



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**FRIDAY 15 DECEMBER 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
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Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnood	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
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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**

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**FIRST SESSION**

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**Debate No. 32 of 2017**

**Sitting of Friday 15 December 2017**

The Assembly met in the Assembly House, Port Louis at 3.30 p.m.

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## **PAPER LAID**

**The Ag. Prime Minister (Mr I. Collendavelloo):** Madam Speaker, the Paper has been laid on the Table -

### **Ministry of Social Security, National Solidarity, and Environment and Sustainable Development**

The Pensions (Amendment) Regulations 2017. (Government Notice No. 237 of 2017)

## **MOTION**

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

**The Ag. 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.

**Sir Anerood Jugnauth rose and seconded.**

*Question put and agreed to.*

(3.36 p.m.)

## **STATEMENTS BY MINISTERS**

### **ENERGY EFFICIENCY MANAGEMENT OFFICE - PROJECTS**

**The Ag. Prime Minister:** Madam Speaker, I have three statements to make.

I would like, first of all, with your permission, to inform the House of salient projects implemented by the Energy Efficiency Management Office (EEMO) during the year 2017 to promote energy efficiency.

The EEMO operates under the aegis of my Ministry. The Board includes representatives of my Ministry, the Ministry of Industry, Commerce and Consumer Protection, Ministry of Environment, Sustainable Development, Disaster and Beach Management, Ministry of Public Infrastructure and Land Transport, Ministry of Local Government and Outer Islands, various Ministries, the National Transport Authorities, as well as representatives of Business Mauritius, MEXA, the Institute of Engineers, the Mauritius Association of Architects and the University of Mauritius.

In November 2005, I appointed Mr Kendall Tang as the Chairperson of the Board of the EEMO for his experience in the practical application of energy efficiency and his innovative approach. I am pleased to inform the House that with the new direction of the EEMO under his leadership, the office has successfully implemented several new projects.

In the course of this year, two new regulations have been introduced -

1. The Energy Efficiency (Labelling of Regulated Machinery) Regulations, enacted in January 2017. This regulation provides that as from July 01, 2017, energy efficiency labels should be affixed on refrigerating appliances, electric ovens and dishwashers. This



is working satisfactorily with the collaboration of the Mauritius Chamber of Commerce and Industry. Since the coming into force of these regulations, EEMO has received 270 applications for registration of appliances and has registered 62. It carried out 33 visits to showrooms to verify energy labels.

2. The second regulation makes it mandatory for Government buildings to carry out energy audits as from February 2017. This is also progressing satisfactorily. EEMO has issued 21 notifications for energy audits to the Prime Minister's Office, the Government Printing Department, the Lease Department, Prisons Department, Ministry of Agro-Industry, Ministry of Health and Quality of Life, Supreme Court and Ministry of Public Infrastructure. Some of these organisations are already in the process of appointing energy auditors, whereas the Supreme Court building energy efficiency will be incorporated in the design of the new building.

The EEMO has registered 46 energy auditors and 12 energy audit firms and has carried out 11 energy audits at medi-clinics, Plaine Verte, Goodlands and Triolet Police Stations, Bambous and Curepipe State Secondary Schools, Phoenix, S. Virahsawmy, Quatre Bornes, Mahatma Gandhi, Dr. Maurice Curé College and Moka District Council.

In order to improve energy efficiency in the private sector, the EEMO has appointed a private firm to conduct a survey on energy use and energy efficiency in hotels in January 2017. The survey will be completed by January 2018. A second contract has been awarded for a survey of energy use and energy efficiency in the transport, industrial and SME sector in November 2017. The survey will be completed by May 2018.

The EEMO has collaborated with *Agence Française de Développement* and Business Mauritius for the “*Programme National d'Éfficacité Énergétique*”. 103 energy audits have been carried out under this programme in private enterprises. EEMO appointed consultants, who have prepared specifications and design guidelines for energy-efficient street and public area lighting. These guidelines have been shared with the local authorities and other relevant institutions.

On the recommendation of the EEMO, the importation of incandescent lamps of 75 watt and above has been banned since August 11, 2017. As part of its mandate, EEMO has to inform, educate and sensitise the public on the benefits of energy efficiency. It has organised two media campaigns on energy efficiency and labelling in Mauritius and one in Rodrigues. It also organised 92 talks in primary schools, community centres and social welfare centres, reaching out to about 7,000 persons, and one

public competition for secondary school students and one for the general public.

I thank you, Madam Speaker.

