I would not mind if hon. Rutnah, who will be speaking after me, and who was present there, would correct me when these discriminatory and scandalous claims were made.

Mr Deputy Speaker, Sir, did anyone who heard hon. Bodha or hon. Mrs Dookun-Luchoomun - I am quoting them too because they are present this afternoon - condemn these statements? The sad answer for our democracy seems to be no, but we can wait in hope.

Did anyone hear hon. Boissezon, the Minister of Civil Service and Administrative Reforms, when we all know that the Code of Ethics for Civil Servants stipulates that a public officer shall not discriminate any person on the ground of, *inter alia*, race, religious and ethnic beliefs or still, public officers shall not bring the Civil Service into disrepute through their private activities, or still, public officers also have a duty to treat the public and their colleagues with courtesy and respect. So far, Constable Dookhy has only been transferred from one Police station to another. How does that solve that huge uproar that he has

generated, for which, against a similar background, hon. Soodhun has had to step down - which had to be the case anyway?

Furthermore, Mr Deputy Speaker, Sir, I have gone through the Declaration of Official Secrets that myself have signed, and all public officers sign on joining the Civil Service. I am just wondering whether Police Constable Dookhy has not breached the provisions of the Official Secrets Act of 1972, if ever he was privy to such information that he has so vehemently shared during his disturbing apparent indictment of current practice.

Finally, Mr Deputy Speaker, Sir, since we are talking about all equal opportunities ...

*(Interruptions)*

He has just been transferred from one station to the other. How does that solve the huge uproar that he has created? I look forward to hearing from the hon. Prime Minister on the questions that I have raised on the Bill before us. I would also welcome his observations - as hon. Callichurn has said: "he is leading a Government with a mandate for meaningful change."

On the broader issues of principle, does he, and his Government, intend, henceforth, that our Constitution and our legislation together shall ensure that none, however high or low, can expect favours merely on the grounds of those aspects of status that may deprive others of equal opportunity in recruitment or even in promotion to the lowest or even the highest officers in the private or public sector.

On this note, I thank you for your attention.

**The Deputy Speaker:** Hon. Mrs Jadoo-Jaunbocus!

(8.54 p.m.)

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs R. Jadoo-Jaunbocus):** Thank you, Mr Deputy Speaker, Sir. Let me start by really applauding the Leader of the House for spearheading the Equal Opportunities (Amendment) Bill. The decision of the hon. Prime Minister to make amendments to the Equal Opportunities Act is testimony that this Government has a key function in setting the country's wider development vision by enacting sound legislations in support of that vision.

In fact, this Government has the responsibility to safeguard the interests of all its citizens, and as Parliamentarians, we have a critical role to play in promoting equal opportunities role. True democracy, Mr Deputy Speaker, Sir, rests on the principles that all

men and women are equally entitled to equal rights and opportunities. Equality is about fairness, equal treatment and equality of outcomes.

Since day one our Government has pledged and proved to be very compassionate. We understand, we feel and share the pain of our people. The hon. Prime Minister himself has demonstrated time and time again his keenness, his endeavour to work, to strive for the happiness of his people. He has been striving to bring practical solutions wherever he found *des maillons faibles, susceptibles de fragiliser cette chaîne humaine qui constitue notre société, notre peuple. Les allocations sociales, par exemple, ont été révisées. Le Social Register a été entièrement revu*; the Negative Income Tax has brought a lot of positive changes; *les mesures budgétaires pour soulager le peuple et réduire la pression financière au sein des familles.*

But yet, Mr Deputy Speaker, Sir, I have to say that professional and financial pressure can destroy families. Today, being entrusted as Minister for the welfare of family, I assure the House that I will look into each and every hurdle faced by families today, preventing them to keep strong and strive. Equal opportunities means *justice avant tout*. Our families deserve justice.

The proposed amendments being debated today in this Assembly are clearly aligned to achieving the ambitions; the vision of the SDGs. Sustainable development brings that sense of justice with equal rights, equal opportunities and equal participation of all, and leaving no one behind, as rightly stated by the UN former Secretary-General Ban Ki-Moon.

Yet, today when we listen to the House, we can only hear of what is wrong and no sound of what is positive. We are hearing about spent convictions, about what could have been, about what should have done, about whether this Government or not. Yes, all this is very relevant, but I do recall that the Equal Opportunities Act, as it stand, was enacted in 2008, I do recall that. We did not hear any of that at that time.

But now, as we are about to embark on a major amendment, it might seem too small amendments, yet with major huge impact on the lives of people out there, Mr Deputy Speaker, Sir, because applying for a job is very stressful as it is, especially, for someone who is about to embark in the job market. But, if you have a criminal record, God help that person. Criminal record checks are on the increase nowadays; that is to show it. Day by day, we see employers searching for criminal records which were not really the practice before, and we can see how much pressure that puts on the DPP's Office, how much pressure that puts on the

Police Officers and the Crime Record Office. People with previous convictions and this is what the hon. Prime Minister is very convinced about is that people with previous convictions, antecedents should be considered on their merits, assessment and their skills, knowledge, experience, reliability and all the other factors set out in the Section 2 of the Equal Opportunities Act.

Direct discrimination against individuals with criminal record is based on stereotypes about what criminal record means for a person's financial capacity or trustworthiness. This is all that we use to judge one person. Researchers in the United Kingdom suggest that employers who routinely ask for information about antecedents and using it as a blanket discriminatory measure rather than really use it as a tool for an informed risk assessment on the person and whether that person presents a risk in the particular job that he is about to take in the workplace. So, in effect, it acts as a blanket discrimination.

Criminal Record may be relevant to a job application in some circumstances. However, only the nature of the offence indicates a real likelihood of reoffending. What I mean is, the fact that someone who has spent a previous conviction does not necessarily mean that that person cannot perform a particular job. What it means is that we need to really look at the type of conviction and whether it is pertinent to the job, then only we can make a true, valid judgment.

In fact, discrimination by way of relying on criminal conviction can systematically exclude people from accessing employment. The use of information about, and especially minor conviction, which in itself is not a reliable indicator, as I have just said, of future behaviour, can be an impediment to allowing people to move on in their lives.

In fact, discrimination as one may realise, and it is important to realise and take stock that it can have extreme consequences on people's lives, especially on employment, especially on housing and it impacts upon the family of each and every one, but, most importantly, this can lead to *récidivisme*. If someone is systematically being discriminated upon, either at the time of recruitment or in the exercise of promotion, that person will be stigmatised, he will be excluded. What will happen if that person will have a lot of psychological, mental upset and that type of discrimination is very unfair and will help that person to fall back into criminality as opposed to what the hon. Prime Minister is endeavouring to do throughout with the Government Programme and throughout the implementation of bringing this legislation?

Now, let me go back, Mr Deputy Speaker, Sir, to the proposed amendments set out in clauses 10 and 11 of the Equal Opportunities (Amendment) Bill, which is based on the conviction that we have to eliminate discriminatory laws that are likely to impede on the fabric of our society.

Allow me, at this stage, to elaborate on the value in addition of the proposed amendments. The addition of new provisions regarding the recruitment and promotion of persons with criminal record which is irrelevant to the nature of the job being considered will undoubtedly trigger a positive response to changing our society's perceptions on those who have committed criminal offences and are penalised in their professional life.

The Government remains fully determined to do away with prejudices, norms and attitudes towards those persons who are denied a decent employment and/or promotion. We cannot afford to waste our human capital, merely because employers are caught up with some outdated practices that undermine the recruitment of potential persons.

The proposed amendments place the onus on the employer and that is important to assess the suitability of the person being recruited or promoted. It is all about giving every citizen a fair treatment instead of perpetrating practices of marginalisation and exclusion.

Whilst, Mr Deputy Speaker, Sir, we all acknowledge that there are and there will continue to exist differences between and amongst individuals, we cannot limit their acts as to opportunities; that is very important.

The overall rationale behind the proposed amendments demonstrates clearly that this Government believes in a culture that fosters equality of rights, treatment and outcomes. This is the concrete example of ensuring that both the employers and employees are fully empowered to strike a fair deal.

Now, much has been said as, Mr Deputy Speaker, Sir, we have heard in this House about whether or not those employed by the State, Local Government and Public Service Commission will or will not be covered under the provisions of these amendments. Suffice it to say if this Government was to say no, they will not be included, we are at fault. If this Government is to say yes, they will be included; I am sure we will hear *nou pe protez ti copain, ti copine, ti camarade*. So, either way, you lose.

However, the amendments will undoubtedly lift out the burden of the employee who will now be able to aspire for being recruited and/or being nominated. The new provisions

truly speak to human rights approach and are yet additional measures that enable our citizens to enjoy fully their fundamental rights.

They are now being protected both from direct discrimination which is set out in section 6 of the Equal Opportunities Act and, similarly, in direct manners of discrimination, means discrimination as set out in section 6 of the same Act.

The promotional components of the proposed amendments would also go a long way in retaining institutional memory of employees with high calibre and expertise. We tend to forget that it is crucial for the stability and success of enterprises. High turnover of staff is very disruptive, you will agree and that hinders the continuity of work and that does not, indeed, lead to productivity. The very fact that the employer will take the full responsibility to determine the nature of criminal offence or criminal record versus the nature of recruitment and/or promotion gives the strong signal that equal opportunities would prevail. Because just imagine, we start any company, any institution starts with a project, with someone and half way down the line where that person has proved his trustworthiness, has proved his efficiency, has proved his reliability and because of what a piece of paper says, suddenly that person will no longer be considered, for instance, in a promotion exercise, will put everything at peril. Therefore, Mr Deputy Speaker, Sir, employers would give themselves the chance of nurturing long-term relationship with their employees for their own benefits.

One of the most significant benefits of the proposed amendments is the long-term impacts that this will have on the well-being on families. Henceforth, no male or female employees will have to be subject to the punitive approach in terms of barriers of recruitment and/or promotion because of any criminal record that, in reality, will not have had any bearing at all on their employment in the first place.

The new provisions to the Equal Opportunities (Amendment) Bill will have long-term positive effects in redressing discriminatory practices that have, so far, undermined equal opportunities of some groups of people.

This Government, Mr Deputy Speaker, Sir, has already implemented a number of initiatives in relation to consolidating its interventions in relation to rights and responsibilities and therein the hope and faith that this Government is committed to harness the potential of its social capital.

The Equal Opportunities (Amendment) Bill, being debated today would, by all means, redress denial of opportunities in the Government sector and result in a win-win situation for everyone, employers and employees alike.

In conclusion, Mr Deputy Speaker, Sir, I must say that as we engage to review the Equal Opportunities Act, we are all set out to achieve an ambitious vision of the STGs, where every citizen will be given a fair chance to thrive *et trouver sa place au soleil; le soleil qui est accueillant pour tout le monde sans discrimination.*

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Leopold!

(7.13 p.m.)

**Mr J. Leopold (Second Member for Rodrigues):** Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, when we talk about equal opportunities, we tend to refer to equal chances for employment. We talk about hiring people with an opportunity approach indiscriminately. This is a fair chance for everyone.

Equal opportunity is not only about employment though it covers all the principles of anti-discrimination not only in employment, as I said, but also opportunities in education, progress, resource distribution, services and so on. Those are made available to all people of a country irrespective of the age, race, sex, religion, political activity and ethnic origin. Once again, we all know that equal opportunity is the principle of treating all people the same, and the question is: as an employer, is it fair to give a person with a criminal record equal chance of employment? If this issue is brought to debate to bring amendments to the law which governs equal opportunities, this means that there is some kind of concern in relation to criminal record employment checks in respect to anti-discrimination laws, human right laws and over discriminatory aspects, and human rights and protection for discrimination which are stated in International Convention.

Therefore, what we are trying to do is to find a just model of the criminal employment checks. Increasingly, in the Republic of Mauritius, we tend to see the request of an employer from job's applicants about their criminal history. There are so many factors which explain the usefulness of criminal record checks and those include increasing high profile criminal cases, increasing abuse over the most vulnerable, the growing concern of security and risk management within the work place. Criminal record checks are part of the pre-occupation of both the community and of the Government on minimisation of risks.

An employer has the right to use criminal history information when making employment decisions, but the laws which permit Police check, and that of one which restricts the use of such information are, to my view, inconsistent; inconsistent to Law of Human Rights. This is why reform to the existing law is important because the very concern is that the use of Police record checks may be used in an indiscriminate manner, where it can lead to negative social and economic consequences, especially when such information is not relevant to the inherent requirements of the job. Therefore, there should be legal restrictions on releasing criminal record information to employers.

Here are some problems with the existing law. It undermines the intention of sentence in Court. If we are about to deprive a person who had committed a minor offence in his younger age, and now he is grown up and has never committed any offence again, why does this person has to be penalised for life? What is the use of sentencing then? Is it that not to give the chance to rehabilitate and make a fresh start? How can an ex-offender be rehabilitated if he is deprived from employment? So, it is important to review the law as the associate economic and social costs with recidivism by offenders are enormous. What I am trying to point out is people should not be automatically deprived from employment just because of criminal record? I am taking an example on how about those who had committed similar crimes, but had successfully avoided detection and have no Police record, are they safer for employment? I think that there must be consideration of the nature of offence; the time of offences committed, the context and most importantly changes in maturity since the offence was committed. So, it is clear that increasing screening of criminal history undermines individual privacy and its autonomy, and it is proven that offering job opportunity to successful rehabilitation of an offender had led to decreasing risks of reoffending and increasing the pool of labour skills.

Therefore, Mr Deputy, Speaker, Sir, I hope that the amendment will bring balance between the maintenance of safe work environment and maximising access to work as well as

the optimal use of scarce labour resources. In considering this balance, it is important to note that there is evidence that criminal record checks do not necessarily avoid risks.

Once again it is clear to see that the risk caused by the first offender to that of criminal who has successfully avoided detention will never negate, that is, it neutralises the use of criminal record to avoid risk, but it has to be made clear, there are circumstances in which the use of Police records are justified. An example is people with history of violence must not be allowed to work with vulnerable people. I do believe that this amendment will still allow employers to lawfully check criminal records before employment, but it will reduce pressure on employers to make unreflective use of Police records.

I think this amendment will reduce the widespread of criminal record and will prevent rehabilitated offenders to indiscriminately get into job employment.

Mr Deputy Speaker, Sir, let's hope that this amendment brings solutions to the serious risks that unnecessary checking of criminal record for employment may cause to the community by marginalisation and exclusion of potential productive citizens.

So, I am giving my full support to this amendment Bill. As I said, it is bringing flexibility to employers, so it is better than nothing.

I thank you.

(7:22 p.m.)

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

Thank you, Mr Deputy Speaker, Sir. I have listened with a lot of interest, as usual, to all those who have spoken on this piece of legislation. Some have said that it is a very important step in history, some have tried to praise the hon. Prime Minister for the excellent job he is doing in bringing this piece of legislation. And, each and every time that they have done, that I have tried to listen to the words going over and over in my mind of the hon. Prime Minister and all the orators who came after him and tried to understand and tried to identify what exactly was it that the hon. Prime Minister was doing that made it such an amazing piece of legislation. And, I did not hear anything coming from any previous orator that would indicate how in a very practical manner, this piece of legislation is going to address the objective of this Bill. Maybe which have to start because the public out there, Mr Deputy Speaker, Sir, would like to know how is it that this piece of legislation will come to help them.

Il ne suffit pas, M. le président, de présenter un projet de loi et venir dire pour la postérité, des jolis mots, des jolies intentions qui vont décorer les livres et dans l'avenir ceux qui seront là à notre place vont le lire mais vont aussi se dire : est-ce que ces mesures qui ont été proposées ont finalement amené des solutions et qu'est-ce que la population cherche ? Il est clair pour tous - nos mandants nous le disent presque tous les jours, qu'il y a beaucoup qui se retrouvent dans une situation très compliquée parce qu'ils ont été trouvés coupables d'un délit quelconque à un certain moment de la vie et que cela met beaucoup de nos jeunes compatriotes dans les situations des plus compliquées pour trouver un emploi et c'est de cela qu'on parle aujourd'hui. Est-ce que ce qui est proposé dans la loi de l'honorable Premier ministre va amener ces solutions ? D'emblée, je dis que non.

Ce projet de loi, ce n'est que de jolies paroles, comme je l'ai dit au début de mon intervention, qui vont venir s'ajouter, pour la postérité, dans ce qu'on appelle *the Hansard*, mais en terme de réalité, *it will not*, cela ne va pas amener les solutions annoncées dans le projet de loi. Alors, encore une fois, ce qu'on voit et ce qu'on va témoigner sont simplement des *beautiful intentions. But those beautiful intentions do not, in themselves, mean that the solutions are there.*

Let us try to break down what is being proposed. The object of the Bill, as I read in the Explanatory Memorandum, is to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotion level, in other words, at the time of someone applying for a job. Let us take the example of Mr X. Mr X has a previous conviction for – let us talk about something very simple – let us say, assault. Let us say he has one or two previous convictions for assault. He applies for the job in a bank, for instance. And, that position in a bank will require that he be qualified in order to work as an officer of that bank. Let us say in a finance department. According to the law that is proposed by the hon. Prime Minister, what clause 3 proposes is to amend section 10. And what the hon. Prime Minister proposes is that it would make it wrong or unlawful for anyone to deny someone employment based on someone's previous conviction if that criminal record is irrelevant to the nature of the employment for which that person is being considered.

If you try to simplify what the law is proposing here, *la nature de l'emploi, comme je l'ai dit, M. le président, et on prend comme exemple quelqu'un qui allait obtenir un emploi dans une banque et qui allait être dans un département si spécifique, je l'ai dit, des finances, whatever be the job that he is qualified, qu'il soit qualifié comme comptable ou dans le*

*domaine des finances*, what would, therefore, be the nature of the job, Mr Deputy Speaker, Sir ? Would a previous conviction for assault on a person be irrelevant to the nature of the employment?

If this is what Government expects to serve the population as a solution to the problems where people with previous convictions are not being able to obtain jobs in spite of being qualified, and highly qualified to obtain those jobs, this is not fair to the people because this will not bring a solution! Any lawyer worth his while would know that such a law could easily be broken down. How? Simple! The nature of the job, Mr Deputy Speaker, Sir, in a bank in the finance department, would not be that of being in the finance department requiring such and such qualifications or the ability to be well-versed in finance. That would not be the nature of the job solely.

The nature of the job would also go as far as to mean what type of character the person would need to have to work in a team in that finance department of a bank, what type of person the employer expects to recruit in that finance department of a bank. Easily the employer could say, the nature of the employment for which I am trying to recruit this young man is such that the fact that he has been convicted for assault shows me that he is not capable of being calm. He is not capable of having respect for his neighbour, his team, members of the bank, his co-workers. He, therefore, is in such a situation because of his previous conviction that I would not take the risk of employing him because, precisely, he has shown that he has a precondition to assaulting someone for no reason. Hence, I cannot employ him. Who would come and say the employer is wrong?

Let us change the scenario. According to what the hon. Prime Minister is proposing, let us say, okay. Let us even reduce it. Someone has not been found guilty of assault, let us say, a simple larceny, a simple theft. Someone has stolen, let us say, a pen while he was walking in Super U or Jumbo, or a chocolate. And, he was found guilty. A simple larceny but how so serious in consequence! Is this not a relevant nature to the job of a security officer? Is it not relevant to the job of a driver? Is it not relevant to the job of a cleaner? Is it not relevant to the job of a secretary, receptionist, that of being honest and not stealing? Of course, it is!

Is it not relevant to the job of someone working as a hairdresser that he should not have the tendency of assaulting individuals such as clients who tell him that: I am not happy with the way you cut my hair. How dare you give me that hairstyle, I am not happy with it. And, all of a sudden, he does not like being told off and he decides he is going to assault that

man. Why? Because he has a tendency to, because he has a previous conviction for it. How would that, in any way, help the nature which would be irrelevant?

The intention here is not, Mr Deputy Speaker, Sir, to find a solution which could really work. The intention here is to find a quick fix. A quick fix to what? To the anger brewing out there! *La colère dehors, parce que tout ce que ce gouvernement a promis, c'est normal qu'ils veulent pouvoir au moins trouver les solutions ! C'est normal que ce que la population attend, c'est des solutions pratiques. Ce qui a été promis, it must be delivered!*

But then again, let us try to put ego aside and let us try to walk on earth! Would this be helpful? If it were to be a proper piece of legislation, on this side of the House, we would, undoubtedly, vote for it and say ‘congratulations’ because it is a real solution! But it is not a solution at all! And if we are to use that argument, let us look at clause 4, section 11. Same thing! In situations where we are talking about the possibility of persons in employment, and here with regard to promotion within the employment. Let us break it down! Let us think about any one small offence that is not relevant to the nature of a job!

How can you convince a magistrate, a court, that smoking marijuana is not relevant to the nature of a job? Would it not be relevant to the nature of your job, Sir? Or are you saying here, “Sir, since you would be sitting on this chair, do not smoke marijuana while sitting there, but then again, if you do it after hours, that would be fine, because it would not affect the nature of your job.” Do not you think that would be ludicrous? It does not make any sense! So, what exactly would be the definition of the nature of a job? There is no provision in the law as to what is that. Definition of the nature of employment! What is it? Who and how do you interpret that? How do you ensure that us, as legislators - Mr Deputy Speaker, Sir, us, as legislators, we are not here as simple politicians who are on a political platform making speeches only to convince the electorate of how intelligent or how right we are. We are here to ensure that we vote laws for the future, and when we ensure that we are going to vote laws, we ensure that the laws we are going to vote, when we are to make a Bill an Act, we ensure that it works, that there is the minimum that is asked for. All lawyers would realise it. Certainty! Certainty in what? On information that someone is charged with has to provide for, as far as the offence is concerned. Certainty! It cannot, in any way, be something that is not certain, clear, straightforward. Is this straightforward? The nature of the promotional post?

And then, let us try to also be very honest. I have heard hon. Fowdar say that, in the United Kingdom, if I have understood him correctly, this whole concept of spent conviction does not exist. If that is what he said, and if I did understand him correctly, hon. Rutnah will help me out by pointing out to him that he is wrong, because spent convictions, through the Rehabilitation of Offenders Act of 1974, is, in fact, a reality in the United Kingdom. The fact is that this is what we should have had for a long time in the country.

Let us start also by accepting that when I was in Government, I, myself, was sitting not far from the then Attorney General, hon. Varma. He did come up with a law with regard to the Certificate of Character, and that law is not with the time that has gone by. Clearly, it is not a solution to the problem! The solution has not been found even by our Government when we were there, because the reality is that the concept of spent convictions was not brought! What is quite intriguing is that we did not manage to bring it in and the advisers, I guess, in those days, to the then Attorney General, most probably, are speaking the same language as the actual advisers of the actual Government! Because both Governments are unable to come forward with a proper principle of spent convictions! This is the common denominator between our Government and this Government. Unable to come up with a simple change in the way that the law works! Now, are we asking that the wheel be invented? Of course not! We are saying it has been tried and tested in the United Kingdom. Why are we trying not to bring it here? Why are we trying to fight against it?

First issue, bring in the simple law about bringing the principle of spent conviction! Now, if someone has assaulted someone - it is a simple case of a simple assault - that it does not figure on his record, his Certificate of Character. It should not be there, let us say, after two years or three years, but not ten years! And even after ten years, you still find it there. So, spent conviction is not something that exists in Mauritius. It should not be on the Certificate of Character, and if the offence is more serious, where it, for example, involves dishonesty, maybe it takes longer for it to disappear from his Certificate of Character, maybe five, maybe six, maybe seven years. This is a proper constructive suggestion that not only I, but many before me have made from the Opposition side.

And what I can suggest, if it is even more serious, for instance, murder, maybe for certain offences of terrorism, murder involving sexual offences on children, *pédophilie*, those are dangerous offences that you cannot simply remove from the Certificate of Character for fear of him *récidiver*! Therefore, we have to classify different types of offences and how long would it take to get to disappear from the Certificate of Character, just as it is done in other

countries. But why is it that we cannot do it? And I find quite intriguing that both the previous Government and this Government seem *réfractaires* somewhere, through the advice obtained that they should bring in the principle of spent convictions. I fail to understand that.

There is another element which we also have to be very honest about. We talk about equal opportunities. Yes, the Labour Government brought in this piece of legislation. And we are indeed, as a Party, very proud of having brought a piece of legislation of this nature. But when I listened to the now hon. Minister Roubina Jadoo-Jaunbocus saying, well, we did not say what we are saying today when this legislation was brought then in 2008, a little piece of advice to hon. Mrs Roubina Jadoo-Jaunbocus. Laws do not remain static and the way we analyse laws cannot be the same in 2008 as we view it in 2017, because if we were to listen to her analysis, we should have said it in 2008 and because we did not say it in 2008, we should not say it in 2017. How simplistic or how naïve!

We admit that when the law was passed in 2008, through time we have seen how it operates. There are certain lacunas; those lacunas have to be addressed, and one of the major lacunas that the previous Government did not correct and this Government is also running away from - another common denominator - is that it does not empower the Equal Opportunities Commission to correct major wrongdoing when it comes to recruitment in the Civil Service. Why? Why is it that we have to keep away the Civil Service, the public service? Why do we keep a barrier there and do not let the concept of equal opportunities come in to look into any discrimination that may occur in recruitment as well as promotion? One body, one principle, one way of sorting matters out, the Equal Opportunities body should be the body tackling both the private sector issues as well as the public service issues. Why this wall? Some would call it a Chinese wall, but I would say that it is a wall that is only there to hide defects. Maybe some people would think that it is to their service while they are in power. But this is something we should really analyse and be honest to ourselves.

Les membres du public, M. le président, s'attendent à ce que, dans notre approche, on enlève la discrimination. Quelle discrimination ? Non seulement pour ceux qui souffrent de cette discrimination et c'est vraiment vérifique, le Parti Travailleur est venu de l'avant en 2008 avec une loi pour rétablir les droits, *the Equal Opportunities*. C'est nous! Mais les choses ont évolué. On a vu comment cette loi a changé, comment la vie a changé ; il faut maintenant adresser ce problème de façon sérieux et ce n'est pas ce que le gouvernement est en train de faire. En réalité, M. le président, ce que le gouvernement va faire en conclusion, c'est simplement venir prononcer de beaux discours en voulant leur attribuer, soi-disant, des

grands changements dans une loi qui a été votée en 2008. Mais malheureusement - ce que j'aimerais souligner ici - ce qu'ils vont proposer ne vont rien amener comme solution pratique.

Par contre, si le gouvernement veut vraiment amener des solutions vraies qui vont aller non seulement pour des beaux discours, mais simplement régler le problème dans le fond, nous ici, membres de l'Assemblée nationale du Parti Travailiste, nous voterons pour, si le gouvernement vient de l'avant avec quelque chose de sérieux, avec quelque chose de concret, avec quelque chose qui va marcher, et non pas simplement amender presque deux paragraphes avec quelques lignes qui vont rien amener de concret. C'est triste ; c'est une occasion ratée. C'est une occasion qu'on aurait pu s'en servir pour faire quelque chose de concret, de positive, mais en novembre, à la veille des fêtes de fin d'année, je pense qu'on aurait pu donner quelque chose de plus intéressant à la population de l'île Maurice que simplement de bonnes intentions qui vont rien amener de bon.

Merci beaucoup.

**The Deputy Speaker:** Hon. Rutnah!

(7.44 p.m.)

**Mr S. Rutnah (Third Member for Piton and Rivière du Rempart):** Il n'y a pas que de beaux discours, M. le président, mais il y a aussi de bonnes intentions.

Mr Deputy Speaker, Sir, George Orwell, in Animal Farm, I quote –

“We are all born equal, but some are born more equal than others.”

Are we today going to say that someone who is subjected to a conviction is less equal than one who is not convicted of an offence to get the opportunity to get a job? Or are we saying today that someone who is convicted of an offence is more equal than one who has never been convicted of an offence? It is a philosophical question. But the point is: ‘Are we today going to question the opportunity of someone to get a job? The opportunity is the operative word, the opportunity to get a job. I heard hon. Osman Mahomed saying that the last Government, when legislating the Equal Opportunities Act, he said that it was a flagship institution that was created by the previous Government. And hon. Shakeel Mohamed stated that –

« Le Parti Travailiste est venu avec une loi, la loi de l'*Equal Opportunities Act 2008*. »

As if to say that the law was going to eradicate unequal opportunities. But let us analyse the proposition that it was a flagship institution that was brought to this country in 2008. If I may, the 2008 legislation is a beautifully drafted legislation. The spirit and the intentment of the Act at the time, and is still a good law, but the problem with it, Mr Deputy Speaker, Sir, is that those who have been responsible for the Equal Opportunities Commission since its inception have failed to deliver and, even up to now, I am sorry to say, the truth will remain the truth! The Equal Opportunities Commission still fails to deliver! This is what we have to address. The Equal Opportunities Commission has not functioned as it should have been in the past and in the present.

Now, let us analyse the proposition that I am making. Tell me a case since 2008 that the Equal Opportunities Commission has investigated in its full independence! Only a few politics cases melded with politics have been called by the Equal Opportunities Tribunal. Only a few! Now, let us look at what has been said in the Equal Opportunities Act in 2008 and, in particular, I will refer to section 27 subsection (3) –

“The Commission ...”

*(Interruptions)*

It is okay to make comments from the other side, but I am talking seriously. I owe it to the people. I owe it to the youth of this country. I owe it to our children who are growing in this country to say what I have to say about the Equal Opportunities Commission and all the paraphernalia surrounding it.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnay:** In section 27, subsection (3) –

“(3) The Commission shall –

- (a) work towards the elimination of discrimination, and the promotion of equality, of opportunity and good relation between persons of different status;”

And now we know that the definition of ‘status’ is subject to a change. I am grateful to the hon. Prime Minister for bringing this amendment, although late, but it is here today for us to consider and I am grateful to him.

- “(b) keep under review the working of this Act and any relevant law and submit to the Attorney-General proposals for amending them, if required;
- (c) of its own motion (...)"

Very important, Mr Deputy Speaker, Sir!

“(...) or following a complaint, carry out an investigation;”

Now, let us ask the question: is there really equal opportunity out there for people who are less-abled? I hate to use the word ‘disabled’ because I don’t think it is correct to use that word, but I will use the word ‘less-abled’. Have we seen equal opportunities for people who are less-abled out there? If we look at the tourism sector, have we seen equal opportunities in the tourism sector? Have we seen equal opportunities ...

*(Interruptions)*

Anil is there since only a few years now – three months...

*(Interruptions)*

Have we seen equal opportunities, for example, in the newspapers and periodicals industry, the Press? Is there equal opportunity there? There are a number of other large firms, private companies, if you go there you will see that only a certain class of people are employed there. But, thankfully, even before the 2008 Act, only the Mauritius Commercial Bank you can see that they have changed their attitude in employing people. You can see people of different origin working in that bank.

Other than MCB, other private sectors have not made any effort and they have paid lip service to the 2008 Act and this is because there is a bad culture of work at the Equal Opportunities Commission because it does not function and, as far as I am concerned, if it is going to continue to function like this, we have to simply put a padlock and threw the key in the ocean. Have we seen the Equal Opportunities Commission of yesterday or today on their own motion carrying out an enquiry on many private companies and many big companies - I am talking about - or in the Press Industry or in the Tourism Industry? Have they?

*(Interruptions)*

**The Deputy Speaker:** Hon. Henry! Yes, please!

*(Interruptions)*

Order please!

*(Interruptions)*

Hon. Bhagwan, please!

**Mr Rutnah:** It's okay, Mr Deputy Speaker, Sir. Hon. Thierry Henry is one of my friends...

*(Interruptions)*

Mr Deputy Speaker, Sir,...

*(Interruptions)*

**The Deputy Speaker:** Order!

*(Interruptions)*

Order, please!

*(Interruptions)*

Hon. Rutnah, I will have to interrupt you. Can you give me an indication as to how long your speech will take?

**Mr Rutnah:** Mr Deputy Speaker, Sir, my speech will be as long as a piece of a string because I owe it to my people today and I owe it to the children who are growing in this country because I want them to grow in real equal opportunity world as opposed to those who think that they are born more equal than others.

**The Deputy Speaker:** Hon. Rutnah, do you mind, we take the break and we resume after dinner.

*(Interruptions)*

The sitting is suspended for one hour.

*At 7.56 p.m., the sitting was suspended.*

*On resuming at 9.07 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Madam Speaker, I was on full swing but I am part-heard. So, I am going to continue with the debate in relation to the amendment that

has been proposed today in this House in relation to the Equal Opportunities (Amendment) Bill.

Madam Speaker, I have already done my introductory part of what I intended to say by way of introduction and that would be Act One Scene One. Now, I am going to embark on Act One Scene Two.

Madam Speaker, the Act itself proposes to amend the principal Act and by way of Explanatory Memorandum, we can read that the object of this Bill is to amend the Equal Opportunities Act to provide for the prohibition of discrimination in employment on the grounds of a person's criminal record both at recruitment and promotion level where a person's criminal record is not relevant to the nature of his employment.

And in relation to the nature of his employment, Madam Speaker, hon. Shakeel Mohamed, who was intervening just before me, made some scathing attack in relation to the nature of employment that he was dealing with and he took example with the Chair, when my very able and learned friend, hon. Teeluckdharry was in the Chair, he took the example that what happens if the hon. Member has smoked cannabis or has smoked cannabis after his working hours.

But, here, in the circumstances of this Bill, we are not discussing, it is not the subject of the debate that someone who is smoking cannabis or has been involved in some kind of criminal activities, unauthorised act against the State while in course of his employment. We are dealing with a situation where we are considering his previous convictions in relation to whether he is employable or not employable. Whether he could be considered for promotion or he could not be considered for promotion.

As the law is at the current moment, there is positive discrimination, there is discrimination against those who have the convictions but want to be promoted at a different level in their position. And what this Bill seeks to do is to bring certainty and the word used by hon. Mohamed was the word 'certainty', but this Bill is bringing certainty to those who, by misfortune, happen to be engaged in an act, criminal or otherwise, that has been subjected to a fine or to a sentence, whether custodial or non-custodial.

Madam Speaker, it is important today, to ask questions if someone during his tender age, if someone in the past when he was a teenager happened to assault someone who has provoked him, is he going to live for the rest of his life with that stigma that he is not

employable? Will it be compliant with the Human Rights principles that that person should not be employed?

To any reasonable person who travels on top or by the buses out there, would say: No, it is not; it is wrong; it is not Human Rights compliant because we have got the right to live, the right to be employed, the right to family life. If someone cannot find employment just because he has got a conviction, he cannot have a right to family, he cannot have the right to work, then what kind of society are we going to be promoting?

So, today, when hon. Mohamed says that some Members of this side of the House have said that this is a very important moment in history and have been praising the hon. Prime Minister, but, yes, of course, it is one of the most important history that we are unfolding today in this House and the hon. Prime Minister deserves the praises that have been flowering from this side of the House on him.

The hon. Prime Minister is the only one who has come up with a small amendment, a very simple amendment that is going to change the course of life of many people who, today, by virtue of the law as it is, are unemployable.

Now, hon. Mohamed also said that we have got a common denominator as between his previous Government and this Government. No, we have no common denominator! This Government cannot be compared with the past Government. Yes, hon. Mohamed is right to say that they did not find solutions. Their Government did not find a solution, but this Government is finding the solution. This Prime Minister is finding the solution. He is coming with that solution by way of this amendment.

Madam Speaker, there are certain things that have been misinterpreted. Hon. Mahomed has referred to Section 118 of the Constitution of this country, and he read it, and I will read it as well. True it is to say that the Public Service Commission cannot be subjected to the direction or control of anybody in Mauritius. That is a fact! Hon. Xavier-Luc Duval also said that the Equal Opportunities Act will not bind the State, which goes in the same vein to the same issue as hon. Osman Mahomed. Hon. Baloomoody, as well, stated that the PSC is not concerned with the current amendment. He went on to say that we are putting the cart before the ox - *la charrue avant les boeufs!* To rebut this misunderstanding, let me take everybody to Section 118 which, in brief, says that the PSC cannot be subject of control or direction of anybody. But all those who have criticised have failed to read Section 119 of the Constitution and for the benefit of those listening to me, I will read it -

### **“119 Saving for jurisdiction of courts**

No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question, whether that person or authority has performed those functions in accordance with this Constitution or any other law or should not perform those functions.”

By virtue of this section of the law, if someone feels aggrieved, if someone feels that he has not been considered for a position simply because he has got a previous conviction, then he can go to the Court and seek a declaration from the Court to say that the decision of those who have refused him work or those who have refused him promotion is blatantly wrong. In relation to the misconceived proposition that this law does not bind the State; if I may take everybody to the Principal Act. In the Principal Act, if we look at section 2 of the Act which deals with the definition section and interpretation; the definition of ‘employer’ is as follows-

“‘employer’ includes a person, an enterprise, the State, a statutory corporation, a body of persons employing a worker, or a group of employers or a trade union of employers;”

So, clearly the law, as it is, binds the State. The law binds the State because the definition of ‘employer’ is very clear in the Principal Act. But what I agree in it to be done is perhaps we should look at the PSC Regulations. Perhaps the PSC Regulations need to be amended or need to be looked at, should be seen and see if they will need amendment in order to become compliant with the spirit and intendment of this amendment.

Madam Speaker, now let us go to the part where the amendment seeks to amend the Principal Act, that is, Section 10 of the Principal Act. It again deals with the nature of the employment for which that person is considered. We heard criticisms about what if someone has previously been convicted of a larceny. Of course, larceny is a dishonest related offence, but no one, who is handling cash or where there are transactions that require high level of integrity and honesty, would employ someone who has got a previous conviction for, let’s say, larceny, theft, burglary. If one has to be considered for a position in a bakery, for example or in a textile factory, why a conviction of larceny should be an impediment for him

to obtain a job? Why? So, we have to give that opportunity. We have to let people live and let live as Mahatma Gandhi said in the past.

Madam Speaker, I will conclude by saying this: Government has made a number of promises and one of the promises that we made is to modernise this country, and to modernise the institutions that are run in this country. When we look at the spirit and intendment of this amendment, it is simply modernising the old concept, the old way of thinking, the traditional way of thinking that if someone has been the subject of a conviction it means he is an outcast, it means that he should not be employed, and he is unemployable. Like this, this country has lost a lot of opportunities to employ people who have real competence to serve this country. We are modernising the law today to allow people to serve their country, serve this nation; serve this nation so that tomorrow our children grow up with dignity and learn the principle of honesty and integrity.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Abbas Mamode!

**(9.22 p.m.)**

**Mr Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East):** Thank you, Madam Speaker, for giving me way. I have listened with attention to my friend, hon. Rutnah. I will come later to what he stated right now.

Madam Speaker, I would like to thank you for giving me the opportunity to give my contribution on this piece of legislation, the Equal Opportunities Act, in regard to discrimination on ground of criminal records.

I was hoping that the hon. Prime Minister would have taken the opportunity, with these amendments, to make the Equal Opportunities Act be in force for all sectors in Mauritius. I would urge the hon. Prime Minister to consider coming up with urgent amendments to the Equal Opportunities Act so that it applies in the public sector as it is in the private sector. The public servants are suffering from lots of discrimination in regard to promotion, but also lots of people, applying for a position as civil servant, feel that they are discriminated at the recruitment time due to several factors other than their qualifications.

Equal opportunity is what the Mauritian people is looking for, but these amendments proposed by the hon. Prime Minister are for me only a cosmetic proposal as the burden to choose what is relevant remains on the employer and that duty shall rather be given to the

DPP who shall issue, upon request for the application, a list of his criminal records related to the position he is applying for. This will thus avoid the employer to have to establish what is relevant or not because we cannot assure that the employer would not take into consideration the criminal records of the employees, even though this is not related to his future position.

Madam Speaker, the proposed amendment for sure will help some in the population, but for this to be borne effective and efficient, the Certificate of Character shall thus be amended to incorporate the duty of establishing the relevance of the criminal records to the nature of the employment for which an application for Certificate of Character is being sought for.

Madam Speaker, I would also request the hon. Prime Minister to consider amending the Equal Opportunities Act to include offences in regard to discrimination. As at now, the Act is more a conciliation process than making discrimination a criminal offence in regard to this Act.

I heard my friend, hon. Rutnah, speaking about George Orwell, a very good quote! A very good one, indeed! But, if we look at a recent declaration made by one Police Officer during a religious ceremony, again, the promotion of one DCP to the post of CP, we ask ourselves: why this gentleman is still in post ? He has not even been interdicted for holding such discriminating and hatred speech at a public meeting.

**Madam Speaker:** Hon. Abbas Mamode, I think you are going out of subject.

**Mr Abbas Mamode:** I am talking...

**Madam Speaker:** I would request all hon. Members to restrict themselves to the amendment which is in front of us and not to open the debate again.

**Mr Abbas Mamode:** I am talking about discrimination. Madam Speaker, I am sorry, I want to enlarge - other hon. Members before me spoke on this matter and they were allowed to talk on this matter.

**Madam Speaker:** I would request your indulgence in this matter. For me, we have got an amendment and it would be better for us to stick to the amendment which is being brought than enlarging the subject matter again.

**Mr Abbas Mamode:** Madam Speaker, I was referring to a remark made by hon. Rutnah concerning a quotation from George Orwell. This gentleman was there on the first

row at this very meeting, he did not even utter a single word and he is giving us lessons, lectures of how to treat discriminations.

**Mr Rutnah:** On a point of clarification, Madam Speaker! Following the event he is speaking about where I was invited in my capacity as the elected Member of that constituency, I was asked questions by a journalist from 'Sunday Times' and I did give an explanation and that explanation is within public domain. So, I will ask my friend to refrain from making allegations that I was there and I did not react.

*(Interruptions)*

**Madam Speaker:** Please!

**Mr Abbas Mamode:** I would stop my speech just right now because how come we speak about equal opportunity when I do not even have the chance to refer to his speech.

**Madam Speaker:** No, but I think this is totally irrelevant. Hon. Hurreeram!

*(Interruptions)*

Order, please! Hon. Henry, please!

*(Interruptions)*

Please, order! Order!

(9.29 p.m.)

**Mr M. S. Hurreeram (First Member for Mahebourg & Plaine Magnien):** Thank you, Madam Speaker. If we needed yet another proof that this Prime Minister has the interest of his people at heart, here it is!

Madam Speaker, much has already been said on this Bill. I will stick to the essentials. Like Pierre Omidyar, the Chairman of eBay, said –

"Everyone is born equally capable, but lacks equal opportunity."

This amendment to the Equal Opportunities (Amendment) Bill, brought to this House by the hon. Prime Minister, will look into this and make sure that each and every Mauritian of this country gets equal opportunity.

The Equal Opportunities Laws generally do not aim to create equal outcomes, but rather seek to ensure that all employees or job applicants have an equal opportunity to engage in the employment market. In other words, these laws try to level the playing field so that

certain classes of people, who have been discriminated against in the past, are not subjected to adverse treatment based upon certain characteristics that have nothing to do with being qualified job applicant or employee. What the amendments to this Act bring about is an equal treatment to those applying for a job or even those applying for a promotion in the work field.

The amendments to the Equal Opportunities Act are a big step towards the resolution of discrimination in the field of employment. The burden of proof is placed on the employer, for him or her to prove that the offence found on the employee's Certificate of Character will hinder his duties if he is employed. The offence has to be related directly to the job. If, for example, the job being applied for is in relation - is a chauffeur, an employer taking into consideration an offence of, let us say, damaging property during an election campaign, for instance, where we know the folklore how it is in Mauritius and what can happen and if this guy is being prosecuted and eventually sentenced by Court, it would be unreasonable to put aside that person's application for a job.

The principle of non-discrimination is all about removing labels and allowing individuals to participate in society on the basis of the employee's merit rather than be judged by the characteristics that are attributed due to the offences which have been committed in the past. It is about making sure that they have the same opportunities as others to participate in society. Like many other areas of discrimination, the issue of discrimination on the basis of criminal records involves a careful balancing of different rights.

The offenders have served their time and paid their debt to society. They have the same right to seek employment as any other member of the community.