### **CWA - WATER PROJECTS**

Madam Speaker, my second statement will be on water sector projects.

I wish to make a statement on the status of water projects being implemented by my Ministry and the Central Water Authority.

In June 2017, the Bagatelle Dam was completed. Water from this dam is being channelled through Rivière Terre Rouge to Pailles Treatment Plant for supply to Port Louis. Today, most of the regions in Port Louis are receiving 24/7 water supply. In October 2017, my Ministry awarded a consultancy contract to Société Pietrangeli for the detailed design and preparation of bid documents for Rivière des Anguilles Dam. The detailed design report and bid documents are expected by July 2018.

In August 2017, my Ministry appointed consultant SMEC to carry out a study for increasing the capacity of Nicolière Dam. The feasibility report will be submitted by end 2018. Two new boreholes have been drilled at Beaux Songes and Queen Victoria, giving positive yields, which will increase water supply in the region of Flacq especially.

During the course of this year, the Central Water Authority has completed 14 projects for the replacement of about 127 kilometres of pipes, costing Rs1.1 billion. The regions concerned are -

- Rivière des Anguilles;
- Tyack;
- Solferino;
- Midlands Dam to Piton du Milieu;
- Piton du Milieu to Hermitage;
- Henrietta;
- John Kennedy, Vacoas;
- Curepipe, Lislet Geoffroy;
- Ferney;
- Melrose Reservoir to Montagne Blanche;

- Bosquet Reservoir to Coromandel;
- St Hilaire, St Hubert and adjoining regions;
- Alma Reservoir to Alma Hill;
- Poste de Flacq to Poste La Fayette, and
- Cap Malheureux to St François, Goodlands.

The construction of a new service reservoir of 2,000 m<sup>3</sup> at Mont Blanc, costing Rs23 m., was completed in December 2016 and became operational in January 2017.

Since January 2017, CWA has awarded 16 contracts for the replacement of 161 kilometres of pipes at the cost of Rs1.6 billion. Two contracts have been awarded for the construction of a service reservoir at Balisson, Rs27 m., and construction of pumping mains at Rivière du Rempart, Rs129 m. There were six contracts awarded in 2016, and works were ongoing during year 2017 for the replacement of 43 kilometres of pipes at the cost of Rs91 m. The construction of the Bagatelle Treatment Plant started in February 2017 and is due to be completed in November 2018; project value is Rs891 m.

As announced in the Budget Speech, six duplicate boreholes have been drilled at Pont Fer, Forbach, Pierrefonds, Mare d'Albert, Gébert and Bassin at the cost of Rs14 m. The contract for six others will be awarded by bids next year.

Moreover, following the commissioning of a new borehole in Plaine Magnien and the rezoning of the water supply in the six distribution zones, hours of supply have increased at -

- Plaine Magnien, L'Escalier and La Rosa from 8 hours to 16 hours;
- Mahebourg, Blue Bay, Pointe d'Esny and Beau Vallon from 14 to 24 hours;
- Camp Carol and Acacia from low pressure to 24 hours;
- Cité Mont Rose, Balisson from 8 hours to 24 hours;
- Les Flamants, Pereybère from 2 to 8 hours to 8 to 12 hours;
- Bramsthan from 6 to 24 hours;
- Quatre Cocos from low pressure to 24 hours.

*(Interruptions)*

And there has been increase in pressure in Flacq.

One mobile filtration plant of 3000 m<sup>3</sup> per day has been installed at Bramsthan to increase hours of supply. Two others of 2000 m<sup>3</sup> each have been installed at Rouillard to meet the increased water demand in the regions of Pereybère and Grand' Baie.

*(Interruptions)*

Following the implementation of the Pipe Replacement Projects the number of households benefitting from 24-hour supply has increased from 161,000 in 2015 to 211,000 in 2017.

*(Interruptions)*

### **CEB – ELECTRICITY SUPPLY & RENEWABLE ENERGY - PROJECTS**

The third Statement, Madam Speaker, to update the House on the major projects which were completed or are being implemented in 2017 to safeguard security of electricity supply and increase the contribution of renewable energy in our energy mix.

During the year 2017, CEB completed two major projects. Firstly, the redevelopment of Saint Louis Power Station comprising four units of 15 MW each and was completed within the contractual time and without any cost overrun. The total investment was about Rs4.5 billion. They have a higher level of compliance with environmental standards. The project has allowed the retirement of the old and less environmental-friendly Pielstick engines.