However, there may be certain circumstances where a person with a particular criminal record poses a high risk, if he or she is employed in a particular position. While the principle of non-discrimination aims to provide people with criminal records with equal opportunities to gain work, it does not prevent some differentiation between people with and without a criminal record. Similarly, the principle of non-discrimination does not prevent differentiation between people with different types of criminal records. However, it does require that any differentiation that excludes a person with a criminal record from employment to be made on an objective and appropriate basis.

In order to determine whether it is appropriate to exclude people with criminal records from certain areas of employment, the specific requirements of a particular job must be

identified and consideration must be given whether a particular person's criminal record would disqualify him or her from properly meeting those requirements.

These changes to the rule are in line with our Constitution as well in the sense that a fair treatment is being given to everyone to be treated in an equal manner. The new sections of this Act bring about new points of law under which if employees may bring forward when seizing the instance of Equal Opportunities Commission.

Madam Speaker, the safeguards provided in our Constitution are meant for each and every citizen of this country. Since we are talking here of non-discrimination in the context of employment, I have given some thoughts on how the proposal of this Bill, today, will affect civil servants. Unlike my hon. friend, Salim Abbas Mamode was saying, civil servants have got their share in here, because the law does provide for the civil servants.

Firstly, Madam Speaker, to reflect on the application, what is being proposed today in this Bill as regards civil servants, I am given to understand that the application forms for vacancies in the Civil Service contain a clause requiring the prospective candidate to inform the Commission of any conviction during the preceding three years or so. My reflection is what is the bearing of this information on the final assessment of the candidates.

Secondly, Madam Speaker, the Human Resource Manual governing the occupational life of civil servants refers, in its Miscellaneous Section, to the Employment Rights Act 2008, whereby a list of criteria which, for the purpose of the Act, I quote –

“discrimination” includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;”

I am humbly proposing that consideration be given to the inclusion of criminal record in the above list.

Thirdly, current practice is that officers who have been dismissed from service following a Court conviction forfeit the totality of their retirement benefits, that is, lump sum or pension.

Sans remettre en question la nécessité de protéger l'intégrité du service civil, Madame la présidente, est-ce que cette mesure de priver un fonctionnaire condamné au pénal de ses

droits à une pension de retraite et à son *lump sum* n'équivaut pas à punir une personne deux fois pour le même crime ?

Il y a certainement des situations où l'offense commise est suffisamment grave pour mandater une mise à la retraite, afin de protéger et le service et la personne elle-même. Mais il est un fait que cette personne aura, tout au long de sa carrière, contribué à un fonds de pension, dont les bénéfices lui sont dus.

After these few remarks, Madam Speaker, allow me to conclude by commending the hon. Prime Minister, Pravind Kumar Jugnauth, for making sure that the human rights of each individual of our society is being respected and that no one have to bear *le poids d'un faux pas pendant le reste de sa vie professionnelle*.

The hon. Prime Minister is making sure that everyone is, in the end, given an equal opportunity in terms of employment and life.

With these few words, I thank you, Madam Speaker.

**Madam Speaker:** Hon. Gayan!

(9:39 p.m.)

**The Minister of Tourism (Mr A. Gayan):** Merci, Madame la présidente.

Madame la présidente, je vais commencer en disant que, pendant la campagne pour les élections générales en 2014, nous avons été faire notre campagne et nous avons rencontré beaucoup de gens et de parents qui nous disaient que leurs enfants n'avaient aucune chance pour postuler à un poste dans la fonction publique, parce qu'ils avaient commis une offense et qu'ils avaient été condamnés. Nous avons écouté beaucoup de ces gens et nous avons réfléchi - et mon collègue Guy Lepoigneur, qui est de l'autre côté aujourd'hui, peut être témoin -, et nous avons dit, dans notre circonscription, qu'il fallait qu'on fasse quelque chose pour mettre fin à ce système injuste et inique. Et c'est dans cette optique que quand nous avons préparé le programme gouvernemental, nous avons inclus cette disposition, pour que ceux qui sont condamnés à une peine sous la loi pénale ne soient pas, pour la vie, condamnés pour pouvoir avoir un poste. C'est dans cet esprit que ce projet de loi vient devant notre Assemblée, et je suis reconnaissant envers l'honorable Premier ministre pour avoir introduit ce projet de loi qui met fin un système injuste et qui redonne une certaine valeur à ceux qui, dans leur jeunesse ou dans des moments un peu spéciaux, ont commis une offense et ont été condamnés par une cour de justice.

Mais quand nous parlons de ce système, il faut qu'on soit raisonnable et réaliste. Il n'y a aucun employeur, que ce soit l'employeur dans la fonction publique ou un employeur dans le privé, qui va accepter d'employer quelqu'un sans connaitre les antécédents de cette personne. C'est absolument essentiel de connaitre quel est le type de personne à qui on a affaire et qu'est-ce que cette personne a eu comme background.

Nous ne sommes pas le seul pays au monde qui fait les *background checks*. Tous les pays à travers le monde ont le même système de *background checks* pour savoir quelle est la personne qui a postulé et qui peut être recrutée. Et c'est dans cet esprit que nous avons regardé autour du monde. Le Premier ministre a indiqué dans son discours que nous avons été inspirés par l'expérience de l'Australie, qui prévoit un système qui, à notre avis, selon l'avis du gouvernement, est un système juste et équitable.

Qu'est-ce que nous recherchons dans ce projet de loi ? C'est un système de justice et d'équité. C'est un système qui est pertinent pour tout le monde, et je crois qu'aujourd'hui, avec la conscientisation dans le monde pour les droits de l'homme, il y a non seulement dans les situations de *previous convictions*, mais dans d'autres sphères, il y a une amélioration de la protection de la personne quand la personne est injustement accusée ou la personne contre laquelle il y aura des *findings* qui sont *adverse*.

Madam Speaker, let me say that the Government Programme 2015-2019, as was mentioned by the hon. Prime Minister, mentions and provides that in order to increase the employability of people convicted of minor crimes and misdemeanors, such records will cease to appear on their Certificates of Character after a period of one year.

Madam Speaker, in our Penal Code we have hundreds and hundreds of offences and in other legislations we have other offences. So, what we are talking about here is giving a measure of protection to people who are convicted of minor crimes and misdemeanors. What we are asking in the Bill is for the employer to be able to assess the suitability for employment of anybody who applies for the job. The Bill imposes on the employer the burden of assessing the relevance of the previous conviction to the post or to the job that is applied for. The burden is on the employer and the test is a test of relevance.

In other countries, what the employers have done is that they have set up a system where they designate one special person in their company or whatever to receive the details of convictions of all those who applied for a post. The reason is simple. Because we are dealing with sensitive information and, very often, people who apply for a job do not disclose

that they have a previous conviction because they are afraid that if they do disclose that they have a previous conviction, they will not even be considered for the post.

So, what some companies in some countries have done is to designate a particular person to receive all those sensitive information and, as part of the application process that information is assessed and if it is found not to be in conflict with what is expected of the employee, should he/she get a job, then the recruitment process continues and this is how it happens. I think this is a system which employers must have in Mauritius also because it protects the person applying and it protects the employer also from the Data Protection Act because we are dealing with highly sensitive information which people do not want to disclose.

But, what has also happened - and I am saying this because this law will be very relevant and will be a fertile ground for litigation - is that in some application forms employers insist that the applicant discloses whether he has been charged, convicted or sentenced to any offence and, very often, the person does not disclose for the reason I have mentioned earlier. And, when the employer goes to check, and it is possible in all countries to do the background check, and when the information comes, the employee is sacked. He is sacked not because he has a previous conviction but because he has failed to disclose honestly and fully what was expected of him at the time of the application.

It is important for the employer also to keep very good records of the whole process, so that should there be a challenge later, because the burden is now on the employer to defend himself to say that he has taken the right decision when the application was being made. So, all this is very important for the system that we are trying to put in place.

There was also something said by hon. Members on the other side about spent convictions and all this. I do not think that whether a conviction is spent or unspent is relevant for the purpose for which this Bill is before the House. Because the purpose of this Bill is to assess the nature of the conviction and to see whether that conviction will have a bearing on the post applied for. I started off, Madam Speaker, by saying that we live in the real world. If somebody has been convicted of an offence against minors and that person applies for a job in a school, obviously, that person stands no chance. If a person has been convicted of an offence for dishonesty or related to security and that person applies for a job in the law enforcement bodies, that person stands no chance. It is not discrimination. It is the

nature of the work and there has to be trust between the employer and the employee when something like this happens.

Hon. Fowdar mentioned about the Rehabilitation of Offenders Act of the United Kingdom. And, one of the ways of rehabilitating people is through this amendment which we are bringing to the law, getting people to feel *valorisés*, but provided that certain conditions are complied with. For example, the government guidance in the UK is as follows –

“Management or the employer will in each case decide and consider the following –

- (i) whether the conviction is relevant to the employment;
- (ii) the length of time since the offence occurred;
- (iii) whether the applicant has a pattern of convictions, and
- (iv) whether the applicant’s circumstances have changed since the offence was committed.”

And it goes on to say that it is important that all employees and candidates understand the need to disclose convictions and are actively encouraged to do so in order that any conviction can be fully discussed. This is again something which helps both the employer and the employee. If we simply have a piece of paper saying that somebody has been convicted of an offence without knowing all the circumstances, an injustice can occur. So, when there is full discussion between the applicant and the employer and the circumstances are gone into, it is possible to reach a conclusion which is fair and just in the circumstances. It is possible for us to have this system to operate in a fair and equitable manner. And, it is important that we all look at this not as the end of the road but as the beginning of the road. We are trying to improve on a situation that creates a lot of injustice.

Something was also said, Madam Speaker, about the enforceability of all this but, let me also say that we are not alone in the world to have this system. In the US they have the same system. In the United States also they have a three-pronged approach to the assessment of previous convictions and the three-pronged test relates to –

- (i) the nature of the crime;
- (ii) its relation to the potential job, and
- (iii) the time that has passed since the offence was committed.

So, we have guidelines, we have precedents and we have principles which are available in other countries, and we must be confident that this is a system that is going to be of benefit to all those who keep complaining about the system.

But, we have a serious problem in Mauritius, Madam Speaker. It is the mindset. In Mauritius if somebody has a previous conviction, whatever it is, that person will not even apply for a job in the Public Service because in his/her mind that prospect is already ruled out. And, that is also the case because in the application form for the Public Service, for example, there is, as was mentioned by hon. Hurreeram, one part which says: "Have you been convicted or charged with any offence?" I know of cases where people have said no, and then, the PSC checks and finds that that person was convicted and the person loses the job. But, if that person had been honest in disclosing the information, maybe the PSC would have assessed it and not sacked the person. While I am talking about this, let me come to what obtains in the Public Sector. The Equal Opportunities Act binds the State.

When an Act says it binds the State, it means that the State is fully compliant with the law, it must comply with all the provisions of the law. Now, questions have arisen about the PSC, the DFSC and we have to argue *a contrario*.

Let me refer, Madam Speaker, to what happens if a person, who is a public officer, is found guilty of an offence while being a public officer. Regulation 36 of the PSC Regulations, says the following, and I quote -

"Where a public officer is adjudged guilty in any Court of a criminal charge likely to warrant disciplinary proceedings, the responsible officer shall forthwith forward to the Secretary a copy of the charge and of the judgment and of the proceedings of the Court if they are available, and his own recommendation."

Then Regulation 36 (b) says -

"The Commission shall determine whether the officer should be dismissed or retired in the interest of the public service or subjected to some lesser disciplinary punishment if the proceedings disclose grounds for doing so, without any of the proceedings prescribed in Regulations 37, 38 or 39 being instituted.

"Disciplinary proceedings subsequent to a conviction in a Court of Law should normally be confined to cases in which the conviction was in respect of the offence under any law where a prison sentence may be imposed other than in default of payment of a fine."

And then it goes on to (b) -

“Disciplinary proceedings subsequent to a conviction should not normally be instituted in respect of minor offences under the Road Traffic Act, and of minor offences not entailing fraud or dishonesty and not related to an officer’s employment.”

So, we already have the framework for this to happen and the DFSC Regulations are more or less on the same lines. But then, the question that we have is: why do not people challenge if they apply for a job in the PSC and they are not being considered, according to them, on the ground of a previous conviction? It is possible for them to challenge by way of judicial review before the Supreme Court. The system exists. So, it is not right to say that the Public Service is totally removed from the system that we are trying to bring into place. It applies to everybody because the Act binds the State.

I think that it is important that the public was listening to this, and everybody who will read this in Hansard understands that the Opposition has been creating a mountain out a molehill. That is not the fact and that is not the reality in which we all operate. So, as employers have to be pragmatic and they have a business to run, just as the PSC needs to have officers of the highest competence and integrity, they need to be able to get the right people for the job.

Madam Speaker, let me say also that not because somebody has a previous conviction, not because he has that conviction means that he is gone for life. We must have a system to rehabilitate and to get that person back into the normal business of society. This Bill is going to give a lot of hope to all those who are in that situation and I hope that they will take benefit of this new law to apply and, if they do not get it on that ground, to challenge before the EOC or the Supreme Court, and there must be remedies for this kind of injustice.

So, what, in fact, this law is saying that a previous conviction is not an absolute bar to employment. Employment depends on several factors. We have all sorts of situations where people and employers will carry out lots of checks because we need to know that any person has to be suitable for the job. I mean, there are all sorts of health checks and other checks that are carried out. But what is important, Madam Speaker, is that although in some cases there may be no legal obligation to disclose a criminal conviction, it is always safer to do so for the

employee because then there can be no chance at all for the employer to say that that person has not been totally honest with what he has said.

Madam Speaker, I said that the world is changing and as the world changes, the frontiers of equity and fairness are being pushed, and this is why I would like, just for the sake of completeness, mention something about the Salmon Letters and the Maxwellisation Principles which relate to inquiries. I am saying this because just like the employer has to assess the nature of the conviction, a person sitting as a Committee of Inquiry, for example, when he has completed his inquiry and he or she concludes that there is a finding to be made, which is adverse to any person, copies of that finding must be given to the person for the person to comment prior to the publication of the report. Failure to do that goes against the Salmon Letters and against the Maxwellisation Principles. This is all in a spirit of fairness; we have to be fair to everybody. We cannot condemn somebody without giving him all opportunities to make representations or to put forward his case.

Madam Speaker, I know it is getting late, so I do not want to take any more of the time of this House, but let me say that this amendment to the Equal Opportunities Act is timely. It is going to give hope to those who are totally desperate and I hope that they will take benefit of this particular legislation.

Madam Speaker, once again, I would like to thank the hon. Prime Minister for bringing this Bill to the House.

I thank you.

**Madam Speaker:** Hon. Prime Minister!

(10.00 p.m.)

**The Prime Minister:** Madam Speaker, let me, first of all, thank all the hon. Members who have contributed to the debate and I am glad that at least on one thing there is consensus, that is, on the need to increase the employability of people who have a criminal record by prohibiting discrimination in employment on the grounds of a person's criminal record both at recruitment and promotion level where a person's criminal record is not relevant to the nature of his employment, which is the main aim of this Bill.

We had included, in fact, in our Government Programme, I must say, a less bold measure, I repeat again, at paragraph 38 of the Government Programme 2015-2019. But if we want to create the required conditions for the full rehabilitation of previous offenders, then I

believe we need to take bold and innovative legislative action. This is precisely what we are doing today. In fact, this amendment goes way beyond the limited measure that has been announced in the Government Programme. As now it would apply to all criminal offences, obviously on the condition that, as long as such offences are not inherently linked to the nature of employment sought by a job applicant. I fail to understand the intervention of hon. Shakeel Mohamed with regard to the nature of the employment.

There is no need to define the nature of unemployment. I say this particularly in reply to hon. Shakeel Mohamed, and for him, being a practising barrister. We all know. First of all, I heard somebody saying earlier - hon. Baloomoody, again another Barrister who said that this is going to be a subjective test. That it will be up to the employer to decide and as if when that employer takes a decision, according to his reasoning, then it will be for the Commission to put itself into the shoes of the employer and to decide whether that person was rightly discriminated or not. Well, I must say, I totally disagree with this. We all know - I mean those who have and who are still practising before the Court - first of all, that this is going to be an objective test. Obviously, the Commission will look at the circumstances and will look at the facts. Any court of law for that matter - and again in relation to what hon. Shakeel Mohamed said - will obviously look at the nature of the employment, and whether that conviction is, in fact, related directly and will affect that nature of the employment.

Therefore, Madam Speaker, preventing persons with criminal records from being employed, to me, is a major obstacle to the rehabilitation and reintegration in society of individuals who have had the misfortune of committing certain offences during a dark phase of their life. It is more than fair to give them a chance to be rehabilitated in the eye of society and their kin. We believe that only full rehabilitation will reduce the risk of reoffending by persons with criminal records. What are we, in fact, doing? In fact, what was the situation prevailing? I listened carefully to the hon. Leader of the Opposition. Obviously, we are happy that he was part of those who led to the process of bringing that Bill to the House in 2008, but I noted also that he admitted that it was not perfect. Fair enough! With time, we needed to see how the Bill fared. I think it was high time - because in 2008 he has been in Government till 2014, I think, six years then - that we amend this legislation.

Even Members from the Opposition do agree on this, that people who had a previous conviction were being penalised. There are people who have a previous conviction - probably in a number of circumstances - because of the kind of conviction, they would not be able to apply for a particular job. That is agreed because what the amendment is bringing is not for

opening up for everybody, for any type of previous conviction to be able to be employable for any kind of job. Let us say the prejudice that was being caused to a number of people as has been rightly said by hon. Gayan. When people apply for a job - it is not only in the public sector, it is in the private sector also - they have to disclose whether they have had any previous criminal offence or conviction.

On seeing this, some of them are deterred and they do not proceed with any application, for in their mind, knowing that the employer, as soon as this will be disclosed, will outrightly reject their application. That is why we are saying today, those people who have such a conviction that is not related and that would not affect in any way the employment that they are seeking for, should be given a chance and should be treated fairly. Offering a job to such a person again is not offering him a chance to rehabilitate himself, but it is also a way to offer him back some of his lost dignity and a new sense of direction in his life. Refusing an employment to an individual who has the required skills on the ground of his past convictions is no more than a disservice to society at large.

Madam Speaker, the amendments will not only enhance the employability of persons who have committed a minor offence not related to their nature of the jobs applied for, but will also ease the inclusiveness of ex-detainees in society and give equal chance to employees based on merit and qualifications. The provisions of the Act, as amended, therefore, would be a deterrent to current employers and potential employers who would be inclined to discriminate against these persons.

Let me now reply, Madam Speaker, to a few remarks that have also been made by Members regarding the question as to why Government is not going ahead with its initial proposal to amend the Certificate of Character Act so as to remove after one year from the Certificate of Character of a person the previous minor offences committed by him. Well, let me say, as a responsible Government, we had to make a choice and we have chosen the option that would be more suitable to preserve the trust that foreign countries and institutions have in our country. We are talking about examples from abroad. I have myself cited the case of Australia. I will not cite a country which, I must say, we all do respect for its democracy, but I can tell the House what I have witnessed a case which I know. We are talking about conviction. There was somebody who had applied for a visa and had obviously to disclose whether he had any previous conviction or if there was a case before the Court. That person, Madam Speaker, was being prosecuted for a case of wounds and blows. Was being prosecuted! To cut a long story short, do you know that the application was turned down.

That person did not have any previous conviction, but was being prosecuted for wounds and blows before a court of law in Mauritius and we are talking about a respected democratic country, which turned the application down. That person, I can say, had to ask for testimony. I know him very well. The person asked for testimony for people to certify that he is a person of good character and that this is only a prosecution. Well, we cannot prejudge what would happen, but, in spite of those testimonies, his application was still turned down.

This is what obtains in other countries where after some time it does not appear on the Certificate of Character. What hon. Gayan has said, we are going to face this issue and let me mention about cases where we have deliberately chosen not to amend the Certificate of Character Act because the Certificate of Character is an official document which emanates from the Office of the Director of Public Prosecutions, and preventing minor crimes and misdemeanours from appearing in a Certificate of Character would, in fact, cause the Certificate of Character not to fully reflect the truth as to the character of the applicant for such a certificate - I say for such a certificate.

And we want the Certificate of Character, delivered by Mauritius, to reflect the applicant's character as truthfully as possible and a document which foreign countries and institutions may rely upon. There is one instance, which I can see, of what could happen. Let us say, if we had come with an amendment where we say that after some time, we can deliver a Certificate of Character without any previous conviction. There are the checks that other countries - in fact, they asked authorities here whether that person has been convicted. And we have to say, we have to disclose, for security reasons, but it is up to the country to decide whether that conviction is material or not for them in granting whether a visa or any application that is being made in that country. Now, can you see the situation where that person would hand over a document which says that he has got a clean record and on the other hand, where the authorities here are saying that that person bears a previous conviction?

Let me say also that it is true that, at present, section 5(2) of the Certificate of Character also provides that some offences do not appear after some time, but these offences, Madam Speaker, are minor offences or offences which the Court itself has deemed not serious enough to impose a custodial sentence or offences in respect of which a person has been given a free pardon. We do not wish to create, in fact, more caveats in the Certificate of Character as this will dilute, again I say, the credibility which is attached to such a document that is issued by the Authorities in Mauritius.

Madam Speaker, as regards the criticism as to why the Act is not also amended to entertain referral of cases involving the Public Service Commission, the answer is that the Public Service Commission is established under the Constitution and cannot, in accordance to sections 118(4) and 119 of the Constitution, be subject to the direction or control of any other person or authority except at the Supreme Court and the Public Bodies Appeal Tribunal which has been established under section 91(a) of the Constitution.

I heard hon. Baloomoody asking earlier what will happen to those public officers who in one way or another have been discriminated? But there is this Public Bodies Appeal Tribunal. And to reply to hon. Abbas Mamode, what he just said earlier, he mentioned something about public officers suffering from discrimination, then, why is it that the Equal Opportunities Act does not apply to public officers. But, let us assume that the Equal Opportunities Act would have applied to everybody and somebody in the public service would have felt to have been discriminated, what would be the process? That person would have applied to the Equal Opportunities Commission, would have lodged a complaint, there would have been an investigation as to whether the matter would have been taken further, would have been adjudicated and there would then have been a judgement.