Secondly, the construction of three heavy fuel oil storage tanks of 6500 m<sup>3</sup> at Les Grandes Salines has been completed. This project which has required an investment of about Rs450 m. will ensure that CEB has strategic stock of heavy fuel oil for generation of electricity.

In keeping with the strategy of Government, the CEB is planning to shift to the use of liquid natural gas for substituting fuel oil. It is implementing a project for the setting up of two gas turbine units, each rated 35 MW to 40 MW initially on an Open-Cycle mode to be fired with diesel fuel.

The second phase of the project will consist of conversion of the plant to a Combined-Cycle Gas Turbine Power Plant and used Liquefied Natural Gas. In that regard, it appointed a consultant, EDF of France, which has already prepared the final version of the EIA Report, risk assessment study, as well as tender documents for its new power plant in the Mer Rouge area. The bid documents have been forwarded to the CPB.

With regard to the transition to LNG, my Ministry has appointed consultants Poten & Partners

of UK in October 2017 to carry out a full feasibility study on LNG. The study has already started and will be completed in 16 months.

As regards renewable energy, we are on track to achieve the target of 35 per cent by 2025. In that regard, CEB has signed Energy Supply and Purchase Agreements for –

- (i) 3 Solar PV farms of 10 MW to 15 MW for a total aggregated capacity of 40 MW to 45 MW which were expected to be commissioned end 2018, generating and exporting some 78 GW/hour of electricity annually, and
- (ii) 3 solar farms of capacity between 129 MW for a cumulated capacity of 20 MW which are expected to be in operation by end 2018, exporting some 40 GW/hour of electricity to the CEB grid annually.

In addition, CEB's subsidiary, CEB (Green Energy) Co. Ltd., has awarded the bid for the construction of a 2 MW Solar PV Farm at Henrietta on 09 October 2017 to COREXSOLAR. The project will be completed by July 2018. With the implementation of these projects, we expect to reach about 26% renewable energy in 2019.

In addition, in 2017 CEB extended the 5 MW SSDG Net-Metering Scheme by an additional 2 MW to encourage households to install Solar PV. Out of 1770 applications, 1505 applicants, that is, 85% have been issued with the Letter of Intent and 714 installations have been commissioned.

Phase 2 was launched on 10 July 2017 and closed on 16 November 2017. 660 applications have been received out of which 51 applicants have already been issued with their Letter of Intent.

CEB also launched the MSDG Net-Metering Scheme Phase 1 in May 2016 to integrate a total cumulative capacity of 10 MW distributed generation. 85 applications were received for the total aggregated capacity of 10 MW.

After discussing with the stakeholders concerned, CEB revised downwards the contribution of MSDGs towards the cost of grid integration by 43% to Rs120 per kW. As at the end of 2017, around 16% of the planned capacities have already been integrated into the grid.

CEB launched the Green Energy Scheme for cooperatives in collaboration with the Ministry of Business, Enterprise and Cooperatives to integrate 100 kW Solar PV System in Mauritius and 25 kW in Rodrigues. Five projects have been commissioned out of seven applications received.

CEB is implementing a 4 MW Green Energy Scheme for small commercial businesses. Under the scheme, 2000 electricity customers who are paying the highest electricity tariff, 215 will be

provided with Solar PV kits for an investment of some Rs280 m.

In August 2017, CEB launched the Solar Home Project which aims at installing 10,000 Solar PV kits over a period of 5 years on rooftop of households in the social tariff 110A category. The kits will be installed as from February 2018. The investment amounts to Rs700 m.

Madame la présidente, je fais un appel à tous ceux qui ont droit d'obtenir des *kits* solaires. Ils auront de l'électricité gratuitement pendant au moins dix ans. J'ai constaté un démarrage un peu lent car les clients du CEB n'ont pas encore compris l'envergure de ce projet. Un consommateur qui se trouve dans le tarif 110A peut en parler à son *Meter Reader* ou au service clientèle du CEB pour toutes explications requises.

In order to address the inconsistency of renewable power from PV and wind, CEB is investing in battery storage. The contract for installation of batteries of 2 MW capacity at Henrietta and Amaury substations has been awarded. The battery storage will be commissioned in early 2018.

CEB Fibre Net is implementing the Fibre Net project which consists in using the optic cable network of CEB to provide high speed data services to Internet service providers and mobile network operators. The CEB Fibre Net Co Ltd awarded the contract on 15 February 2017 for backbone network supply and installation. The implementation works at 40 sites are in progress with 10 core sites ready for service by the end of this month. The remaining sites will be completed in the first quarter of 2018.