But this is what actually obtains for the public servant; that public servant will go to the Public Bodies Appeal Tribunal and if that public servant is not even satisfied with its judgement, there are other remedies also. The public servant can also go to the Supreme Court for a remedy. This is a personal opinion, but then we will see. The PSC, I am sure, will - I have not been able to look at the – there are no laws as such, I must say, there are no laws with regard to convictions and so on. There are regulations, but they are not regulations as we understand it to be a law, it is the guidelines for them. But I am sure they will adapt to this new situation also. But anyway, this is the view of Government that, in our opinion, they will and they should adapt.

Now, there is, as I say, nothing which prevents a person in respect of the PSC, who is aggrieved by a decision of not having been selected for employment because of a criminal record, from applying for judicial review of the decision in a case where there has been an invitation for applications, for an office by public advertisement, and also from appealing to the Public Bodies Appeal Tribunal.

But with regard to a decision of the Disciplined Forces Service Commission, an aggrieved person may also apply for a Judicial Review of the decision before the Supreme

Court and the Constitution does not provide for decisions at the PSC and the DFSC to be reviewable by the Equal Opportunities Commission. The Leader of the Opposition, to my mind, has missed the point, I must say, when he dwelled extensively on the Certificate of Character Act because the object of this Bill is to enhance the employability of former offenders and not about amending the Certificate of Character Act.

Secondly, with this legislation, the employer will have no choice. If Members had doubts, I can say with certainty that the employer will have the obligation not to discriminate on the basis of criminal records for employment purposes as provided in the Bill. Madam Speaker, I think all the other points also have been replied to. I have spoken about the objective test and hon. Baloomoody spoke about that earlier. The relevance also has already been replied to by me.

Yes, there was the issue. Let me say that it is important for an employer to know whether a prospective employee has been convicted of an offence, and if so, whether it is relevant to the nature of the employment he is seeking to obtain. For example, let me remind the House that, to be a barrister in Mauritius, one has to be of good character, as provided for in the Law Practitioners Act. As regards doctors, the Medical Council Act provides that any person can be registered to be a medical practitioner if he has the required qualifications and is of good character and has not been convicted of an offence in any country, involving fraud and dishonesty.

So, I hope the House will agree with me that with regard to those people, the law requires that we have trust and confidence in them so that they should be flawless insofar as their character is concerned.

So, maybe to sum up, Madam Speaker, let me say, once again, that on this side of the House, we are fully convinced that this amendment we are bringing to the Equal Opportunities Act is going to be far-reaching, and I am sure that there is a number of people who are now going to see some light, at least, at the end of the tunnel, and who will be able to have an opportunity, as I said, a second chance in life, and I am sure that they will appreciate the consideration that is being given to them.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE STAGE

*(Madam Speaker in the Chair)*

### THE EQUAL OPPORTUNITIES (AMENDMENT) BILL

**(No. XVI of 2017)**

*Clauses 1 and 2 ordered to stand part of the Bill.*

*New Clause 2A (Section of principal Act amended)*

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

**The Prime Minister:** Madam Chairperson, I move that a new Clause 2A be added by inserting, after clause 2, the following new clause –

#### **“2A. Section 2 of principal Act amended**

Section 2 of the principal Act is amended by deleting the definition of “status” and replacing it by the following definition –

“status” –

- (a) means age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation; and
- (b) in relation to sections 10 and 11, includes criminal record;”

**The Chairperson:** The question is that new Clause 2A be read a second time.

*Question put and agreed to.*

*New Clause 2A ordered to stand part of the Bill.*

*Clauses 3 and 4 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 Madam Speaker in the Chair, Madam Speaker reported accordingly.*

*Third Reading*

*On motion made and seconded, the Equal Opportunities (Amendment) Bill (No. XVI of 2017) was read the third time and passed.*

*Second Reading***THE SMALL AND MEDIUM ENTERPRISES BILL  
(No. XV of 2017)***Order for Second Reading read.*

**The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah):** Madam Speaker, I move that the Small and Medium Enterprises Bill (No. XV of 2017) be read a second time.

The SME Bill, which is presented before the House today, is an important piece of legislation which marks a sharp break with ineffective past trends and sets the stage for a new dawn for the SME sector. As the saying goes, and I quote -

“If you do what you have always done, you will get what you have always got.”

The SME Bill is aimed at repealing the SMEDA Act in view of providing a modern and business-friendly legislative framework for the SME sector. It goes in line with the major institutional reforms that Government is undertaking to instil more efficiency and effectiveness in the different economic sectors.

Madam Speaker, the object of this Bill is two-fold: firstly, it brings a major institutional reform as SMEDA, which no longer meets the present exigencies and realities of the SME sector, will have to cease its operation. SME Mauritius Ltd, a Government-owned company, which has already been set up, will gradually take over part of its functions.

Secondly, the Bill provides for a new legislative framework, as I mentioned, to provide for the Ministry to appoint a Registrar of Small and Medium Enterprises, who will be a public officer responsible for the registration of SMEs and whose role will be to equip any person who intends to set up an enterprise having a project value not exceeding Rs20 m. with the necessary support and information. Such support to the entrepreneur will mainly consist of facilitation in obtaining any permit, licence or clearance that is needed for the enterprise to start its operation.

It is a complete revamp of the registration process and support mechanisms to SMEs, which exist presently at SMEDA, as per the SMEDA Act. Hon. Members will learn how the provisions of this Bill differ from those of the SMEDA Act during the course of my intervention, especially when I will elaborate on the specific provisions of the Bill.

This Bill can be viewed as a major landmark in the development of the SME sector. The important institutional reform that stems from this Bill, not only reckons the stark realities and imperatives of the SME sector but, more importantly, responds to conditions for a healthy economic and social development of the country. The Bill, therefore, Madam Speaker, sets the scene to enable the Ministry to move forward with confidence, bearing in mind what the hon. Prime Minister said in his Budget Speech, this year, and I quote –

“We need a fundamental institutional reform to better support the SMEs and as recommended in the 10-year Master Plan for the SME sector, SME Mauritius will be set up to replace SMEDA”.

Against a backdrop of increased global competition, SMEs, SME organisations, support institutions, the private sector and Government have to adjust, adopt new approaches, and invent new ways of working to foster SME competitiveness for our SMEs to add more value to their products, and thus stay ahead. Can we, in the light of such challenges and of the imperatives of economic performance, sit back and continue with the *status quo*? As a responsible Government, we simply cannot let things remain or prevail as they are. We have come to realise that the current institutional setup that is providing support to entrepreneurs can no longer live up to the new exigencies of the SME sector. And Government, under the bold leadership of the hon. Prime Minister, has taken the initiative to bring about the desired change.

Reforming now is a necessity, not a choice. This is all the more important since the context for such an overhaul is favourable, with Mauritius witnessing a significant leap of 24 places in the Ease of Doing Business 2018 index, to move from 49<sup>th</sup> to 25<sup>th</sup>. It is indeed the legislative amendments through the Business Facilitation (Miscellaneous Provisions) Act 2017 and a series of administrative reforms undertaken by Ministries and Public Sector Agencies to improve their procedures that have contributed to this positive result. The SME Bill, in this perspective, is an additional stone to the building.

### **The Process: Development of the Bill**

Madam Speaker, it is important that hon. Members, all stakeholders and the population at large, especially entrepreneurs, understand the rationale for coming up with this piece of legislation, which may be perceived as disturbing the comfort zone of some people who are generally inclined to resisting change.

As I have often affirmed in the House, SMEDA itself is “*le talon d’Achille*” of the SME sector today and this state of affairs has been lasting for years. SMEDA is, in fact, a bulky organisation with more than 100 employees, three-quarter of which is composed of administrative positions.

The conclusions of a report of the Office of Public Sector Governance (OPSG) released in 2013 about SMEDA are daunting. It notably recommended a series of measures and a major structural reengineering to remedy the situation - recommendations that remained unaddressed for years. Madam Speaker, history will recall that it is this Government that is demonstrating the necessary willpower, clear-sightedness and boldness to make the changes required, however difficult they may seem, to favour the creation of an SME Support Institution which is ‘*digne de ce nom*’.

Moreover, all those conversant with the entrepreneurial landscape and reality are very well aware of the fact that handholding, mentoring and incubation, among others, are crucial technical functions to be upheld by any SME Support Institution. This is particularly true for start-ups, given that 70% of them usually fail in the first 12 to 18 months of operation. It is, however, very unfortunate to say that such concepts as ‘handholding’, ‘incubation’ and ‘mentoring’ are not part of the vocabulary of the SME support institution that is currently servicing our entrepreneurs.

Madam Speaker, it is thus no surprise that during the consultative process for the development of the 10-Year Master Plan for the SME sector, a number of entrepreneurs, representatives from different Government Departments and the private sector made a plea for a review of the existing institutional support and for the Ministry to come up with an enabling regulatory and business-friendly environment in view of facilitating the development and growth of enterprises, especially SMEs.

The Master Plan makes recommendations for a rationalisation and improvement of the SME support institution, and for the setting up of SME Mauritius for greater coherence, more efficiency and effectiveness.

The transformation process is on, and with the passing of this Bill, we are charting the way forward for a major structural shift. The philosophy underlying this Bill lies, therefore, in enacting a reformed and more appropriate legislative framework for the SME sector in reviewing the institutional set-up to make it more responsive to the exigencies of the sector.

### **Salient Features of the Bill**

Madam Speaker, I shall now deal with the important specific provisions of the Bill.

**The Registrar**

Clause 3 of the Bill provides for the appointment, within the Ministry, of a Registrar of SMEs who shall be a public officer. The Registrar will be responsible to register an enterprise as an SME, on the condition that the enterprise satisfies the required criteria to be considered as such. This function is presently performed by SMEDA.

As the SMEDA Act will be repealed, the function relating to the registration of SMEs has to be entrusted to a competent authority. We have, at the level of the Ministry and of Government, in consultation with the different stakeholders, thought it appropriate to confer this function to the Ministry and to appoint a Registrar to exercise this specific function and others, which I will elaborate later. It is quite obvious that this authority and policy-maker be more apt to be responsible for this aspect, given the legal implications in respect of the administration of the fiscal incentives made available by Government to SMEs. Once registered with the Ministry, an enterprise will then be directed to SME Mauritius which, being a Government-owned company, will discharge those functions that include providing support to SMEs for the development and growth.

In addition, the concept of SME has till now been vague and definitions and designations remain elusive, even among Government agencies themselves. That is why we get conflicting figures emanating from different organisations, namely the Registrar of Companies and Statistics Mauritius, about SMEs. In this context, it is quite difficult to get a complete grasp of the extent of the impact of those enterprises - sometimes identified as 'SMEs' and other times as 'small establishments'. This is something to be deplored as this implies that there is no accurate visibility concerning the main indicators relevant to the sector, while I believe it is vital to take its pulse in a systematic manner so as to make informed decisions.

Madam Speaker, this issue of differing denominations and definitions is being settled with the establishment of a Registrar of SMEs, who will henceforth proceed with the registration of businesses as per the definition provided in the First Schedule (Section 2). On top of providing an enhanced and precise insight of the sector, data collected via the Registrar will enable an effective mechanism to monitor and evaluate the impact of policies as well as to deliver evidence-based policy reviews that are tailor-made according to the needs of the various categories of enterprises found in the sector, namely, Micro, Small and Medium.

Hence, by setting up a dedicated Unit within the Ministry under the responsibility of a Registrar for the registration of SMEs, we are not only departing from the traditional system that has been existing over the years, but also introducing an innovative service whose relevance is beyond doubt as such a mechanism will enable us to continuously adapt policy decisions and improve outcomes for the benefit of the sector.

### **Registration of Small and Medium Enterprises**

Madam Speaker, Clause 4 of the Bill provides that every person who operates an enterprise, may apply to the Registrar for registration of his activity as an SME, subject to him satisfying the required criteria and conditions. Unlike the existing provisions in the SMEDA Act, Clause 4 of the Bill also provides the relevant detailed information, such as the particulars of the enterprise, the nature and location of the business activity, and the expected or actual workforce to be involved, that the applicant should submit for the validation of the registration as an SME.

Another important provision made under this Clause concerns the timely processing of the application. It is clearly spelt out that the Registrar should inform the applicant, within a period of 15 days from the date of receipt of the application or of any information sought, whether the application has been granted or rejected.

The reason for setting a time limit for the Registrar to make a reply to the applicant is simply to avoid any unreasonable delay in processing the application. If we leave it open, then nothing will prevent the Registrar to manifestly delay the process. As the provision stands, a reply to an applicant may be provided on the day the application is made if all the required documents are submitted. Therefore, this provision is made in the interest of the applicant.

Clause 5 of the Bill caters for the issue of a registration certificate to an enterprise meeting the required conditions to be considered as an SME, and that certificate shall remain valid for a period of 5 years, contrary to what is provided in the SMEDA Act where a registration certificate is issued for an indefinite period.

The introduction of a validity period of 5 years for an SME registration certificate is important in the sense that it will allow the Ministry to know, from a monitoring perspective at the time of renewal, whether the SMEs were active or dormant, and whether they have, in the meantime, graduated from Micro to Small and Small to Medium etc. For obvious reasons,

an SME registration certificate cannot be granted for an indefinite period. It has to be in a well-defined framework.

It is also provided under Clause 5 that if ever the holder of the registration certificate changes the name or address of the SME or intends to change the nature of the business activity for which the registration certificate was granted, he has to apply to the Registrar for an amendment to be made to the certificate. Again, this will enable the Ministry to monitor the type of business activity the enterprise is engaged in and for what reasons it wishes to change the nature of its business. All these information will be compiled and will be of use to the Ministry and authorities concerned at the time of policy-making or whenever any scheme has to be devised for SMEs.

I mentioned earlier that a registration certificate will be valid for a period of 5 years. Under Clause 6, the holder of the certificate will be required to file an application for renewal to the Registrar at least three months prior to its date of expiry if he wishes his business to be legally recognised as an SME, and thus benefit from any approved scheme or appropriate fiscal and financial incentives devised for the benefit of SMEs. This is a new provision that does not exist in the SMEDA Act.

On this aspect, Madam Speaker, I however wish to point out that adequate measures will be taken for the renewal process to take place as swiftly as possible, bearing in mind that we are in a spirit of enhancing public sector efficiency and of facilitation of the business landscape.

This provision, by filtering between those who are willing to continue their business activities and those that have remained dormant over a fairly long period of time and that do not intend to pursue their activities, will also enable the Ministry to further refine the compilation of information on SMEs and thus strengthen the business intelligence component of the whole framework we are aiming to set up via the Bill.

The Bill also empowers the Registrar, in Clause 7, to cancel the registration certificate granted to an SME or to vary its terms and conditions only in certain circumstances, especially where at the time of making an application, the person has given false or misleading information to determine his application or where the holder of the certificate fails to comply with any requirement of the Act or any terms and conditions specified in the certificate.

The registration certificate may be cancelled or varied also where the enterprise ceases to meet the criteria to be considered as a micro, small or medium enterprise.

However, the Bill provides in the same Clause, that the Registrar can exercise this discretionary power of cancelling or varying a registration certificate only after he has given written notice to the holder of the registration certificate to give any reasons within 14 days from the date of the notice why the registration certificate should not be cancelled or varied. In addition, to guard against any abuse of power of the Registrar in the exercise of his functions, a provision has been made in the Bill for a right of appeal to the Minister.

Madam Speaker, Clause 10 of the Bill provides, therefore, that any person aggrieved by the decision of the Registrar to refuse an application for the issue or renewal of a registration certificate, or to cancel or vary a registration certificate, may appeal to the Minister to review such a decision. It clearly denotes that we are providing a system where the entrepreneur knows that he can always knock on the door higher up in case he feels he has not been given a fair treatment. And an appeal will be determined by the Minister within three months from the date it is lodged.

Madam Speaker, allow me to come to a very important provision made under Clause 8 of the Bill that will substantially affect the operation of the SME One-Stop Shop.

Presently as provided for in the SMEDA Act, the SME One-Stop Shop was set up to perform two main functions –

- firstly, to administer and manage such schemes as Government may approve. And one of the schemes that it manages is the SME Development Scheme Certificate, and
- secondly, to facilitate the setting up and operation of an enterprise which has a project value not exceeding 20 million rupees and be a single authority which provides all the support and information, as well as the delivery of every permit or licence, that the enterprise requires to start, operate and grow its business.

While the SME One-Stop Shop has so far been able to discharge the function of administering and managing the approved schemes, it has not managed to act as a centralised coordinating agency. In this sense and in practice, it cannot literally be defined as a real One-Stop Shop as it is not providing all the required services under one roof, that is, receive all applications for registration, permit or licence, transmit such applications to the relevant

public bodies, and deliver to the applicant the required licence or permit against collection of the appropriate fees.

Why, Madam Speaker, is this arrangement not working? There are, on one hand, various practical difficulties met by some public sector agencies, such as local authorities or public utilities organisations, to delegate those functions to the SME One-Stop Shop. On the other hand, there is an obvious preference of entrepreneurs themselves to submit and collect their relevant applications to the District Council or Municipality of their locality for convenience reasons. We have tried to decentralise the services of SMEDA in this perspective, through the setting up of four Business Development Centres in Mahebourg, Bel Air, Goodlands and Coromandel, but to no avail. We at least have the merit of having tried to come up with an alternative to the situation but because of understandable practical intricacies, this did not yield the desired outcome. There is, however, a need to review the whole concept of the SME One-Stop Shop.

The Bill addresses this issue, part of the functions of the SME One-Stop Shop, especially those relating to the registration and provision of support and information to any entrepreneur setting up an SME, will be discharged by the Ministry, as provided for under Clause 8 of the Bill.

And the other functions of the SME One-Stop Shop, which pertain to administering and managing the SME Development Schemes and other schemes as may be approved by Government, will be performed by SME Mauritius, as provided for under Clause 16 of the Bill.

With the segregation of these two main functions, the SME One-Stop Shop will cease to exist. However, I must here stress that the Ministry is in no way abdicating from its responsibility of facilitating any start-up to commence its activities as early as possible.

Provision has been made under Clause 8 of the Bill for the Registrar to ensure that any application for a licence, permit or clearance made to a public sector agency, be it a Municipal or District Council or the CEB or CWA or any other relevant institution, is expeditiously processed. And in case of any delay or if same cannot be done within the statutory time limit, the public sector agency will have to inform the Economic Development Board and the Registrar of SMEs as to why the application cannot be determined. The Economic Development Board will then make appropriate recommendations to the public sector agency once it has examined the reasons given.

Clauses 11 to 15 deal with miscellaneous provisions that include the keeping of a Register for registered SMEs, the penalty imposed on any person who contravenes the Act, regulations made for the purposes of the Act, provision for the repeal of the SMEDA Act and consequential amendments.

Madam Speaker, let me now turn to another crucial feature of the Bill, that is, the transitional provisions made under Clause 16.

I informed the House, at the start of my intervention that the aim of this Bill is to repeal the SMEDA Act. Obviously, the first question that comes to mind is what will happen to the employees of SMEDA.

From the very outset, I seize the opportunity to bring the necessary clarifications regarding the grievances being expressed, which are implying that there has been no communication whatsoever with the employees of SMEDA as to their fate with the setting up of SME Mauritius. I wish to specify that in connection with this issue, I personally met the representatives of the staff union along with Mr Jack Bizlall in my office on 27 June 2017, and held a meeting with all the SMEDA staff at the SMEDA Head Office on 10 July 2017. In fact, it was an interactive exercise where many questions were put to me, and in my capacity as Minister, I gave maximum information.

In addition, the Permanent Secretary of my Ministry has been chairing several meetings with SMEDA in the presence of various stakeholders like the Ministry of Labour and Industrial Relations, the Pay Research Bureau, the Ministry of Civil Service and Administrative Reforms, the Accountant General, SICOM Ltd and the Parastatal and Statutory Bodies Employees Association since June 2017 to date in connection with the phasing out of SMEDA and the redeployment of the staff. The question of lack of communication thus does not arise.

At this point, let me emphasise what I said on a number of occasions, be it in the Press or at several official functions. I indeed repeatedly said that, no employee of SMEDA will lose his or her job.

This is why we are providing in the Bill, a provision under Clause 16 for every person who is an employee on the permanent and pensionable establishment of SMEDA, to be given the option to either be transferred to SME Mauritius, or to be redeployed, as far as practicable, to any Ministry or statutory body where vacancies in a similar position are available. It must be stressed, Madam Speaker, that any transfer or redeployment will be done

on terms and conditions which shall not be less favourable than those drawn by the employee in his present position at SMEDA.

And in case an employee neither wishes to join SME Mauritius, nor wants to be redeployed to any Ministry or statutory body, he may opt for retirement on the ground of abolition of office and be paid his appropriate pension benefits.

It is worth asking ourselves the conditions that goaded us into bringing SMEDA to an end. I believe it is important that the House be made aware that to date, SMEDA has a workforce of around 104, and nearly 65% of this number represents administrative staff and manual workers, whereas only 35% is employed as technical staff. For an effective service, the proportion should have been the other way round, with a prominence of technical staff over the other categories. We definitely cannot repeat the same mistakes of the past and replicate the same staffing structure in SME Mauritius. The company requires more technical staff and sectoral as well as thematic experts who are conversant with the notions specific to entrepreneurship development rather than employees in administration or manual worker grades.

Madam Speaker, the new organisation is thus not in a position to recruit all the employees of SMEDA, given the largely non-technical profile of its workforce to date. This means that redeployment will be a more suitable option for many. As said earlier, the Union and the staff have already been informed of these provisions and they will be given the opportunity of joining a Ministry or a statutory body with the assistance of the Ministry of Civil Service Affairs and Administrative Reforms.

The House may wish to know that we are going to pursue consultations with the Union, the SMEDA staff and the Ministry of Civil Service Affairs and Administrative Reforms, on this issue. The mandate of this further round of consultations is clear – we will see to it that the SMEDA employees are comfortable with whatever proposal is being put forward to them. To end on this aspect of the Bill, I wish to once again point out that from the three options provided, it is clear that there is no question of laying off or terminating the employment of any member of the personnel.

Madam Speaker, the other issues, which are dealt with under the transitional provisions, concern the assets and funds, rights, obligations and liabilities of SMEDA which will be taken over by SME Mauritius, once the Act comes into operation.