CEB Fibre Net has also joined the METISS consortium, that is, MELtingpo T Indianoceanic Submarine System, in October 2016 and signed the construction and maintenance agreement on 13 December 2017 with a member share value of EUR 5,918,668, that is, a 15.2% share which will secure Fibre Net an international bandwidth capacity of 46 Gigabits from Mauritius to South Africa by the end of 2019.

The CEB (Facilities) Co Ltd was also incorporated on 03 March 2017. It has set up a Call Centre for CEB and CWA customers with trading name, Utility Custom Care, and providing 24/7 service for hotlines of 130 and 170. In order to meet with increasing load demand from new consumers, provide reliability and quality of supply to the existing consumers, the CEB has invested an amount of Rs723 m. in 2017 to upgrade its transmission and distribution infrastructure throughout the country, particularly in Port Louis, Belle Vue to Sottise, Champagne to Wooton, FUEL to Anahita, St Louis to Chaumière, La Chaumière, Henrietta, amongst others, and carry out undergrounding works.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Roopun!

***SÉGA TAMBOUR* - INTANGIBLE CULTURAL HERITAGE OF HUMANITY - UNESCO  
INSCRIPTION**

**The Minister of Arts & Culture (Mr P. Roopun):** Madam Speaker, from 04 to 09 December, I led a delegation comprising the Commissioner for Arts and Culture of Rodrigues, officers of my Ministry and of the National Heritage Fund and three artists from Rodrigues to the 12<sup>th</sup> Session of the UNESCO Intergovernmental Committee for the safeguarding of the intangible cultural heritage held at Jeju Island, South Korea, in connection with the inscription of the *séga tambour* of Rodrigues on the representative list of Intangible Cultural Heritage of Humanity. This inscription is under the 2003 UNESCO Convention for the safeguarding of the intangible cultural heritage.

It is to be noted that the Republic of Mauritius was the second State after Algeria to ratify this Convention in 2004. Madam Speaker, I am pleased to inform the House that the *séga tambour* of Rodrigues was inscribed, by acclamation, by all the 730 delegates representing some 110 State parties that attended the Committee.

In that context, I intervened to thank the Evaluation Body and the Intergovernmental Committee for their appreciation of our presentation file and reiterated that Mauritius fully subscribes to the ideals of UNESCO and we are committed to the effective implementation of the wide range of Conventions signed on Culture, and reassured of our full collaboration in the future. Three artists from Rodrigues gave a live performance of the *séga tambour*. It is the third element that is being inscribed on the list after the Mauritian traditional *séga*, *séga typique*, in 2014 and *Bhojpuri Geet-Gawai* in 2016.

The *séga tambour* of Rodrigues is a major social medium for communication among family members as well as the general public, assembling for the exchange of meaningful, memorable and emotional moments of joy and happiness.

I seize this opportunity to express, on behalf of the Government, our heartfelt and sincere gratitude to all transmitters and bearers of *séga tambour* and all those who have contributed to this successful inscription of the *séga tambour*.

Madam Speaker, our intangible cultural heritage is mainly a question of cultural identity, diversity and blending. As a world model of pacific co-existence of people hailing from different continents, our intangible cultural heritage has stood the test of time. Despite innumerable threats, both during slavery and indentured periods, the deculturalisation process under the yoke of colonialism will remain culturally resilient. The salient features of our intangible cultural heritage are originality, authenticity and creativity that have emerged out of the continuous interaction of people from different social groups sharing the same destiny. It has to be safeguarded, maintained, preserved, promoted and shared to ensure perennity and this inscription further consolidates our resolve to do so.

Madam Speaker, it is with much pleasure that I wish to inform the House that, with the blessing and approval of the Prime Minister, it was officially announced that the Republic of Mauritius will be hosting for the first time the next session of the intergovernmental committee scheduled from 26 November to 01 December 2018. A bureau has been set up with Mauritius as a Chair, as *rapporteur* and Cyprus, Armenia, Guatemala, Philippines and Lebanon as Vice-Chairs, in line with the geographical representation of State parties to the 2003 Convention.

A National Organising Committee will be set up at the level of my Ministry to look into the preparation of the next session. In this context, Mr Tim Curtis, the Secretary of the 2003 Convention, will lead a delegation to Mauritius in March 2018 to kick-start preparation.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Sinatambou!

### **CLIMATE CHANGE MITIGATION INITIATIVES**

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Madam Speaker, with your permission, I wish to make a statement on climate change.

As the House is aware, climate change ranks high on the world environmental agenda. Hardly



any country is spared from the impacts of climate change and the most vulnerable ones remain countries from Africa and small island nations. The WorldRiskReport 2017, published on 06 November of this year, has underlined that 13 of the 15 countries with the highest vulnerability ratings are found on the African continent. Among the 15 countries with the highest exposure levels worldwide, eight are small island nations. More importantly for us, the Report has ranked Mauritius as the 13<sup>th</sup> country with the highest disaster risk and 7<sup>th</sup> as the most exposed to natural hazards in the world. In fact, my statement today lies in the context of the release of this Report and, in the same vein, to apprise the House of the ongoing measures and those implemented by the Ministry to fight the adverse impacts of climate change.

According to the intergovernmental panel on climate change, global temperature has increased by about 0.85 degrees Celsius since 1880. This minor increase in temperature is already having disastrous impacts on the planet. Small Island Developing States remain on the front line of human induced climate change experiencing accentuated sea level rises, stronger cyclones, warmer days and nights, more unpredictable rainfall patterns and larger and longer heat waves. Despite the fact that Small Island Developing States altogether emit only about 1% of the world greenhouse gas emissions, we are disproportionately affected. Despite our significantly low contribution to global greenhouse gas emissions, we have demonstrated solidarity with industrialised nations and we are committed to take bold climate change mitigation initiatives.

The twenty-third meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 23) which is the highest platform where experts in the field of climate change and decision-makers meet for decision-taking was held in November 2017 in Bonn. It was duly attended by officers of my Ministry and the Mauritian Ambassador in Germany. The focus was on the need to keep the momentum in terms of action-oriented initiatives with a view to finalising the work programme of the Paris Agreement. The twenty-first meeting of the Conference of the Parties to the Convention (COP 21) had culminated in an agreement considered as historical, universally accepted and legally binding. Its main elements are as follows -

- to limit temperature rise to well below two degrees Celsius above preindustrial levels while pursuing efforts to limit temperature rise to 1.5 degrees Celsius by the year 2100;
- developed countries shall continue taking the lead by undertaking economy-wide emission reduction targets whereas developing country parties should continue enhancing their mitigation efforts in the light of their respective national context;

- all countries would submit adaptation communications in which they may detail their adaptation priorities, support needs and plans. Developing countries would receive increased support for adaptation actions and the adequacy of their support would be assessed;
- the existing Warsaw International Mechanism on Loss and Damage would be significantly strengthened;
- developed countries should continue their existing collective resource mobilisation goal through 2025 in the context of meaningful mitigation actions and transparency in implementation;
- prior to 2025, the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement shall set a new collective, quantified goal from a floor minimum of 100 billion dollars per year taking into account the needs and priorities of developing countries. At Cop 21, developed countries have pledged a total sum of 94.4 billion dollars by the year 2020;
- a mechanism for periodic assessment of the effectiveness and the adequacy of support provided on matters relating to technology development and transfer would be set in place;
- a Paris Committee on Capacity-building whose aim is to address gaps, needs, current and emerging, and in implementing capacity-building in developing countries has been established;
- robust transparency framework for both action and support have been agreed to. The framework would provide clarity on countries' mitigation and adaptation actions as well as the provision of support. It recognises that Least Developed Countries and Small Island Developing States have special circumstances;
- the setting of mechanism through global stocktake starting in 2023 to assess the collective progress towards the goals of the Agreement. This stocktake will be done every five years thereafter, and finally
- the Agreement includes a compliance mechanism overseen by a committee of experts that operates in a non-punitive way.

If Cop 21 focuses on commitments by all member parties, Cop 23 sets the path for actions. One of

the major issues currently under discussion is the Talanoa Dialogue Platform. Its aims are to review and soften the mechanism for developing countries to assess financial resources and to also invite developed nations to review and upskill their greenhouse gas emissions pledges. In simple words, the dialogue structured around three questions, namely: Where are we? Where do we want to go? How do we get there?

In the light of the above, Mauritius has already identified a series of audacious measures to promote both adaptation and to abate our greenhouse gas emissions. As outlined in this year's national budget, we are supporting sectors such as agriculture and fisheries by adopting smart agriculture and smart fisheries concepts. Biotechnology, biofarming, aquaculture and the whole ocean economy sector are being promoted. The water sector is also being strengthened and modernised to improve water storage and distribution.