Clause 16 also makes provision for a number of matters, such as, amongst others, any application to SMEDA or registration certificate issued by SMEDA, or contract or agreement entered into, by SMEDA or any scheme in operation, will continue to be managed by SME Mauritius once the Act comes into operation.

We will obviously ensure that all issues have been properly addressed before we move for the repeal of the SMEDA Act which will entail the ceasing of operation of SMEDA. This is why provision is made in the Bill under Clause 17 that the Act shall come into operation on a date to be fixed by proclamation and that different dates may be fixed for the coming into operation of the different sections of this Act.

To conclude, Madam Speaker, I am presenting this long overdue Bill which is marked by a disruptive approach and which is a wake-up call for all components of the entrepreneurial ecosystem. This major institutional reform is not only a radical '*rupture avec un passé peu glorieux*', but it also is a strong signal of Government's desire to reconnect with the entrepreneurial community and ecosystem.

Through our relentless efforts, we have been able to carve a piece of legislation that will go a long way towards putting in place a system that is more structured and reliable, and that will contribute to the increased performance of SMEs in the economy.

The time has come, Madam Speaker, for all of us in this House to realise that there is a need for a complete review of the legislative framework for the SME sector and this is what the Bill is aiming to achieve. The SME Master Plan envisions SMEs as the engine of growth to position Mauritius as a High Income economy against the following targets –

- (i) raise SMEs' contribution to GDP, currently from 40% to 52% by 2026;
- (ii) raise SMEs' share of total national employment from 55% to 64%;
- (iii) increase current exports from less than 3% to about 18%, and
- (iv) increase the value addition from MUR 175 billion to 388 billion.

Materialising this ambitious, yet, attainable vision requires an exemplary public delivery and operations company that emulates best practice from comparable private sector bodies. Via the SME Bill, we are replacing the existing model and system of governance with a better one in view of transforming our political aspirations with regard to the SME sector into tangible outcomes.

I would urge everybody to ask themselves the following question: are we here to create or to consume a legacy? SMEDA, in its present condition, is a blatant case of a legacy that has been slowly but surely consumed. This Government is particularly attached to the mission of creating a legacy as we believe that the future needs to be treated as an asset.

Today, with the SME Bill, we are proposing to mainstream SME development into a national framework. And through the establishment of a flexible, yet accountable organisation like SME Mauritius, we are prioritising our efforts such that today's entrepreneurs are being taken care of, while keeping an outlook on long-term sustainability in view of fostering a wave of modern entrepreneurs.

I can assure the House, Madam Speaker, that opting to repeal the SMEDA Act, with all the implications entailed, has not been an easy decision. Change, never easy in any large institution, always seems harder in Government, whose scale and complexity are daunting, so too is the challenge of initiating reform under the close scrutiny of the public, the press, and the legislature.

This Government is hereby showing its capacity and political willpower to embrace bold initiatives. A freshly crafted entrepreneurial ecosystem is set to emerge with the SME Bill and for SME Mauritius to be an important instrument in Government's toolbox for exponential value creation, significant efforts will have to be undertaken by all other parties concerned, i.e., support agencies, the private sector as well as entrepreneurs.

I am confident that, based on all the information I have provided to the House, the SME Bill and SME Mauritius will be viewed as they should be, that is as an exercise of value creation in the entrepreneurial landscape.

Following a gruelling round of reform in 1999, Tony Blair, the former British Prime Minister, famously said, I quote –

"I bear the scars on my back after two years in government and heaven knows what it will be like after a bit longer."

Madam Speaker, I have strong faith in the reform being proposed via the SME Bill. A new journey is about to begin for the SME sector and I am tempted to say that I am ready to bear the scars given that the SME Bill and SME Mauritius, I am sure, will bring the SME sector to its intended destination.

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

**Mr Toussaint rose and seconded.**

(11.00 p.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Madam Speaker, if there is one sector which best illustrates the lack of leadership and the indecisiveness of this Government; if there is one sector which best characterises the inability of this Government to deliver on its promises, if there is one sector which best epitomises the incompetence of this Government, it is in the SME sector, in the Small and Medium Enterprise sector!

Madam Speaker, allow me to go down memory lane. Monday 23 March 2015, hon. Lutchmeenaraidoo presents the first Budget of this Government. Expectations are high. Everybody is glued to his TV set. Everybody is listening to the radio. The whole nation is waiting for the Budget that is going to bring the second economic miracle and the self-proclaimed magician pulls his latest trick which, incidentally, will be his last trick. He states, and I quote –

“Madam Speaker, I now come to the most ambitious goal of this Government - making the SME sector the backbone of our economy.”

That is what hon. Lutchmeenaraidoo said and he goes on to propose ten measures and the first measure reads as follows –

“(...) I am launching the Small and Medium Enterprises Bank (...) to provide seed capital to entrepreneurs without any need for personal guarantee. As I have said on several occasions, an amount of Rs10 billion will be made available to the Bank over the next five years, starting with a share capital of Rs200 million and a line of credit of Rs2 billion from Government for its first year of operation (...).”

This is what this Government promised, Rs10 billion to the SME over five years, an SME Bank. And we applauded this initiative. SMEs applauded this initiative because the greatest problem facing SMEs today is access to capital. And despite the fact that Government guarantees 50% of loans to SMEs, SMEs still find it very difficult to get loans, specially SMEs and micro enterprises that do not have any collateral to give as security.

So, we were all welcoming this SME Bank. But then what happened? Six months later, six months after the Budget, instead of an SME Bank, we are given MauBank. MauBank, where there was a merger of the Mauritius Post and Cooperative Bank and the

National Commercial Bank. So, at the first opportunity, Madam Speaker, he was still Minister of Finance, I asked hon. Lutchmeenaraidoo: “Is this MauBank going to be the promised SME Bank?” and this is what he answered on 08 September 2015 –

“(...) The Mission of the bank (...)"

That is MauBank.

“(...) as far as the SMEs are concerned, is within a channel to small investors, the Rs2 billion earmarked in the Budget each year. Therefore, this is a specialised bank.”

This is what was said in this House. MauBank would be the specialised Bank to channel Rs2 billion to SME sector every year. And then what actually happened? In May 2016, one year after the Budget, hon. Bholah, Minister of Business Enterprise and Cooperatives makes the following shocking confession in answer to a PQ. This is what he says, and I hope he is listening because it is good that he listens to what he said in this august Assembly. He said –

“Madam Speaker, I wish to inform the hon. Member that -

(ii) the Rs10 billion, as mentioned in the last Budget Speech, is to be made available over a period of 5 years for financing of new SME projects, but no provision has been made in the Budget.”

This is the hon. Minister of SME telling the world, through the august Assembly, that although hon. Lutchmeenaraidoo has promised Rs10 billion over five years, zero cent has been provided in the Budget. And this is why I say this Government does not live up to its promises.

And then, Madam Speaker, that is not all. The hon. Minister goes on to state, and I quote –

“I am further informed that to date MauBank has received (...)"

MauBank was supposed to be the SME Bank.

“(...) 20 such applications from MyBiz, the SME One-Stop Shop, for financial assistance for a total amount of Rs74 m. under the MauBank SME Financing Scheme. Two of these applications for loan for an amount of Rs4.2 m. have already been approved and funds are being released.”

So, one year later, instead of the Rs2 billion proposed, how much was disbursed by MauBank as at 03 May 2016? Zero cent! This is the *bilan* of this Government. Faking, you know,

showing false promises, giving big, big interviews, saying great things on TVs and radios, you know we are doing so and so for SMEs, we are going to help SMEs, this is the backbone of the economy. And then, one year later, how much does MauBank disburse to these poor SME sectors? Zero cent! Only Rs4 m. will be disbursed. This is being disbursed! And that was last year, Madam Speaker. Let us see what happened this year. One year has gone by, there was teething problem and the hon. Minister is finding his way around, MauBank is still finding his way around. And let me remind the population that this Government has injected Rs3.7 billion in MauBank. Rs3.7 billion in that bank which is supposed to help SMEs! So what happened one year later? This is very recent. In answer to a PQ by the hon. backbencher – he is still a backbencher, I am sorry for him – hon. Rughoobur, on 31 October 2017, only a few weeks ago, hon. Minister Bholah stated that since May 2016, MyBiz has approved a number of 273 projects for a total value of how much? Rs1.2 billion! Well done! MyBiz which is not working properly, One-Stop Shop which is not working properly, has approved 273 projects to a tune of Rs1.2 billion and if I am not mistaken, everybody started clapping because what an achievement! They approved Rs1.2 billion, but then, the hon. Minister goes on. How much of this Rs1.2 billion that his department, SMEDA, under his Ministry, has actually received finance? How much of it has been approved by MauBank? And I am sure hon. Members will recall the answer the hon. Minister gave because it was only a few days ago. This is what he said - and the hon. Minister is smiling because he remembers what he said -

“Out of the number of 273 projects approved by MyBiz, MauBank approved a number of 94 projects for a total amount of - how much? - approximately Rs274 m.”

We are talking of approval. We are not even talking about disbursement. We are not even talking about how much money has been paid to these SMEs. So, we have SMEDA working hard, tolling, approving projects, Rs1.2 billion worth of projects which the hon. Minister think they are not doing anything, they are doing a so bad job; approving only Rs1.2 billion of projects. And then, when he goes to MauBank, what happened? Not even 25% of these projects are approved. That is the achievement of this Government. And then, they are blaming SMEDA for their incompetence. Go and find what is wrong! How is it that SMEDA, using the same criteria, is approving Rs1.2 billion of projects and MauBank is not even disbursing 25% of the amount that has been approved?

So, Madam Speaker, let us recap. This Government announced in 2015 that they will be providing Rs10 billion in five years. So, after two and a half years, that is around Rs5

billion that had to be injected in the SME sector, and instead of Rs5 billion not even Rs300 m. That is 6%! We are talking about not even 10%. Not even 10% of what this Government had promised to the SME. Not even 10% of the Rs5 billion had been disbursed and they are blaming SMEDA! They are blaming SMEDA for incompetence, they need to scrap SMEDA, they need to get rid of all the staff. No! You need to get rid of the Minister; you need to get rid of this Government! You cannot come here, make us vote a budget and then you do not disburse the fund after two and a half years.

Madam Speaker, this is why when I hear things like “SME sector was supposed to be the backbone of our economy. SME sector was supposed to bring the second economic miracle”, Madam Speaker, in Mauritian term it is called “*Fail*” avec *enn grand ‘F’*. But what is worse, Madam Speaker, is that this Government does not have a clue of what to do with SMEs. They started - and the Minister again did that today - by blaming SMEDA. The Minister, in November 2015, said exactly what he said today in this House, that there is too many staff, too many non-technical staff and we need to reduce non-technical staff. This is the problem; too many technical staff, that is why we are not able to disburse Rs5 billion to the SME. Too many non-technical staff! This is what he said; this is in Hansard, November 2015. Okay, fair enough, there is too many staff. What have you done? What has the Ministry done? In November 2015, there was too many staff. In 2016, did you do anything? In 2017, did you do anything? In November, after two years, now you are saying the same problem. Did you, at least, carry out an HR audit to find out, to know where these people can be redeployed, without having to change the law? If there are any vacancies in another Ministry, if they need a secretary, they need a HR Manager, they need an Accountant, we can deploy it. Two years and you did not do anything!

Madam Speaker, then, after blaming the SMEDA, the hon. Prime Minister who has left, he was the third Minister of Finance presenting the second Budget of this Government, stated in that Budget Speech at paragraph 352 –

“First, the supporting institutions in the SME sector, namely, SMEDA, Enterprise Mauritius and National Women Entrepreneur Council will be merged into one organisation for greater coherence, more efficiency and effectiveness.”

So, now we are no longer having the problem of SMEDA having too much staff. The problem of SMEDA is that there are too many organisations dealing with SMEs. We have SMEDA; we have Enterprise Mauritius; we have the National Women Entrepreneur Council.

So, last year, the then hon. Minister of Finance stated that we need to merge all of these three organisations. That was last year. That was applauded, voted. The Minister defended this position. One year later, what happened? Has there been a merger? Have SMEDA, Enterprise Mauritius and the National Women Entrepreneur Council merged? No! Do we know why it was not merged? Did anyone care to enlighten the House, by way of a statement, why the Government is doing a U-turn? Did the hon. Prime Minister say, ‘whatever I said in my Budget, forget it’? Did the hon. Minister come and explain to us why, last year, he was telling us that we need to merge these organisations and this year he has decided that we should not merge these organisations? Why?

We know, Madam Speaker - because a few weeks ago we voted for the Economic Development Board - that the Board of Investment, Enterprise Mauritius and the Mauritius Financial Promotion Agency will fall under the Economic Development Board. Why not SMEDA? Why shouldn’t SMEDA fall under the Economic Development Board? Why shouldn’t also the National Women Entrepreneur Council fall under the Economic Development Board? This is a new parastatal body. If you wanted to have greater coherence, more efficiency and effectiveness, to quote the words of the hon. Prime Minister, why couldn’t you put these under the Economic Development Board? Do you need to scrap SMEDA? You could not put it under the Economic Development Board! That was last year, Madam Speaker.

Now, this year’s Budget. Like every year, the hon. Minister of Finance comes still with a number measures to revamp the SME sector, measures which, up to now, have not been implemented, of course. And then, at paragraph 164, this is what the hon. Minister of Finance announces -

“We need a fundamental institutional reform to better support the SMEs sector.”

This is exactly what he said last year. We need to reform the sector. He did not do anything for one year! So, one year later, he comes with the Budget and like, you know, a *disque rayé*

“We need a fundamental institutional reform to better support the SMEs and as recommended in the 10-year Master Plan for the SME sector, ‘SME Mauritius’ will be set up to replace SMEDA.”

Ah, that is the Holy Grail!

Now, for the first time in the Budget, we are told SMEDA will be replaced by SME Mauritius. Why? Because we have to implement the 10-year Master Plan. Fair enough! And today, Madam Speaker, this is the purpose of this Bill; to replace the SMEDA by SME Mauritius. This is one of the objects of the Bill.

Let us compare, Madam Speaker, SMEDA with SME Mauritius. Let us see if we are moving forward or we are leaping backward. Let us see if, like the hon. Minister has just mentioned, we are taking bold initiative, we are doing a destructive approach or we are going backward. So, first of all, the hon. Minister did not say one word, in his intervention, about what would be this SME Mauritius like. It is going to be a private company. This is in the Explanatory Memorandum. In fact, it has already been set up, Madam Speaker.

So, today, SMEDA has a Board. SMEDA is a parastatal body. SMEDA is governed by the Small and Medium Enterprise Development Authority Act of 2009 - SMEDA Act. SMEDA Act provides for the objects, the functions of SMEDA, and then it talks about the Board - extensively on the composition of the Board. Very important! The Board of SMEDA, today, statutorily consists of representatives of various Ministries and then representatives of the National Women Entrepreneur Council, representatives of SMEs, representatives of the private sector in business. And then, SMEDA Act provides that a Board member cannot be actively engaged in politics. That is SMEDA. Very clear objective criteria as to who can sit on the Board of SMEDA.

Now, let us see SME Mauritius. SME Mauritius is a private company. It is governed by its constitution and by the Companies Act. Who will sit on the Board? Representatives of Ministries? Who? Is there anywhere in the Bill telling us who will sit on the Board of SME Mauritius? Is there anything in this Bill telling us what would be the qualification of the persons who will sit on the Board of SME Mauritius? No, Madam Speaker! It is the Minister who will decide. He can appoint whoever he wishes. He can appoint people who, for example, are being prosecuted for corruption. He can appoint people who are on bail for criminal offences. He can appoint people who are subject to inquiry before the Commission of Inquiry on Drug Trafficking for their alleged connection with drug lords. He can appoint people who charges fees from Korean investors to take pictures with the Prime Minister. He can appoint relatives of Ministers, *petits copains, petites copines*. The Minister is smiling, but, in fact, he has absolute power. This is the difference between SMEDA Act, which tells you who can sit on the Board and SME Mauritius, and that is what the hon. Minister talks about bold initiatives. Very bold indeed! Taking away what statutorily we knew would be the

condition of SMEDA and replacing it with people that the hon. Minister can pick and choose at his whims and fancy. And once he has chosen his people to sit on the Board, he will have an absolute *mainmise* on that Board and the Board will dance to his tune, because if the Board does not agree with the hon. Minister, he can fire them; he can replace them. Now, what would be the fees charged by the Board? Do we know who is going to charge these fees? This will not be fixed by PRB report. No! This is a private company. The private company, you know, is not bound by the PRB. The Minister decides. The Board decides. Is this good governance? Is it what the Government means when it is saying that we are having a modern legislative framework replacing a statutory parastatal body by a private company?

Now, let us move to the finance, Madam Speaker. Under the SMEDA Act, the Board is required to prepare annual report and audited statement. They are required to give a copy to the hon. Minister. The hon. Minister is required to lay before the National Assembly a copy of that report. Now, whether they have been doing it or not is a different matter because as a matter of fact, they have not been doing it. This Government has never, as far as I know, deposited any copy of the audited accounts of SMEDA before this Assembly. But, at least, there is a legal obligation for them to deposit their accounts. The National Audit can scrutinise SMEDA. The Public Accounts Committee can scrutinise the finances of SMEDA. Hon. Members of Parliament can scrutinise SMEDA and ask question and find out what has happened to the finances because we vote every year a sum of money to SMEDA. We can ask question. We can scrutinise the use of funds. But, now, what will happen when we are going to have SME Mauritius; this private company, this bold initiative of the Prime Minister, this destructive approach? What are we going to have? We are going to have a private company.

This private company will file its audited account with the Registrar of Companies. The Director of Audit will not be able to investigate its activities, the Public Accounts Committee will not be able to investigate its activities, MPs will not be able to ask questions about SME Mauritius. Because, we all know, Madam Speaker, what happens when we, hon. Members, try to question what is going on in companies, what he and his honourable colleagues answer to us? Madam Speaker, each time we ask a question about Air Mauritius, we are told that we cannot do so, it's a public company. Each time we question the Minister about the fiesta *maja karo* that is going on in Mauritius Telecom, here also we cannot do so, this is a private company! Each time we ask questions about Duty Free Paradise, ATOL, Airport of Mauritius, recruitment of employees, giving contracts to *petits copains*, no, we

cannot do so, these are private companies, and it is for the Board to decide! We, MPs, are not allowed to ask questions! Now what is going to happen when next, I will ask a question about SME Mauritius? What will be the answer? No, you can't! For SMEDA, yes, you can ask whatever question, but SME Mauritius, no, it is a private company directed by its Board! This is what this Government means by 'we are taking a bold initiative'. Total opacity on the financing of SME Mauritius! But what does this Government have to hide? Why? We are talking about public funds, we have voted the funds in the Budget, we give the funds to SME Mauritius, why can't it be made public, why can't we ask questions? Why should it be a private company? Maybe, the Government doesn't want us to know how generous SME Mauritius would be with other people's money! But SME Mauritius will be funded by public funds, taxpayers' money and representatives of these taxpayers will not be able to ask any question, will not be able to ascertain how the funds are utilised, are wasted, and this is what this Government is talking about, modern legislative framework, bold initiative!

Madam Speaker, what makes me even more smile, is when I look at the Explanatory Memorandum, it dares say that the Object of this Bill is to repeal the SMEDA Act and to replace it by a modern, more business friendly one. Business friendly for whom? For SMEs? No! Business friendly probably as my colleague, hon. Bhagwan like to say '*for chor maha chor*'!

*(Interruptions)*

Yes, I stand by every word I said.

There will be total opacity about the finances of SME Mauritius and every year we will vote in this House an amount of money for SME Mauritius, but no one will be able to ask any question about how this fund has been used or misused. Madam Speaker, today SMEDA is subject to the Public Procurement Act. Its name appears in Part II of the Schedule. And I pause here, Madam Speaker, to draw the attention of the House, and the Parliamentary draftsmen, to a major drafting mistake in this Bill.

If we look at Clause 15 (5) (b) of the Bill that has been circulated, it is said –

“Clause 15

(5) The Public Procurement Act is amended –

(b) in the Schedule, in Part II, by deleting the following item –

Small Enterprises and Handicraft Development Authority.”

This is wrong, Madam Speaker. It should not be ‘Small Enterprises and Handicraft Development Authority’, it should have been ‘SMEDA – Small and Medium Enterprise Development Authority’. Why? Because if we look at the SMEDA Act of 2009, if we look at section 35, subsection 1, - which has already come into effect by proclamation on 29 January 2010 - it says, and I quote –

“The Public Procurement Act is amended in Part II of the Schedule by deleting the following items, Small Enterprises and Handicraft Development Authority, and by inserting in the appropriate alphabetical order the following new item, Small and Medium Enterprise Development Authority.”

So, this Small Enterprises and Handicraft Development Authority has already been deleted and repealed from the Schedule. Now, if we are going to vote this Bill, then, section 15 subsection 5 of this Bill should read ‘SMEDA’ instead, in being the authority that is deleted in Part II.

Madam Speaker, today, SMEDA is a public body; SMEDA is subject to the Public Procurement Act. What does that mean? It means that, today, if SMEDA is going to award any major contract, it has to follow all the procedures set out in the Public Procurement Act and if it doesn’t follow all these procedures, any unsatisfied bidder can appeal to the Independent Review Panel, can have the decision stayed, the decision reversed. So, there is a judicial control over the award of any major contract by SMEDA. But with this bold Bill, with this destructive approach, what are we going to have? We are going to have SME Mauritius, which is not a public body, which is a private company, which is not even an exempt organisation. At least, the hon. Deputy Prime Minister, when he came with the amendment for the subsidiaries of CEB, he agreed that CEB subsidiaries, even if they were private companies, they should fall under the Public Procurement Act and he brought an amendment to say that these subsidiaries of CEB would be exempt organisation. But not SME Mauritius! SME Mauritius would fall *carrément en dehors* du Public Procurement Act. Total opacity! No one will be ever able to challenge any contract awarded by SME Mauritius! They can do whatever they want with the money; the Board is sovereign. They can award contract *to petits copains, to petites copines*, to family, to relatives; they can do whatever they want, it will not be scrutinised, no unsatisfied bidder will be able to challenge them. It will not be subject to Judicial Review because it is not a public body and we will not be able to go to the Independent Review Panel. And this is what this Government wants to do, transfer, scrap SMEDA, replace it with SME Mauritius and this is what I find shocking,

Madam Speaker, not a word from the hon. Minister as to why he wants to have SME Mauritius as a private company, why he wants SME Mauritius to fall outside the realm of the Public Procurement Act.

*(Interruptions)*

Now staffing! I am happy that the hon. Minister said that he is giving the assurance to the House that all the 104 employees will be employed or redeployed. So, if we look at Clause 16, Madam Speaker, there are 3 options available to the 104 staffs of SMEDA. First, they can be transferred at their option. That is what is important; it is the staff that is going to decide. Every person who is employed on the permanent establishment of SMEDA may opt to be transferred to SME Mauritius or to be redeployed or to retire. So, there are 3 options. Now, let's take the first option. What happens, Madam Speaker, if all these 104 members of staff decide to opt to be employed by SME Mauritius? The law says that it is their option, that they have to be offered new terms and conditions which shall not be less favourable. What happens to our excess non-technical staff, what happens to the ratio of 65:35? It will be the same thing! SMEDA would have 104 members of staff, SME Mauritius will have 104 members of staff. This is what is said –

“(3) Every person who, at the (...) may (...) of this Act, opt –

(a) to be transferred to SME Mauritius Ltd on new terms and conditions which shall not be less favourable than those of his previous employment.”

It is the option of the staff. But we know, Madam Speaker, that there is a lot of staff who do not want to be transferred. I mean, who would want to leave a parastatal body governed by PRB where they have security of tenure, and go to a private company where they can be hired and fired at the whims and fancies of the Board for anything and lose all their acquired rights. I mean, no one with a sensible mind would want to leave establishment to go and work for a private company.

So, what is more likely to happen, Madam Speaker, is a lot of the staff will opt to be redeployed. They would opt to be redeployed. But that is where the problem lies. Because when we look at the Act, what is the proposed Bill saying? The proposed Bill is not saying that they will be redeployed to other Ministries; it is said they would be redeployed, firstly, so far as it is practicable. So, if it is not practicable, no redeployment! And secondly, where vacancies in a similar position are available! So, the deployment is subject to two conditions.

Firstly, it must be practicable, and secondly, there must be availability. And I am sure, in his summing up, the hon. Minister will come up and give us a list of available positions. I am sure he must have discussed it with the hon. Minister of Civil Service and Administrative Reforms, and he has already come up with a list of all vacancies in parastatal bodies which can absorb these members of staff because he gave an undertaking that all the staff – he said it himself - would be retained. So, it means that you need to redeploy them.

The hon. Minister said that he received the staff. Yes, he did! But what he did not say, why did he receive them? He only received them after Mr Jack Bizlall, the appointed negotiator, made a complaint to the Ministry of Labour, Industrial Relations, Training and Employment. And it is the Ministry of Labour, Industrial Relations, Employment and Training who convened a conciliation meeting and asked the Ministry to hold meetings with the staff. But anyway, the hon. Minister has given an undertaking that all the staff will be employed or redeployed. I am sure that he will keep his word for the staff.

Now, Madam Speaker, the last point and the best point. Madam Speaker, the Ministry of SME has paid millions of rupees to a Consultant Empetrec (Mauritius) to come up with a 10-year Master Plan for SME sector in Mauritius. Empetrec (Mauritius) is so efficient, they provided two reports: one full report and for lazy people like myself, an abridged version of the 10-year Master Plan. And this 10-year Master Plan went to Cabinet on 24 March 2017 and Cabinet took note of the Master Plan, and of its recommendations. That is why the hon. Prime Minister, in his Budget Speech, said: “As recommended in the 10-year Master Plan for SME sector, SME Mauritius will be set up to replace SMEDA”. This is clear. We are going with SME Mauritius because we are implementing the recommendation of the 10-year Master Plan. This is what I heard the hon. Prime Minister saying, and I have not heard anything from the hon. Minister to tell me otherwise. In fact, he, himself, quoted this part of the Budget Speech again in his speech. Now, let's see what actually the Master Plan recommends. This is at paragraph 7.5, under the heading ‘Rationalise and Improve SME Support - Set up SME Mauritius’.

Firstly, it recommends that SMEDA, Enterprise Mauritius and National Women Enterprise Council be merged into one organisation. Then, it goes on, and this is the material part –

“This merger - that is, merging SMEDA, Enterprise Mauritius and National Women Entrepreneur Council - will inevitably lead to the creation of the new high-powered

multi-capabilities Institution, (hereinafter referred to as ‘SME Mauritius’). To avoid previous mistakes, the Master Plan recommends that SME Mauritius should be incorporated as a parastatal organisation, with a board constituted equally of public and private sectors’ representatives and has a clear mandate to provide targeted and differentiated support to SMEs.”

This is what the 10-year Master Plan recommended: the setting up of SME Mauritius as a parastatal organisation; not as a private company; not as an opaque company; not like a company which will not be scrutinised; not like a company which will fall outside the Public Procurement Act; not a private company which will not be audited by the National Audit; not a private company which will not be answerable to the Public Accounts Committee; not a company which will not be subject to any question from this House. This was not recommended. This was not approved by Cabinet. This was not in the Budget Speech. What happened in the meantime? What happened between the Budget Speech and today? Why is it that we are being told that we are implementing the 10-year Master Plan? Why is it that the whole nation is being told that SME Mauritius has been recommended by this 10-year Master Plan and then hide to the nation that what was recommended is a parastatal body, and what is before this House is a private company? Why? Not a word, Madam Speaker! Not a word! And the hon. Minister said: “This is the bold initiative of the Prime Minister.” The Prime Minister who is not even here, his name was taken. This is what he said! This is the bold initiative of the Prime Minister. So, do I take it that it was a decision of the Prime Minister to convert the SME Mauritius from a parastatal body to a private company? We are talking about public funds here. We are talking about opacity. We are talking about accountability.

*(Interruptions)*

Nothing! And we are going to vote this!

*(Interruptions)*

Madam Speaker, it is not, unfortunately, an innocent Act. It is not an innocent Act! I am afraid, it is not an innocent Act! SME Mauritius was incorporated on 14 July 2017. Even before this Bill came before this House, even before the Bill has been approved, even before the people has decided to scrap SMEDA and to replace it by SME Mauritius; SME Mauritius has already been set up. And not only that, Madam Speaker! The CEO of that company has already been appointed!

*(Interruptions)*

Would you believe it! The CEO of the SME company, which has not been approved, which does not have a budget yet...

*(Interruptions)*

And do you know, Madam Speaker, who has been appointed?

*(Interruptions)*

On 15 September 2017, Cabinet took note that the Board of SME Mauritius – Board controlled by the hon. Minister - has appointed Mr Rajendra Puddoo as Chief Executive Officer. Who is he? He was the former Chief Operations Officer of MyBiz for one month or so. He was suspended by SMEDA Board, following allegation of conflict of interest when he worked for MauBank under the Mauritius Business Growth Scheme.

*(Interruptions)*

Of course, he was cleared by ICAC. But who trusts ICAC? But is he a fit and proper person? The law has not been passed. We have not even voted the law, he has already appointed the CEO; the same guy who was the COO. As a COO, he was earning half of the salary that now he is going to earn. The application was almost tailor-made for him. He does not have 10 years' experience dealing with SME sector; therefore, the appointment was done for someone with five years' qualification.

This is not all, Madam Speaker. The Minister did not stop there. This is the nerve that they have, the Bill has not yet been passed. This is an extract of the Board of SMEDA of 31 October 2017: 'The Board took cognizance and noted a proposal from the parent Ministry – Ministry of SME – for management to make the necessary arrangement to provide free office space to SME Mauritius Ltd. within its premises in Pope Hennessy, Port Louis.' SMEDA is still here. Now, SMEDA is being requested - before this Bill comes before this House, the Ministry is asking SMEDA: 'Please, give way to our CEO. The CEO needs to have a car park, he needs to have an office.'

*(Interruptions)*

Who is going to pay? I do not know! How he is paid? I do not know, because there are no funds, we have not got any funds yet for SME Mauritius Ltd. Now, Madam Speaker...

*(Interruptions)*

We have two CEOs. We have a CEO for SMEDA, Mr Servansingh, who is on leave; then, we have a second CEO for SME Mauritius Ltd. I salute the Board members, Madam Speaker. I will quote what they say: 'In light of above discussion, the Board of SMEDA unanimously held the view that the request by the parent Ministry was highly inappropriate and grossly unethical.' Bravo SMEDA! 'grossly unethical', 'highly inappropriate'.

Now, the Bill has not been passed yet, we have not scrapped SMEDA yet, we have not replaced it by SME Mauritius Ltd. yet. This is what we are seeing - unethical conduct. Now, imagine after this SME Mauritius Ltd. come into force, what will happen? This is what this Government is hailing as the new magic grail for the SME sector.

Madam Speaker, I am not sure if what I am going to say is parliamentary, but this whole thing stinks. I am sorry to say it, it stinks. It is not bad enough that this Government's policy as far as SME is concerned has been a total and utter failure. Now, the Government is bent on hiding their incompetence behind a private company.

Madam Speaker, today, truly marks a darkest day in the governance of SME sector. With this Bill, a curtain of opacity has come down on the SME sector.

Thank you.

*At this stage, the Deputy Speaker took the Chair.*

**The Deputy Speaker:** Hon. Rugoobur!

(11.46 p.m.)

**Mr S. Rugoobur (Second Member for Grand' Baie & Poudre d'Or):** Mr Deputy Speaker, Sir, thank you for giving me the opportunity to share my views on this Bill.

The sector that we are debating today, Mr Deputy Speaker, Sir, is a very important sector and I do not want to do politics on this. I have been listening to hon. Uteem before and I must say, Mr Deputy Speaker, Sir, that he has been raising some pertinent issues. I will come to these later on.

This sector, Mr Deputy Speaker, Sir, true it is that it has a significant contribution to our economy, contributing almost 40% to the GDP, 50% to 55% to employment generation.

Mr Deputy Speaker, Sir, I believe on such a debate it is important for hon. Members, on both sides of the House, to put heads together and try to find ways and means to ensure

that we give a boost to this sector - as I said earlier, no politics on this important Bill, Mr Deputy Speaker, Sir. There is nothing wrong.

Mr Deputy Speaker, Sir, around the world, whether we talk of Asia, Europe or the African Continent, everywhere this sector has been bringing a significant contribution to the economy. This is the case for Mauritius as well. I have been mentioning a few statistics.

Mr Deputy Speaker, Sir, this Government took a bold decision by coming forward with the elaboration of the Master Plan. I have to congratulate the hon. Minister for coming forward with this 10-year Master Plan 2016-2026.

In my brief intervention today, Mr Deputy Speaker, Sir, I am going to raise a few pertinent issues. We are not going to do politics on this issue. True it is, Mr Deputy Speaker, Sir, that with this Bill which is in front of this House, we have to see whether there are certain provisions which are like a departure from what we have in the Master Plan. As I am saying, Mr Deputy Speaker, Sir, the Master Plan is a very important document and there are measures in this document that are meant to give a boost to this sector and, as hon. Uteem rightly pointed out, the Cabinet took note of this important document on 24 March 2017.

Mr Deputy Speaker, Sir, there are a series of provisions in this Bill, but I am going to elaborate on three important issues with regard to provisions. In the Master Plan, Mr Deputy Speaker, Sir, there are two important components. One is the issue of the Strategic Thrusts, which talks about the methodology and a series of components under that methodology and it speaks also about hills which are the destination where this Master Plan is about to lead this SME sector in the 10 years to come. When we compare this Bill in front of this House today with what has been proposed in the Master Plan, it is true that there are certain provisions which are in contradiction with this Master Plan. We have to generate a debate, Mr Deputy Speaker, Sir, because we, the hon. Members, are here to protect this sector and we have to ensure that whatever decision is taken in this House, whether today, next week, when this Bill is voted, we vote it in the interest of the generation to come.

Now, in this Bill, Mr Deputy Speaker, Sir, there are provisions with regard to change in structure which relates, basically, to the institutional and regulatory framework. That structure that is being proposed is SME Mauritius Ltd. True it is, Mr Deputy Speaker, Sir, that it is in contradiction with what has been proposed in the Master Plan. I am sure that the hon. Minister will later on elaborate on the issue and clarify it. Because it is true that on 24

March 2017, Cabinet took note of the Master Plan and there was that structure that was approved, and that was a structure that was not a private organisation, but a parastatal body.

Now, this particular provision in the Bill which talks of the creation of SME Mauritius Ltd., instead of SME Mauritius, might subsequently bring a problem of governance and accountability. I am saying this, Madam Speaker, in the interest of the country, and we should not do politics on this. I would request the hon. Minister to bring some clarifications on this, probably later on.

And I am going to quote, Mr Deputy Speaker, Sir. This is what I can read in the Master Plan. The Master Plan recommends that -

“SME Mauritius should be incorporated as a parastatal organisation, with a board constituted equally of public and private sectors’ representatives and has a clear mandate to provide targeted and differentiated support to SMEs.”

Now, this is about the structure. The Master Plan also gives a description of the structure with a Board, and the Chief Executive Officer and the different Departments. It gives a description of the organigram that has to be implemented. Now, this is in the Master Plan, and I am sure that going forward, it would be in the interest of this sector that there is the principle of governance that is promoted and we ensure that there is a structure that is in line with the Master Plan.

Now, the second issue, Mr Deputy Speaker, Sir, that I wanted to elaborate on is the role of the Registrar. Today, with the SMEDA Act, the certificate which the SMEDA is going to issue, to register a small and medium enterprise is issued by the Board, and under the new Bill, what I find is that, it is the sole responsibility of the Registrar, one person to decide on the issue of that certificate. Now, the Registration Certificate of the SME gives a series of benefits to those SME organisations. What are those types of benefits? They benefit from excise duty on double cabs, they benefit from remission on Land Conversion Tax under the Sugar Industry Efficiency Act, they benefit from other measures like, for example, they have under the Procurement Act the possibility to tender under a reserve list. These are the series of benefits that these SMEs obtained when they have an SME certificate.

But when that SME certificate today is issued, there is scrutiny. It is not only the Registrar that decides everything. We cannot have a single person deciding everything. He cannot decide upon himself, you have to have procedures like you have currently in place with the SMEDA. You need to have the checks and balances. It is the Board of the SMEDA

that issues that certificate. I believe that was basically what the Master Plan also is proposing, that all these issues are handled by a parastatal body and that these types of issue of certificates are handled by the structure that has been proposed in the Master Plan.

So, the second issue that I wanted to elaborate on, apart from the structure, is the role of the Registrar which I believe here is contrary to the principle of good governance.

Now, the third issue that I wanted to elaborate on, Mr Deputy Speaker, Sir, is this issue of - we should understand today, SME Mauritius Ltd., contrary to the other private organisations where the Government has invested funds, is not generating any revenue, going forward. If we take for example, the case of Mauritius Telecom, or if we take the case, for example of State Trading Corporation, these are organisations which are generating revenue. Government is investing, but they are autonomous financially. In the case of SME Ltd., going forward, what are we doing? Government is going to invest money but, unfortunately, it won't be an organisation generating funds, and what we are proposing also is that we are bringing amendments to remove this accountability with the Director of Audit. This also is a provision in this Bill, which I believe is contrary to the provision of good governance. I believe the hon. Minister will have to have a look at this provision and try to clarify. Probably, he can clarify later on.

In my brief intervention, there is a final issue that I want to raise, Mr Deputy Speaker, Sir. Apart from the issue of finance, I believe that you need to have a conducive environment which is going to enable the SMEs to operate in a manner that is going to give a boost to that sector.

Thirdly, Mr Deputy Speaker, Sir, there are a few issues which I believe need to be mentioned here. First, the Master Plan mentions the need for public and private sector collaboration that I have not seen anywhere in this Bill. This issue of public and private sector collaboration, because everywhere around the world these days, Mr Deputy Speaker, Sir, this issue of mentoring from the private sector is becoming increasingly important and with the structure that has been defined in the Master Plan, the proposal is that the Chairman of that Board comes from the private sector with somebody having adequate experience in management, and also, along with other people from the private sector, can act as mentor for these small and medium enterprises.

Mr Deputy Speaker, Sir, it is not a question of only finance; it is also a question of having people to mentor. So, I believe, as I said earlier, if we have a problem at the level of

the structure, we also have a serious problem at the level of this collaboration between the public and private sector, nothing has been mentioned about this in this Bill.

Mr Deputy Speaker, Sir, the final point that I wanted to mention is this issue of lack of consultation that has been mentioned lately. I hope that the hon. Minister is looking into this matter seriously. Lack of consultation with the stakeholders, whether it is the representative of SMEs or employees of the SMEDA, I hope that going forward, the hon. Minister will not only elaborate and clarify the issue that I raised regarding this lack of stability and confidence among the stakeholders, but also these few issues upon which I have elaborated, and I am sure that the hon. Minister would come forward with clarifications.

My appeal to the hon. Members is that on this important issue, on this important sector, I hope that there is a serious debate and that we come forward with a decision that will be in the interest of all these small and medium enterprises, and even micro enterprises which are so important for the interest of our country.

Thank you, Mr Deputy Speaker, Sir.

**Mr Boissézon:** Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

**Mr Gayan rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

#### **ADJOURNMENT**

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly be now adjourned to Tuesday 28 November 2017 at 11.30 a.m.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo) rose and seconded.**

**The Deputy Speaker:** The House stands adjourned. Hon. Bhagwan!

## MATTERS RAISED

(00.04)

### **TRUST FUND FOR SPECIALISED CARE - EXECUTIVE DIRECTOR – FACT-FINDING COMMITTEE – REPORT**

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** Thank you, Mr Deputy Speaker, Sir. At this very late hour, Mr Deputy Speaker, Sir, my request is addressed to the hon. Deputy Prime Minister. On 24 October this year, I addressed a Parliamentary Question No. B/570 to the hon. Prime Minister, which read as –

“Whether, in regard to the Fact-Finding Committee set up to inquire into the renewal of the contract of the former Executive Director of the Trust Fund for Specialised Care under new terms and conditions and to make recommendations in the light of the findings thereof, he will, for the benefit of the House, obtain information as to if it has submitted its report and, if so, indicate (a) the main findings and recommendations thereof and (b) if same will be made public.”

On that particular day, we did not receive any reply, and I thought the reply would have been tabled in the Library. I have been there on five or six occasions today. So, what I am asking the hon. Deputy Prime Minister is that the population, the nation, the taxpayers would like to know whether the report has been submitted to Government and, if yes, whether Government is looking into that report carefully, and we want an assurance from the hon. Deputy Prime Minister, on behalf of Government, that there will not be any cover-up in that particular case and to make the report public. This is what the population wants to know through us. First, whether the report has been received by Government and whether Government is looking into that report and that report will be made public and whatever action is recommended by the Fact-Finding Committee will be implemented and there will not be any cover-up in that respect. Thank you.

**The Deputy Speaker:** Hon. Deputy Prime Minister!

**The Deputy Prime Minister:** I think we should not make abuse of languages. I know that the hon. Prime Minister, as usual, will use great care and skill in the exercise of his administrative discretion in this matter. I trust that he will continue to do so in this case, as he does in all other matters of that nature.

**Mr Bhagwan:** The hon. Deputy Prime Minister has not said whether the report has been received!

*(Interruptions)*

**The Deputy Prime Minister:** But I trust the hon. Prime Minister will exercise due care and skill in the exercise of his administrative discretion.

**The Deputy Speaker:** Hon. Uteem!

### **VICTORIA SQUARE & IMMIGRATION SQUARE – HAWKERS – RELOCATION**

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Thank you, Mr Deputy Speaker, Sir. It is a matter addressed to the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands.

In fact, it is a follow-up from an issue which arose on 07 November. Answering to a Parliamentary Question from hon. Ameer Meea, the hon. Minister of Public Infrastructure and Land Transport, hon. Bodha, mentioned that, in connection with the Metro Express Project, there are going to be two urban terminals at Victoria Square and Immigration Square and the construction work will take two years and, in the meantime, the hawkers would be relocated.

So, now the hawkers are very concerned because there has been a lack of communication, and the hon. Minister Bodha mentioned that it is the Municipal Council of Port Louis that is going to take the lead. As she is the hon. Minister of Local Government and Outer Islands, I would make a humble request to the hon. Vice-Prime Minister if she could personally look into this matter because there are matters which will fall outside the scope of the Municipal Council of Port Louis since there are certain classified roads and places that do not fall within the realm of the Municipal Council of Port Louis and, if, in fact, a committee could be set up consisting of representatives of her Ministry, the Municipal Council and the Ministry of Public Infrastructure and Land Transport and have meeting with the representatives of the hawkers.

**The Deputy Speaker:** Hon. Vice-Prime Minister!

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo):** I will look into it with my colleague, hon. Minister Nando Bodha.

**The Deputy Speaker:** Hon. Ameer Meea!

## ROUTE MILITAIRE - METHADONE DISTRIBUTION

**Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East):** Thank you, Mr Deputy Speaker, Sir. Tonight I am raising the problematic issue of Methadone distribution, and the issue is addressed to the hon. Minister of Health and Quality of Life.

Recently, in Constituency No. 3, the Methadone distribution has been transferred to Route Militaire. I know it is not an easy task because wherever you put the distribution of Methadone, there are always protests. But where they have transferred this Methadone distribution is a fully residential area and since then problems have started. People residing there are in much distress and there has been a petition that has been sent by the Masjid Rabita to the hon. Prime Minister, yourself as Minister of Health and Quality of Life, the Lord Mayor, the Commissioner of Police, the elected Members of Constituency No. 3 and so on.

I would table this petition and I would urge the hon. Minister - though I admit that it is not an easy task to find a suitable place where you will not have any protest - to look into the request of those people and try to find a suitable place so that they do not have these kinds of problems mentioned in this letter.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Minister of Health and Quality of Life!

**The Minister of Health and Quality of Life (Dr. A. Husnoo):** Thank you, Mr Deputy Speaker, Sir. I know about this problem very well. What happened is that, about two or three weeks ago, some of the people who take Methadone came to see me and told me that it is difficult for them to take the Methadone at Trou Fanfaron because there are lots of people coming and going there - it is difficult for them - and if I could help them try to find a place, at least where they could get the Methadone in a rather discreet way.