Mauritius is benefiting from partnerships with international agencies as follows -

- assistance of around 325,000 dollars have been secured from the Climate Technology Centre Network to assess the post vulnerability with a view to enhance the post resilience to the adverse impacts of climate change;
- a proposal for the Mauritius National Adaptation Plan has been submitted to the Green Climate Fund on 31 October 2017 to the tune of 2 million dollars and same is under consideration, and
- the project enhancing the resilience of vulnerable local communities to extreme weather events and climate vulnerabilities in Mauritius to the tune of 400,000 euros is being finalised in collaboration with the African Development Bank.

Madam Speaker, the contributions of our various stakeholders from the public and private sectors, women and youth organisations, local communities and NGOs and individuals who have continuously contributed and shown unwavering commitment in the fight against the adverse impact of climate change needs to be highly commended.

I thank you, Madam Speaker.

### **COASTAL ZONE - STORM SURGES - EARLY WARNING SYSTEM**

With your permission, Madam Speaker, I have a second statement on coastal protection works undertaken by my Ministry.

The coastline of the mainland Mauritius is 322 kilometres long with a lagoon area of 243 square kilometres. We have 125 proclaimed beaches occupying about 48 kilometres of the length of the coastline.

The beaches along our coastline comprise loose sediments such as gravel, sand or mud which are exposed to waves, currents and winds. Any weather event associated with turbine or fast rainwater or high winds has an impact on beaches thereby causing erosion. Beach erosion has also been caused by rapid urbanisation in the coastal zones coupled with sea-based activities and adverse climate impacts, including sea level rise.

The tourism industry has contributed significantly to the socio-economic development of Mauritius and our beaches attract tourists from around the world. Moreover, it is a practice for our citizens to go to the seaside for leisure and recreational activities. In order to avoid further erosion of our beaches, it is essential that preventive measures be taken. I wish to apprise the House, Madam Speaker, on the measures taken by my Ministry so far for coastal protection. My Ministry has set up an early warning system for storm surges for the coastal zone of Mauritius in order to increase the climate resilience of the coastal communities. This system is providing a high quality and fully automated forecasting system for storm surges which will increase preparedness and issue alerts to enable the authorities to deploy resources in an optimal way for the evacuation of coastal communities who are at risk.

The Early-Warning System developed for Mauritius, Rodrigues and Agalega constitutes a lifesaving tool in case of surges.

This nationwide forecasting system for storm surges runs 24 hours a day and 7 days a week nonstop. It produces a three-day probabilistic forecast and a 6-hour deterministic forecast, which gives the authorities adequate time to evacuate any area where a storm surge is expected to hit. It is worth pointing out that the Republic of Mauritius is the first Small Island Developing State to have its own customised storm surge Early-Warning System for improving our resilience to events like storm surges and swells.

Madam Speaker, the coastal communities in the south-eastern area, in the low-lying region of Quatre Soeurs and Grand Sable, are exposed to storm surges and coastal inundation. In such cases, the development of necessary protection measures together with the Early Warning System allow those communities to evacuate to the nearest refuge centre in cases of storm surges and continue to live close to their livelihoods with a sense of security. I am pleased to inform the House that a refuge centre, which is the first of its kind in the Southern Hemisphere, is being constructed at Quatre Soeurs for the residents to evacuate urgently and temporarily until storm surges subside.

The building is resilient to flooding, coastal inundation, and complies with sustainable design principles, that is, the use of renewable energy sources, rainwater harvesting, etc., as well as

international norms. Major coastal protection works are also being undertaken at Rivière des Galets. A coastal defence rock revetment of 450 metres is being erected to protect the coastal community which lives there and is at risk to storm surges. In addition, 10 sites have already been rehabilitated since 2015.

Coastal protection works have been carried out over a total length of more than 3½ kms. As regards this financial year 2017/2018, Government is proposing to start the rehabilitation of the following sites, namely -

- Baie du Tombeau;
- Case Noyale;
- Cité La Chaux;
- Grand' Baie;
- Providence, and
- Saint Martin.

Madam Speaker, I thank you for your attention.

### **BASIC RETIREMENT PENSION – PAYMENT**

With your permission, Madam Speaker, I have a last statement concerning the overpayments of benefits.

Madam Speaker, in my reply to Parliamentary Question B/975 at the sitting of the National Assembly of Tuesday 12 December 2017, I stated that the Basic Retirement Pension is a universal non-contributory pension payable to all the citizens of Mauritius who have attained the age of 60, subject to the terms and conditions applicable.

In accordance with section 35 of the National Pensions Act, the payment of the Basic Retirement Pension is effected to citizens of Mauritius as follows -

- through banks, for approximately 185,000 beneficiaries;
- by the post office for about 70,000 beneficiaries, and
- by Pay Clerk at Quatre Soeurs and Deux Frères in respect of nearly 400 beneficiaries.

In my reply to Parliamentary Question B/908, I informed the House that the Basic Retirement Pension is paid on the 2<sup>nd</sup> working day after the beginning of each month. The House has also taken

cognizance of the fact that, pursuant to the perceived hardship caused to senior citizens regarding the payment of their pension for the month of November, which was effected on 06 November while still being the 2<sup>nd</sup> working day of the month, we have brought appropriate changes in the payment schedule as from December 2017 and for the whole of the calendar year 2018.

This move in itself bears testimony that this Government lives up to its pledge to leave no one behind. Whilst on the one hand, my Ministry has a duty of care to ensure that the payment of the Basic Retirement Pension and other benefits to eligible beneficiaries are paid in a timely manner, on the other hand, my Ministry is duty bound to ensure that such payments is effected to deserving beneficiaries only, as it involves public funds. The National Audit Office has, in this respect, continuously criticised my Ministry for overpayments relating to the Basic Retirement Pension.

Madam Speaker, although under the National Pensions (Non-Contributory Benefits) Regulations of 1977, the onus rests with the beneficiary to notify my Ministry whenever there is a change in circumstances or status. In reality, most beneficiaries or their heirs do not inform this Ministry accordingly, thus leading to overpayments to such beneficiaries. Once an overpayment is detected, the Ministry stops the payment of the benefit and procedures are initiated to recoup the overpaid benefits, either from the bank account of the beneficiary in cases where same is credited into bank accounts or the heirs are contacted to recoup the overpaid benefits in cases where the benefits have been encashed.

With a view to tackling the overpayment of benefits, my Ministry has introduced a better control mechanism for identifying cases of overpayment of benefits. A monitoring committee has been set up since February 2017 and meets regularly to monitor progress and tackle bottlenecks. As at today, it has met on 15 occasions.

In terms of results -

- 180 cases of departure which involved overpayment were detected during the financial year 2016/2017, out of which 82 cases have been resolved;
- 179 cases of both death and remarriage were detected during the financial year 2016/2017, out of which 93 cases have been resolved, and
- a total amount of Rs41 m., involving 673 cases, has been overpaid, out of which Rs22.2 m. has already been recovered.

I thank you, Madam Speaker, for your attention.

## **PUBLIC BILL**

### *First Reading*

*On motion made and seconded, the Landlord and Tenant (Amendment) Bill (No. XXIV of 2017) was read a first time.*

## **MOTION – S. O. 31(1)**

**Madam Speaker:** Hon. Members, in the absence of hon. Bhagwan, the motion, therefore, lapses in accordance with the provision of Standing Order 31(1).

## **PUBLIC BILL**

### *Second Reading*

## **THE NATIONAL FLAG (AMENDMENT) BILL**

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

*Order for Second Reading read.*

**The Ag. Prime Minister (Mr I. Collendavelloo):** Madam Speaker, I beg to move that the National Flag (Amendment) Bill (No. XXII of 2017) be read a second time.

The main object of the Bill is to enhance the legal framework which provides for the protection of our National Flag. The Bill also provides that on the occasion of Independence Day and Republic Day, or such other national event as may be prescribed, a person may exhibit a flag as the national flag or exhibit on any item or article an image of the national flag without having to comply with the required proportion of 3 to 2, as provided in section 4(1)(d) of the National Flag Act 2015. The National Flag Bill was introduced in this House by the former Prime Minister, the Rt. hon. Sir Anerood Jugnauth; that was in October 2015. Regulations were made afterwards to prescribe the colour codes, size and material to be used for mast flags, desk flags, hand held flags and car flags.

Now, more than a year later, time has come to bring a few adjustments with a view to further enhancing the flag and providing for its use in specified circumstances, where it would be difficult or impractical to comply with section 4(1)(d) of the Act.

The proposals for amendment that I am, therefore, making, take into account many suggestions which have been received by the Prime Minister's Office, both from public and private organisations as well as from members of the public.

The overall aim is to make allowance in the Act for the use of banners and buntings in the

National colours during certain National events. In the course of the consultations the hon. Prime Minister has had with the relevant stakeholders, he has also received the proposal that allowance be made to exhibit an image of the National flag on items or articles which are produced or printed during such National event.