I told them, "If we find a place, would you cooperate?" Because the main problem is that when we send them in the residential area, we get a lot of criticisms from the residents. They told me, "Yes, we are going to cooperate with you. We are not going to create any trouble." I took them on their word. I transferred, not the whole lot, as you know, but half of them to la Route Militaire.

But what is happening now is that they are going against their word and now we are having syringes which are being thrown around in the garden. They have not kept their word. I have got the petition that the hon. Member has just mentioned. I have received it as well and I have already decided that they are going to go back to Trou Fanfaron. Thank you.

**The Deputy Speaker:** Hon. Quirin!

#### **MINISTRY OF YOUTH AND SPORTS – PQS – WRITTEN ANSWERS**

**Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière):** Merci, M. le président. Ma requête ce soir s'adresse à l'honorable ministre de la Jeunesse et des Sports et concerne en premier lieu deux de mes questions parlementaires qui étaient à l'agenda de la séance du 24 octobre dernier, et les réponses écrites aux questions B/607 et B/609 concernant le *Beach Handball World Championship U17* organisé à Maurice en juillet dernier et aussi concernant la *Mauritius Professional Football League Limited* respectivement qui se font toujours attendre.

Donc, malgré plusieurs requêtes que j'ai personnellement adressées à l'honorable ministre, les réponses n'ont toujours pas été déposées à la bibliothèque de l'Assemblée nationale.

M. le président, en deuxième lieu, rapidement, je voudrais également attirer l'attention du Ministre de la Jeunesse et des Sports que je trouve inacceptable une partie de la réponse écrite donnée à ma question B/700 en date du 07 novembre dernier, par apport au *State Recognition Allowance Scheme* pour les athlètes à la retraite.

En fait, la question concernait la liste des bénéficiaires de ce *schema*, les disciplines sportives concernées, de même que le montant mensuel payable à chaque bénéficiaire. Malheureusement, le ministre a choisi de ne pas donner les noms des athlètes bénéficiaires, de même que la somme à laquelle ils ont droit chaque mois. La raison, comme mentionnée dans la réponse, est tout simplement inacceptable comme je l'ai dit, prétextant la nature confidentielle de l'information requise.

Je pense, M. le président, qu'il faudrait qu'on arrête avec cette mauvaise habitude de vouloir cacher certaines informations. Il n'y a rien de confidentielle dans cette information pour qu'elle ne soit rendue publique.

Donc, je fais appel au bon sens de l'honorable ministre, pour qu'une bonne fois pour toutes, ces informations, qui ne sont pas confidentielles, soient rendues publiques. En fait, une cérémonie a été organisée à laquelle les athlètes ont été conviés et il est grand temps que ces informations soient rendues publiques et, ici, dans cette Chambre, bien sûr. Je compte sur l'honorable ministre pour faire le nécessaire.

**The Deputy Speaker:** Hon. Minister of Youth and Sports!

**The Minister of Youth and Sports (Mr S. Toussaint):** Thank you, Mr Deputy Speaker, Sir.

En ce qu'il s'agit de la première partie, c'est-à-dire, des réponses à être soumises à l'Assemblée, il y a eu un changement d'APS au niveau de mon ministère. Donc, c'est pour cela que cela prend un peu de temps mais je vais faire de sorte à ce que cela soit fait très vite.

Par rapport à la deuxième partie, je me suis déjà entretenu avec l'honorable membre. Il me semble que les noms sont disponibles, mais je lui ai dit que ce serait peut-être indélicat de notre part que les gens sachent combien X ou Y est en train de recevoir comme *allowance*. Je vais réfléchir là-dessus. Merci

**The Deputy Speaker:** Hon. Abbas Mamode!

#### **CALODYNE -MEDICAL WASTES - DUMPING**

**Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East):** Merci, M. le président. The issue concerns the Ministry of Health and Quality of Life.

On the sitting of 14 July 2017, I raised an issue concerning les *déchets médicaux* à *Calodyne* and the hon. Minister replied that it is under Police inquiry. I would like to know whether the hon. Minister has contacted the Police to know where the inquiry stands.

**The Deputy Speaker:** Hon. Minister of Health and Quality of Life!

**The Minister of Health and Quality of Life (Dr. A. Husnoo):** Mr Deputy Speaker, Sir, so far, we have not received the report from the Police.

**The Deputy Speaker:** Hon. Lepoigneur!

## MINISTRY OF YOUTH AND SPORTS - WRITTEN QUESTIONS

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Riviere):** Merci, M. le président. Concernant mes questions du 14 novembre, les quatre questions n'étaient pas dans les temps. Donc, j'avais écrit à *Madam Speaker* pour demander des réponses par écrit. De ce fait, sur les quatre questions, je eu que deux réponses, c'est-à-dire, de l'ancien Ministre des Collectivités locales et de l'ancien Ministre du Logement et des Terres. Il y a toujours deux questions, en l'occurrence, les questions B/760 et B/761 qui se font attendre de la part du Ministère de la Jeunesse et des Sports, J'aimerai bien avoir les réponses au plus vite pour pouvoir revenir sur d'autres questions.

Merci, M. le président.

**The Minister of Youth and Sports (Mr S. Toussaint):** M. le président, comme je viens de dire à l'honorable Quirin, il y a eu un changement d'*APS* au niveau de mon ministère et c'est pour cela que les choses tardent un peu.

## CAMP YOLOFF - CHILDREN PLAYGROUND

**Mr S. Abbas Mamode (Forth Member for Port Louis Maritime & Port Louis East):** The other issue concerns the new Vice-Prime Minister, Minister of Local Government and Outer Islands. It concerns the children playground found at Camp Yoloff.

L'honorable Vice-Premier ministre peut-elle voir avec la mairie de Port Louis, puisque ce sont des enfants qui fréquentent ce jardin, qui se trouve dans un état déplorable. Les équipements sont défectueux et ce sont des dangers véritables pour les enfants fréquentant ce jardin.

**The Vice-Prime Minister:** Mr Deputy Speaker, Sir, I will look into it.

## KICK BOXING WORLD CHAMPIONSHIP - FABRICE BAULUCK

**Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) :** Merci, M. le président. Ma requête va au Ministère de la Jeunesse et des Sports.

J'espère que ce n'est pas un manquement. L'honorable Quirin en a parlé ce matin. Cela concerne Fabrice Bauluck qui est champion du monde et qui, pour la deuxième fois, a porté haut le drapeau mauricien. Cela fait une semaine qu'il est rentré au pays. Je lui ai parlé et c'est triste de constater qu'il n'a même pas eu un coup de téléphone du Ministre de la Jeunesse et des Sports.

J'ai parlé au Président de la Fédération qui m'a fait part que le Ministère de la Jeunesse et des Sports n'avait pas contacté Fabrice Bauluck, même au téléphone, pour lui témoigner l'honneur qu'il mérite pour tous les efforts qu'il a faits ensemble avec la fédération, et qu'au moins le pays reconnaîsse ce qu'il a fait. Donc, je demanderai au ministre à ce que le nécessaire soit fait.

Merci.

**The Deputy Speaker:** Hon. Minister of Youth and Sports!

**The Minister of Youth and Sports (Mr S. Toussaint):** M. le président, nous avons une cérémonie de *reward* que nous organisons pour ceux qui ont porté haut le drapeau. Donc, assurez-vous, cher ami, Fabrice Bauluck ne sera pas oublié.

**The Deputy Speaker:** Hon. Ramano!

#### **SHOPRITE (MAURITIUS LTD. – FIRE OUTBREAK –**

#### **AMBIENT AIR MONITORING**

**Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes):** Merci, M. le président. Je souhaite adresser mes propos à l'attention du Ministre de l'Environnement. Je reviens, ici, sur le point que j'ai soulevé lors de la *PNQ* de ce matin relatif à l'incendie de Shoprite Shopping Mall du dimanche 12 novembre et les jours suivants.

Il est un fait, M. le président, que les régions avoisinantes ont été envahies par une épaisse fumée toxique pendant plusieurs jours. Les responsables des pompiers ont eux-mêmes qualifié cette fumée de toxique de par la nature des marchandises qui avaient pris feu.

M. le président, la seule communication qui a été faite au public par le *Fire Services*, c'est de demander aux habitants de Belle Rose de bien vouloir fermer leurs fenêtres. M. le président, nous sommes en 2017, est-ce que le ministre est en mesure aujourd'hui de nous dire quelle a été la toxicité de la fumée émise, quelle a été la qualité de l'air que les habitants de Quatre Bornes ont dû faire face ? Cela concerne la santé des habitants de l'endroit aussi bien que la santé de ces pompiers qui ont exposé quand même leur vie pendant plusieurs jours à cette fumée toxique. Ces pompiers ont été les premiers à déplorer le fait qu'ils ne sont pas équipés à faire face à une fumée toxique.

M. le président, je ne parle pas ici de *Smoke Meters* utilisés par la Police pour verbaliser les véhicules fumigènes, mais bien des appareils qui nous permettent de connaître la composition de l'air, de mesurer la toxicité de l'air et d'informer en conséquence les

habitants des mesures de précaution à prendre et de mettre en conséquence les services de santé à contribution pour le bien-être de la population.

**The Deputy Speaker:** Hon. Minister Sinatambou!

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Thank you, Mr Deputy Speaker, Sir.

In fact, I received an SMS at 09:54 this morning whereby my services were informing me that clearances had actually been given for the re-opening of the Shopping Mall, that they are part of the Crisis Committee which has been set up subsequent to the fire which started at the Shoprite Centre, and actually they confirmed that there is no toxicity in the ambient air as it is now.

**The Deputy Speaker:** Hon. Ramano!

**Mr Ramano:** Ma question c'était pendant l'incendie, est-ce qu'il y avait des appareils au niveau du Gouvernement qui permettaient de connaître la composition aussi bien que le degré de toxicité de l'air?

**Mr Sinatambou:** *Obviously!* Un incendie de cette nature, M. le président, on ne s'attend pas dans un moment d'urgence à ce qu'on aille mettre un appareil de cette nature. *Par contre*, I can assure the House that we have ambient air monitoring exercises and equipment which actually can be used to monitor the quality of air and these have been used. And my Ministry has confirmed to the Crisis Committee that the air is not toxic over there now.

## **BOUNDARY & CORIOLIS AVENUES – ONE-WAY STREET**

**The Deputy Speaker:** Hon. Ramano!

**Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes):** M. le président, je souhaite, ici, aborder une question qui concerne le Ministre des Infrastructures publiques et du Transport intérieur. Je souhaite, ici, parler des avenues Boundary et Coriolis à leur jonction avec la route Royale menant vers Rose Hill ou Belle Rose, en sens contraire.

M. le président, ces deux avenues sont parallèles et sont toutes deux à sens unique à la jonction avec la route Royale. Cela cause des inconvénients énormes aux habitants de la région de Boundary et Coriolis qui doivent faire un détour de plusieurs dizaines de mètres avant de pouvoir rejoindre la route Royale.

Ma requête au ministre est de demander à ces techniciens d'envisager la possibilité de reconsidérer le sens de direction des véhicules d'une de ces routes afin que les habitants de l'endroit puissent être soulagés du calvaire qu'ils doivent subir chaque jour pour pouvoir rejoindre la route Royale de Belle Rose.

Merci.

**The Deputy Speaker:** Hon. Minister of Public Infrastructure!

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** M. le président, je vais certainement le faire. Je vais demander qu'on analyse la situation de près et qu'on puisse venir avec une solution adéquate.

Merci.

**The Deputy Speaker:** Hon. Ameer Meea!

#### **HASSEN SAKIR STREET - SEWERAGE**

**Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East):** Thank you, Mr Deputy Speaker, Sir. Just a quick follow-up on what I have stated two weeks back at Adjournment Time. It is the sewerage problem at Rue Hassen Sakir in Constituency No. 3. Since I have raised this issue until today, there has been no intervention from any officer from the Wastewater Management Authority.

So, it is a matter of deep regret because it is the third time that I am raising this issue and people are having much distress and much discomfort due to the foul smell that is emanating from the canal because there is a leakage of a pipe there. The hon. Vice-Prime Minister is much aware of the situation. So, I would urge him a last time to send his officers there tomorrow.

Thank you.

**The Deputy Speaker:** Hon. Deputy Prime Minister!

**The Deputy Prime Minister:** Thank you, Mr Deputy Speaker, Sir. It is a matter of regret that I hear that for the third time. I would enquire personally into it. I am the Deputy Prime Minister.

Thank you.

*At 00.25 a.m., the Assembly was, on its rising, adjourned to Tuesday 28 November 2017 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### SMART CITY SCHEME - TAX INCENTIVES

**(No. B/792) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Smart City Schemes, he will, for the benefit of the House, obtain from the Board of Investment, information as to the total loss or estimated loss in revenue in terms of tax incentives granted to companies thereunder, namely, exemption from payment of Income Tax, Value Added Tax, Customs Duty, Land Transfer Tax, Registration Duty, Land Conversion Tax and Morcellement Tax.

**Reply:** The tax incentives granted to companies under the Smart City Scheme are as follows –

- (a) A smart city company or a developer is entitled to fully recover VAT paid on buildings and capital goods irrespective of whether the supplies made by the company would be subject to VAT;
- (b) An 8-year corporate tax holiday is applicable on income generated from development and sale, rental or management of immovable property. However, those companies are required to meet their obligation under the Corporate Social Responsibility;
- (c) Land Conversion Tax is leviable only in respect of the percentage of the land area earmarked for residential development. Accordingly, other types of development are exempted from Land Conversion Tax;
- (d) Exemption from Customs Duty has been granted on imports of materials, machinery, equipment and other inputs, including on furniture in semi knocked-down form on the condition that at least 20 percent local value addition is incorporated therein, and
- (e) Exemption from the fee payable under the *Morcellement Act*.

As regard to Land Transfer Tax and Registration duty there is no specific exemption applicable to smart city projects.

As at to date, the BOI has issued a smart city certificate to 6 projects, a letter of intent to 3 projects and a letter of comfort to 1 project. Amongst the 6 projects that have been issued with a certificate, 4 have started construction and the remaining two will start shortly.

At this stage, it is premature to talk of revenue loss whether actual or estimated in view of the fact that –

- (i) the projects are in an early stage of implementation;
- (ii) the projects would not have materialised if these fiscal incentives had not been granted, and
- (iii) the implementation of these smart city projects will inevitably entail the collection of additional taxes mainly on consumption and under PAYE.

### **TELEVISION (PRIVATE) - LEGISLATION**

**(No. B/793) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to private television, he will state where matters stand as to the –

- (a) introduction in the Assembly of proposed amendments to section 19(3)(h) of the Independent Broadcasting Authority to allow the advent thereof, and
- (b) works of the committee set up to look into the –
  - (i) merging of the ICTA and the IBA, and
  - (ii) pertinent and technical issues to be addressed, including, the types of licenses and penalties to be provided under the new proposed legislation.

**Reply (Minister of Technology, Communication and Innovation):** I wish to refer the hon. Member to the reply made by the hon. Prime Minister to PQ No. B/228 wherein the hon. Prime Minister informed the House that Government had agreed to the merger of the ICTA and the IBA, on account of technological convergence in the ICT and the broadcasting spaces. In line with the provisions of the Guidance Notes on Mergers of Public Sector Bodies issued by the Ministry of Finance and Economic Development in October 2016, a Committee of officials, chaired by the Permanent Secretary, Ministry of Technology, Communication and Innovation and comprising representatives of the ICTA and the IBA was then examining the different aspects and modalities of the merger exercise and that the Committee would

make recommendations, as appropriate, to Government on the setting up of the new regulator with a new identity and new responsibilities and pave the way for the elaboration of the Broadcasting and Communications Authority Bill.

Any amendment to IBA Act, including Section 19(3) (h) thereof for the advent of private television is, therefore, being considered in the context of the merger of IBA and ICTA.

With regard to part (b) (i) of the question, the hon. Member may wish to note that the Committee referred to in the reply to PQ No. B/228 came up with a Preliminary Report which underscores the context and the proposed changes to the ICT and IBA Acts. The ICTA and the IBA as well as their respective Boards were consulted on the proposed changes to the two Acts and on the proposed recourse to consultancy services.

The different views and suggestions were taken on board and the Terms of Reference of the Consultant were finalised and on 01 September 2017, Government approved the enlistment of a consultant for the merger, given the complexity of the exercise. Accordingly, on 20 September 2017 an Expression of Interest (EOI) was floated for consultancy through Open local and International Bidding. The closing date for submission of EOI was 18 October 2017. Of the five Expressions of Interest received, none met the mandatory requirement that their team members should have carried out similar exercise in at least 3 countries.

Given the importance of the merger exercise, I am informed that on 09 November 2017, the Ministry of Technology, Communication and Innovation re-launched the call for EOI with the requirement that team members should have carried out similar exercise in at least 1 country (instead of 3). The closing date of submission is 27 November 2017.

With regard to part (b) (ii) of the question, the Committee identified a number of pertinent and technical issues that need to be addressed, including the types of licenses and penalties to be provided under the new proposed legislation as well as amendment to Section 19(3) (h) of the IBA Act. Some of the other issues identified that need to be addressed, but not limited to, are –

- need to review the current licensing framework;
- need to define a new section on spectrum management which is missing in the present Act;
- need for the definition of a cyber-security regulatory framework in the functions of the ICT Authority;

- to equip the new regulator with enforcement powers in terms of carrying out investigations when required and for the imposition of fines to operators when they do not abide to directives from the regulator;
- need to redefine the basis of Universal Service Fund contributions which needs to be geared towards percentage revenue based framework to ensure a fairer contribution framework;
- the ICT Appeal Tribunal to exist but with a widened scope so that the newly merged institution may also seize the Tribunal for redress. The mandate of the Tribunal will also have to be broadened to consider issues pertaining to content regulation, and
- amendment to Section 19(3) (h) of the IBA Act.

#### **NATIONAL ASSEMBLY - MINISTERS & MPs - CODE OF CONDUCT**

**(No. B/794) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether he will state if consideration will be given for the introduction of strong ethical rules to be observed by hon. Ministers.

**Reply:** The House would recall that in my reply to the Private Notice Question of 18 April 2017, I informed that in line with paragraph 248 of the Government Programme 2015-2019, the Ministry of Civil Service and Administrative Reforms has developed a draft Code of Conduct for Ministers.

On the other hand, the ICAC has also elaborated a Code of Conduct for Members of the National Assembly, including Ministers. I also informed the House that a Working Committee, at the level of ICAC, was set up to examine the provisions of the draft Code of Conduct for Members of the National Assembly with a view to harmonising it with the draft Code of Conduct for Ministers.

I wish to inform the House that the Working Committee has completed its task. The draft Code of Conduct for Ministers has been incorporated in the draft Public Service Bill, which is being finalised and which will be introduced into the National Assembly shortly.

The draft Code of Conduct for Members of the National Assembly, including Ministers, is currently being examined by a Committee under the chairmanship of the Secretary to Cabinet and Head of the Civil Service comprising senior public officers and representatives of the Attorney-General's Office and will soon be finalised.

I wish to reassure the House that, in line with our commitments, the Mauritian Codes of Conduct for Members of the National Assembly and Ministers are expected to materialise fairly soon.

#### **PRIVATE LAND - SQUATTERS - SURVEY**

**(No. B/829) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Housing and Lands whether, in regard to squatters on private land, he will state –

- (a) if his Ministry has carried out a survey to ascertain the number thereof, and
- (b) the remedial measures, if any, are being taken in relation thereto.

**Reply:** Section 22 of the State Lands Act and Section 24 of the *Pas Géométriques* Act empower the Minister of Housing and Lands to evict squatters from State land and *Pas Géométriques* only and not on privately owned land. It is up to the owners of the private land to evict any squatter who is illegally occupying their private properties. Accordingly, no survey has been carried out by the Ministry of Housing and Lands to ascertain the number thereof and no remedial measures are being taken by the Ministry.

These squatters, if found eligible, may benefit from facilities and schemes available at the Ministry of Housing and Lands, the National Housing Development Co. Ltd and the National Empowerment Foundation.

#### **INTERNATIONAL CONSORTIUM OF INVESTIGATIVE JOURNALISTS - PARADISE PAPERS**

**(No. B/830) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services and Good Governance whether, in regard to the *Paradise Papers* leaked by the International Consortium of Investigative Journalists, he will, for the benefit of the House, obtain from the Financial Services Commission,

information as to if it has carried out investigations in relation to the Mauritius entities, including licensed management companies, allegedly involved therein and, if so, indicate the outcome thereof in each case.

**Reply:** At the very outset, it is worth underlining that the *Paradise Papers* leaked by the International Consortium of Investigative Journalists not only make mention of Mauritius but also of several other jurisdictions and personalities worldwide. Government has immediately reacted on this matter and the hon. Prime Minister issued a statement on 09 November 2017 to set records right and where he emphasised that “*Mauritius has been falsely described as a tax haven and a place which promotes an environment of secrecy*”.

In that same wave, I met with Financial Services Consultative Council and representatives of the global business sector as well as other stakeholders of the industry on the contents relating to Mauritius. I have to remind the hon. Member that we started our global business sector in a period when everybody was talking about globalisation and free movement of people and capital. The role of Government is to provide the infrastructure and systems that facilitate economic activity and let them operate freely without adopting an over-interventionist approach. However, FSC and FIU are reviewing the information and will take action against financial institution and/or individual that breaches our laws and regulations.

I must also emphasise that the financial jurisdiction of Mauritius complies with international standards regarding transparency and exchange of information. Furthermore, our jurisdiction has always been based on sound regulatory practices. It is no surprise, then, that the OECD considers Mauritius as not being a tax haven according to its criteria. In addition, the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes in 2017 has given an overall rating of “compliant” to Mauritius. Based on this transparent and business-enabling environment, the World Bank has upgraded Mauritius from the 49<sup>th</sup> to the 25<sup>th</sup> position globally.

#### **ABSOLUTE POVERTY – FINANCIAL ASSISTANCE**

**(No. B/831) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the provision of financial assistance to persons living in absolute poverty, he will, for the period January 2017 to date, state the –

- (a) number of applications therefor received, indicating the number thereof which have been -
  - (i) successful, and
  - (ii) unsuccessful and number of appeals interjected and outcome thereof, and
- (b) aggregate amount of funds disbursed therefor.

**Reply:** 4,553 applications for registration under the Social Register of Mauritius have been received from January 2017 to 21 November 2017.

Out of the 4,553 applications, 1,510 have been found eligible and 1,700 have not been found eligible. The remaining 1,343 applications are still being processed.

As at 21 November 2017, 233 appeals have been received, of which eight have been entertained and 188 have been rejected. The remaining 37 appeals are still under consideration.

With regard to part (b) of the question, funds to the tune of Rs267,948,390 have been disbursed to eligible households under the Social Register of Mauritius for the period January to November 2017.

#### **CEB - WIND ENERGY PROJECT - ENERGY SUPPLY AND PURCHASE AGREEMENT**

**(No. B/832) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Wind Energy Generation Project of a South Korean company, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the reasons for the termination of the Memorandum of Understanding signed therewith after the extension of the validity of the agreement on two occasions

**Reply:** The Central Electricity Board informs me as follows –

- (a) On 18 December 2015, a South Korean company named Koland Natural Resources Development Co. Ltd submitted a project for a pilot wind energy project of new vertical wind turbines of capacity 1.05 MW;
- (b) On 11 March 2016, CEB signed an Energy Supply and Purchase Agreement (ESPA) with that company to which I shall refer as “Koland”;

- (c) By this agreement, Koland was to set up a wind energy plant to supply electrical energy to CEB;
- (d) The SPA contained a number of conditions precedent which Koland had to fulfill within 6 months of the date of the agreement failing which CEB would be entitled to terminate the agreement. Among these conditions precedent, Koland was to procure all necessary permits, EIA licence, land, financial close amongst others;
- (e) On 07 September 2016, Koland asked for an extension of six months. Soon thereafter, CEB decided to ask the Board of Investment to carry out a due diligence exercise on Koland and its director, Dr. Lee Soosong. The request for an extension was put on hold;
- (f) On 25 January 2017, the Board of Investment informed CEB that no compromising information had been found on Koland or on its director;
- (g) On 31 March 2017, the CEB approved an extension of six months as from 04 April 2017, and
- (h) By 04 October 2017, CEB terminated the SPA as Koland failed to fulfill the conditions precedent, within the specified delay.

### **ROSE BELLE SUGAR ESTATE - SOLAR FARM**

**(No. B/833) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed setting up of a 15 MW solar power plant at the Power Station at Rose Belle Sugar Estate, he will state/for the benefit of the House, obtain information as to if his Ministry or the Central Electricity Board has been approached by a group of investors in respect thereof and, if so, indicate if this request followed the normal request for proposal and bidding procedure.

**Reply:** The answer to the question is in the negative.

I have, however, to inform the House that a Ministerial Committee was set up to look into more profitable use of the land of Rose Belle Sugar Estate

That committee has recommended the setting up of a 15 MW solar farm in the region of Eau Bleue.

CEB is now holding discussions with Rose Belle Sugar Estate and is awaiting the technical and financial proposals from the sugar estate.

With regard to bidding procedures, the CEB is holding direct negotiations as Rose Belle Sugar Estate is a government owned parastatal body. Under, the First Schedule of the Public Procurement Regulations, introduced in 2009, CEB is classified as an exempt organisation for goods purchased for resale, including services incidental to the purchase or distribution of such goods. This is subject to due diligence being carried out by CEB and well established procedures for negotiations and signing of any contract.

### **SUGAR PLANTERS - INCENTIVES**

**(No. B/834) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Agro-Industry and Food Security whether, in regard to problems facing the sugar sector, he will state the immediate measures envisaged, with special reference to the contribution from the sale of molasses, electricity from bagasse, sugar cane trash and additional values from refined and special sugar, to alleviate the economic difficulties of the planters.

**Reply:** My Ministry is looking into all the issues which have an impact on the cane sector and the revenue derived thereof, especially at this difficult time where the cane sector is facing challenges of an unprecedented nature.

The small planters are the ones who suffer the most from the decreasing market price.

The House will note that in anticipation of the severe impact of the abolition of the sugar production quota in the EU as from October 2017, this Government had immediately taken the necessary steps to start addressing the severe difficulties of the industry when it came to power in 2014 in the wake of the reform process taking place in the EU.

However, with unexpected deteriorating market condition in the main sugar market of the industry, EU market, the price of sugar had witnessed a large decrease.

This was mainly due to announcement of increase production in the EU and the world market. In the light of the difficulties experienced, a joint memorandum was submitted by the Mauritius Sugar Syndicate and the Mauritius Chamber of Agriculture in July 2017.

Government responded immediately by setting up a technical committee, as I mentioned in earlier replies to PQ on this subject. Based on the findings of the technical

committees, a number of immediate measures was taken to alleviate the difficulties of sugar producers in the short term. These measures include, among others -

- (i) a contribution of Rs500 m. from the SIFB in the form of a special financial assistance and premium waiver to all sugar producers for Crop 2017, and
- (ii) suspension of cess payment made by sugar producers for a period of one year, that is, for Crop 2017.

I wish to point out that today the revenue derived by sugar producers, in particular the planters, come from a number of streams, comprising -

- (i) sugar, refine and special sugars;
- (ii) molasses;
- (iii) bagasse, and
- (iv) Fairtrade.

The overall aim is to consolidate the existing revenue streams through immediate measures, as explained above, and to exploit new avenues in the medium and long term.

With regard to molasses produced within the Sugarcane Industry, it is being commercialised locally as animal feed or for the production of potable alcohol and hydrous ethanol for export.

The revenue derived from molasses comes from a basket of prices, and these include -

- (i) various uses of molasses in products used locally and for export;
- (ii) the contribution made by distillers-bottlers on potable alcohol for local consumption, and
- (iii) use of molasses for the production of ethanol.

The total sum paid for molasses to planters for Crop 2016 was Rs3,535 per tonne of molasses, compared to Rs2,774.30 per tonne of molasses for Crop 2015.

Decision was taken in Budget 2016/2017 to increase the distiller/bottler's contribution from Rs20 per litre to Rs40 per litre of potable alcohol and this has resulted in an increase of 21.5% in the total revenue of planters from molasses.

Presently, the Mauritius Cane Industry Authority (MCIA) is finalising the price of molasses for Crop 2017.

In the case of bagasse, the total sum paid to planters was Rs1,250 per tonne of sugar accrued to planters producing up to 60 tonnes of sugar and Rs355 to planters producing in excess of 60 tonnes from the two Funds, namely the Bagasse Transfer Price Fund and the Sugar Cane Sustainability Fund for Crop 2016.

In December 2016, the Sugar Industry Efficiency Act was amended to include provision for the setting up of the Sugar Cane Sustainability Fund to provide support to planters.

I am informed that consultations are presently being held by the concerned stakeholders, namely the Ministry of Energy and Public Utilities, the Central Electricity Board, the Mauritius Cane Industry Authority and the Independent Power Producers to further review the sum payable to owners of bagasse and on the sources of funding for the Sugar Cane Sustainability Fund for period beyond 2017.

With regard to the sugar cane trash, this is also a source of renewable energy which can be exploited for electricity generation.

This activity will contribute towards achieving the goal set by Government in its vision 2030 to reach 35% of energy generation from renewable sources.

Cane trash, as is the case with bagasse, has an economic value and, therefore, it can contribute to increase the revenue streams for the sugar sector, including planters.

I am informed that field trials have already been undertaken by the corporate sector.

The proposal of one sugar company for the commercial exploitation of the sugar cane trash is currently being examined.

The pricing mechanism for the sugar cane trash is being worked out. Once this process is finalised, the power producers in the sugar cane industry will be able to use trash to generate electricity and export to the national grid.

With regard to additional revenues derived from refined and special sugars, I am informed by the Mauritius Sugar Syndicate that for Crop 2016 the total sale of sugar comprises 360,000 tonnes of white refined sugar and 125,000 tonnes of special sugars.

These sugars are now being exported to over 50 countries worldwide.

The proceeds from the sale of sugar flow into a common kitty and are redistributed to all producers, including planters, on a pro rata basis.

The Mauritius Sugar Syndicate is pursuing its marketing strategy to identify more promising buyers for our sugar.

The fact that the price of sugar in our main market, the EU, will be more and more aligned to world market condition, the marketing strategy of the MSS should be continuously reviewed and decision taken to diversify the market and look for new opportunities.

#### **TERRE ROUGE/VERDUN LINK ROAD - REINSTATEMENT**

**(No. B/835) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the embankment failure along the Terre Rouge/Verdun Link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to -

- (a) if works for the reinstatement thereof have been completed and, if not, why not;
- (b) the names of the contractors, consultants and experts whose services were retained therefor, and
- (c) the cost implications therefor.

*(Withdrawn)*

#### **CARREAU ACACIA - PIG BREEDERS - RELOCATION**

**(No. B/836) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Agro-Industry and Food Security whether, in regard to the proposed relocation of pig breeders of Carreau Acacia and of the vicinity thereof, he will state if a suitable location has been identified and agreed by the breeders and, if so, indicate the extent of land that will be allocated to each breeder.

*(Withdrawn)*

#### **HUMAN TISSUE (REMOVAL, PRESERVATION AND TRANSPLANT)**

##### **LEGISLATION - AMENDMENT**

**(No. B/837) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Health and Quality of Life whether, in regard to organ transplants, he will state if urgent consideration will be given for proposed amendments to be introduced in the Assembly to the Human Tissue (Removal, Preservation and Transplant) Act with a view to allowing same, irrespective of the family links between members of a family.

**Reply:** I wish to inform the House that the finalisation of the Human Tissue (Removal, Preservation and Transplant) Act 2006 is being closely monitored at the level of my Ministry.

In fact, following the approval of Cabinet to bring in amendments to the main Act to include transplantation from cadaveric and non-related donors in December 2016, several working sessions have been held between officers of my Ministry and the office of the Attorney General. A first draft of the legislation was prepared and submitted to the State Law Office on 30 January 2017. The State Law Office submitted updated drafts with proposals in May, September and November.

I wish to further inform the House that a meeting has been held between senior officers of my Ministry and the State Law Office again to finalise the Amendment Bill. A final draft Amendment Bill is expected shortly. Cabinet approval will thereafter be sought for introduction of the Amendment Bill into the National Assembly.

#### **DR. MAHMOODKHAN HYDERKHAN MEDICLINIC - SERVICES**

**(No. B/838) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Health and Quality of Life whether, in regard to the Dr. Mahmoodkhan Hyderkhan Mediclinic at Plaine Verte, he will state if consideration will be given for the reinstatement of a 24 hour service thereat and, if not, why not.

**Reply:** Dr. Mahmoodkhan Hyderkhan Mediclinic situated at Plaine Verte was opened on 16 July 2012 and the opening hours were from 08 00 hrs to 18 00 hrs.

As from February 2015, it was decided to operate all the five mediclinics, including Dr. Mahmoodkhan Hyderkhan Mediclinic on a 24-hour basis.

Following a monitoring exercise carried out six months later, it was found that the average attendance of patients at Dr. Mahmoodkhan Hyderkhan Mediclinic from 22 00 hrs to 08 00 hrs the next day was minimal. It was thus decided that as from 01 January 2016, the mediclinic would be operational from 08 00 hrs to 22 00 hrs.

A second assessment, showed a marked decline in attendance after 21 00 hrs at Dr. Mahmoodkhan Hyderkhan Mediclinic. Hence, the opening hours were curtailed to 21 00 hrs since 03 April 2017.

At present therefore, given the low attendance, it is not cost effective to re-instate the 24-hour service at Dr. Mahmoodkhan Hyderkhan Mediclinic. However, the attendance is being monitored regularly and extension of opening hours may be envisaged if the need arises.

## **SPORTS BILL 2016 - BRAZILIAN JUJITSU FEDERATION - CONSULTATIONS**

**(No. B/839) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Youth and Sports whether, in regard to the Brazilian Jujitsu, he will state if consultations were held with the respective federations whilst preparing for the Mauritius Sports Act 2016 and, if so, indicate if all requirements were taken onboard and, if not, why not.

**Reply:** I am informed that consultations were held with all stakeholders, including the National Sports Federations, while preparing the Sports Bill 2016 and that all requirements were included in the Bill. As regards the Brazilian Jujitsu Federation, it did not submit any specific requirement for inclusion in the Bill.

## **CONSERVATOIRE DE MUSIQUE FRANÇOIS MITTERRAND - FIRE OUTBREAK**

**(No. B/840) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Arts and Culture whether, in regard to the *Conservatoire de Musique François Mitterrand*, he will state the circumstances of the fire outbreak of Sunday 08 October 2017, indicating the –

- (a) extent and value of the damages;
- (b) financial assistance provided by Government thereto to enable the resumption of the activities thereof, if any, and
- (c) expected start and completion dates of the repairs thereof.

**Reply:** I am informed by the *Conservatoire de Musique François Mitterrand* Trust Fund that on Sunday 08 October 2017 at around 18 30 hours, there was a fire outbreak in its Auditorium. The security guard who was on duty immediately reported same to the Fire and Rescue Service and the Quatre Bornes Police Station, who called on the spot and were later joined by officers of the Energy Services Division (ESD).

I am informed by the Police that, so far, no foul play is suspected and the enquiry is still in progress.

With regard to part (a) of the question, I am informed by the Fire and Rescue Service and the Ministry of Public Infrastructure and Land Transport (MPI) that -

(a) the damage caused to the upper part of the Auditorium is extensive. The roof sheeting and its supporting structures as well as the upper part of the external wall of the building are beyond economic repairs.

The lower part of the building from the suspended reinforced concrete seating slab, the concrete beams and columns in the wall as well as the ground floor and other structural elements may be recovered with appropriate methods for repairs. These will have to be determined through in depth investigations.

(b) the sound system, electrical wiring, seats, stage, false ceilings, the mezzanine, as well as the musical instruments found inside the Auditorium, namely two *grand* pianos, a numeric organ and one drum set have suffered complete damage.

The total value of the damages is yet to be determined.

Regarding part (b), no financial assistance has, so far, been provided by Government. I am informed that there has been no disruption of the teaching activities of the Conservatoire. All classes, exams, end of year tests and auditions are being run normally in the new complex of the Conservatoire, which came into operation in September 2017. However, concerts which were to be held at the Auditorium, have been rescheduled at alternative venues.

Concerning part (c), the time frame for the completion of the repairs will be determined following the feasibility study by the MPI.

#### **MINISTRY OF HOUSING AND LANDS – ADVISERS**

**(No. B/841) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Housing and Lands whether, in regard to the advisers attached to his Ministry, he will state the names thereof, indicating the remuneration and other benefits drawn.

*(Withdrawn)*

#### **METRO EXPRESS PROJECT – COMPULSORY ACQUISITION**

**(No. B/842) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Housing and Lands whether, in regard to lands compulsorily acquired

in the wake of the implementation of the Metro Express Project, he will state if all the owners thereof have been compensated and, if not, why not.

**Reply:** In the context of the Metro Express Project, Government has compulsorily between years 2014 to 2017 acquired 102 portions of land along the Curepipe to Port Louis corridor.

Out of these 102 cases, compensation has been paid in 48 cases. In another seven cases, agreement has been reached on the compensation payable and the matter is before the Notary Public to effect payment.

In the remaining 47 cases, payment has not yet been effected for the following reasons -

- in 27 cases, no agreement has been reached on the quantum of compensation payable and the matter has been or is being referred to the Board of Assessment;
- in 13 cases, a reply is awaited from the former owners to an offer of compensation which has been made by the Ministry of Housing and Lands, and
- 7 cases are being finalised for payment.

#### **SILWF – CARETAKERS/GARDENERS - EMPLOYMENT**

**(No. B/843) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Sugar Industry Labour Welfare Fund, she will, for the benefit of the House, obtain therefrom, information as to the reasons why the persons employed thereat as caretakers or gardeners over the past eight years are so employed on a day-to-day basis.

**Reply:** I am informed that the Sugar Industry Labour Welfare Fund (SILWF) has not employed caretakers or gardeners over the past eight years on a day-to-day basis. However, I am further informed that there are at present 12 persons who are working as caretaker/gardener in Social Welfare Centres which operate under the Social Welfare Division of my Ministry and Community Centres which operate under the aegis of SILWF on a purely temporary day-to-day basis. These workers have not been recruited by SILWF.

In fact, arrangements for these persons to work in these Centres were made by the Local Committees of Social Welfare Centres and Community Development Associations of Community Centres respectively since 2011 onwards, to replace employees on the Permanent and Pensionable Establishment of the Sugar Industry Labour Welfare Fund (SILWF) as and when required. These relief workers are paid fees as appropriate, on a daily basis, by the

Local Committees and Community Development Associations respectively, from the grants which are allocated to them by SILWF for such purpose.

The resort to services of manual grade workers on a purely temporary basis is a long standing practice of the Local Committees of Social Welfare Centres and Community Centres to ensure the smooth running of services thereat. Over the years, this practice has, however, been considerably reduced, as full time employees have been employed by SILWF. This practice is now being resorted to, only when there is a sudden demise or unexpected retirement of SILWF's employees.

I wish to point out that there are 44 persons in different manual grades including the 12 caretakers and gardeners, who are working at Social Welfare Centres and Community Centres on a purely temporary day-to-day basis. Some of these workers have been working thereat since 2007, without any action being taken over the years by the previous Government to regularise their situation.

Since these workers have been working thereat continuously for several years, exceptionally, on humanitarian grounds, these cases are now being examined by the SILWF with a view to regularising their situation. Funds have been made available by the Ministry of Finance and Economic Development in this current financial year for this purpose.

#### **POLICE INSPECTORS & POLICE SERGEANTS - APPOINTMENT**

**(No. B/844) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Police Inspectors and Police Sergeants appointed in March and April 2016, respectively, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if they have been paid their increments on appointment and all their arrears in salary on confirmation on 13 September 2017 and, if not, why not.

**Reply:** I am informed by the Commissioner of Police that 171 Sub-Inspectors of Police and Police Sergeants were promoted to the rank of Inspector of Police, in a temporary capacity, on 15 March 2016, and 376 Corporals, Police Constables and Woman Police Constables were promoted to the rank of Police Sergeant, in a temporary capacity, on 23 April 2016.

All newly promoted Police Inspectors and Police Sergeants were made to draw the initial salaries attached to their respective posts, except for those who were drawing salaries which were higher than the initial salaries of their new posts. Such officers continued to

draw the respective salaries of their substantive posts, as per provisions in the Human Resource Management Manual which are applicable in the Public Service.

On 13 September 2017, on successful completion of their respective Development Courses, 169 Temporary Inspectors and 371 Temporary Police Sergeants were promoted in a substantive capacity to the ranks of Inspector of Police and Police Sergeant, respectively, with appropriate salaries at approved rates.

As such, officers who were drawing the salaries of their previous substantive posts were eligible for three increments.

With regard to the payment of the increments and the arrears of salary following the promotions, computation thereof is ongoing and payment will be effected in December 2017.

#### **NATIONAL MINIMUM WAGE COMMITTEE - REPORT**

**(No. B/845) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the minimum wage, he will state if the National Minimum Wage Committee has submitted its final reports thereto and made any proposal as to the quantum thereof and, if so, indicate when same will become official.

**Reply:** The National Wage Consultative Council established under Section 4 of the National Wage Consultative Council Act 2016 submitted its Report to me on Thursday 16 November 2017. The Report was circulated to Cabinet on Friday 17 November 2017.

In view of the wide ranging implementation of the recommendation for a National Minimum Wage, the Report of the Council is being examined in consultation with the Ministry of Finance and Economic Development (MOFED) and other relevant stakeholders, following which a final decision would be made on the National Minimum Wage.

#### **ICT AND IBA ACTS - REVIEW**

**(No. B/846) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Technology, Communication and Innovation whether, he will state if he is in presence of a resolution of stakeholders for the introduction in the Assembly of proposed amendments to section 32(b) of the Information Communications Technology Act in relation to applications made by the Police to a Judge in Chambers to order a public operator to disclose information material to any criminal proceedings with a view to expediting the

completion of Police inquiries and, if so, indicate if consideration will be given thereto and, if not, why not.

**Reply:** I presume that the hon. Member is referring to Section 32(6) of the Act which refers to application by the Police to the Judge in Chambers to order a public operator to disclose information material to any criminal proceedings with a view to expediting the completion of inquiries.

I am informed that neither the ICT Authority nor the Ministry of Technology, Communication and Innovation is aware of any resolution of stakeholders for the introduction in the Assembly of proposed amendments to Section 32(6) of the Information and Communication Technologies Act.

I wish to inform the House that Government has embarked on an exercise for the merger of the ICT Authority and the Independent Broadcasting Authority. In the merger exercise, all aspects of the ICT and IBA Acts will be reviewed to modernise the existing legal framework.

#### **NORTH ORYX RESORTS LTD – HEALTH CARE AND WELLNESS CENTRE – EIA LICENCE**

**(No. B/847) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the proposed construction of a Health Care and Wellness Centre by North Oryx Resorts Ltd. on 8 plots of freehold land of a total extent of three hectares at Mont Blanc, Mare Anguilles, in the District of Savanne, he will state if the promoters had submitted an application for the issue of an Environment Impact Assessment licence in relation thereto in 2011 and, if so, indicate where matters stand.

**Reply:** An Environment Impact Assessment (EIA) application for the “proposed setting up of a Health Care and Wellness Centre consisting of a 78 key resort focusing on wellbeing and health convalescence and a 5-star hotel with all associated amenities on a plot of land of a total extent of about 14 Ha 2,687.10 m<sup>2</sup> by North Oryx Resorts Ltd” was submitted to the then Ministry of Environment and Sustainable Development on 15 December 2010.

The project was examined at the 15<sup>th</sup> EIA Committee held on 11 November 2011 and an EIA Licence, subject to conditions, was issued to North Oryx Resorts Ltd. on 16 November 2011.

As per Section 15 (2) (c) of the Environment Protection Act, “no proponent shall commence or cause to be commenced any undertaking, more than 3 years after the issue of an EIA licence or PER approval unless the Minister in circumstances beyond the control of the proponent, otherwise determines in respect of that undertaking”.

A site visit was effected on 16 November 2017 and it was observed that no infrastructural works have started on site.