The present Act does not allow for such derogations. One of the justifications put forward, and with which I concur, is that it is a well-anchored tradition in Mauritius to decorate buildings with banners and buntings in National colours during National events such as National Day celebrations or State visits. The same applies in relation to the use of banners in our stadium or other prominent public places when youth rallies, national and international sports and cultural activities are occasionally held in the country. These events are important. They consolidate our National unity and they awake the patriotic fibre of our youths.

It is, therefore, the duty of Government to see to it that the necessary conditions are in place to ensure that the patriotic fervour does not weaken, and this is what we are doing in proposing these amendments.

The Bill seeks to amend the National Flag Act 2015 as follows -

- Clause 3 of the Bill seeks to amend section 2 of the Act of 2015 so as to widen the definition of National Flag to include, *inter alia*, any picture or painting representing the National flag and to include a new definition, that of National event, to allow the Minister to prescribe events in relation to which the Act may be derogated from it.
- Clause 4 of the Bill seeks to amend section 5(4) of the Principal Act to provide that this section shall also apply so as to protect a person with also in the situation set out in section 5(1)(e) of the Principal Act.
- Clause 5 of the Bill seeks to amend section 5 of the Principal Act by inserting a new section 5A which will provide for derogations from section 4 of the Principal Act in relation to the required proportion subject to the National flag being displayed horizontally and bearing the National colours as prescribed.

With these words, Madam Speaker, I commend the National Flag (Amendment) Bill to the House.

**Sir Anerood Jugnauth rose and seconded.**

**Madam Speaker:** Hon. Rutnah!



(4.31 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Madam Speaker. Although this sounds to be a very small amendment, but the significance of this amendment is very important for our country because we are now embarking on the 50<sup>th</sup> anniversary of our Independence, and surely many people, including the youths, the children of the country, the elders, and the grandees; they are all going to celebrate the National Day in a fanfare.

However, I find it extremely deplorable that the Third Member for Stanley and Rose Hill, Constituency No. 19, again made a scathing attack on Wednesday when he was enjoying himself, enthusiastically, during his Press conference and qualified this amendment as being a ‘ridiculous amendment’. Madam Speaker, he is not here today and none of the MMM MPs are here today. None of the Labour Party MPs are here today. None of the PMSD MPs are here today in order to listen to what the Ag. Prime Minister has to say today and what other hon. Members, including me, have to say about this piece of amendment. And the PMSD are supposed to be the watchdog. They are supposed to be the main Opposition party. I don’t know what they are watching, whether they are watching all the cocks down there in Constituency No. 18.

*(Interruptions)*

Anyway, Madam Speaker, but to qualify this piece of amendment as ‘ridiculous’ is, in itself, a ridiculous statement because if we take it for granted what a flag is, then we must be fooling ourselves because there is a wide study over flags. And the study of flags is called Vexillology. There is a special subject which is studied by people all around the world to understand the philosophy, the purpose behind having a flag. Flag goes back a long way. Originally, flags were used in times of war in the 17<sup>th</sup> century, 18<sup>th</sup> century. When they were used in times of war, they were used to show leadership. They were used to show the control of territory. Yes! And the first invention of flag goes back to the days in the Indian subcontinent or what is now called China. It is believed that the founder of the flag, the people who actually designed a flag in the world, they are the Zhou Dynasty in China between 1046 to 256 BCE.

Flags were not used only during wartime; they were not only used during those days when people were capturing people and capturing a nation and plant their flags. But it was also used by organisations like the Red Cross, by maritime discovery people. During those days, in the 17<sup>th</sup> century, when the period of sail was at its peak, ships used to use flags in order to show their allegiance to certain countries. And today, in modern world, the identity of a ship is based on the flags on which it is

sailed. So, it is this kind of importance that a flag has. For example, during modern wartime - hon. Raj Dayal will know because I know he has done training in Sandhurst, England while I did some training at the Royal Holloway Territorial Army.

*(Interruptions)*

But during the course of war, when you see the Royal Air Force flying with its blue flag and on the top left-hand corner with the Union Jack, and in the middle you see the white circle and the blue circle and the red dot, then you know that there will be some severe and heavy artillery that is going to be fired. And, at the same time, it demonstrates peace, for example.

Let me say one thing which is very important about flag. There are children in Palestine who get killed simply because they take a flag and...

**Madam Speaker:** Hon. Rutnah, I admit that all this is very interesting. I can see your passion about this, but, yet, you know, you have to come to the amendment which is being brought to the Bill. I can see it from your face that you want to dispute what I am saying, but I would request you to come to the amendment to the Bill. Please!

**Mr Rutnah:** Madam Speaker, the reason I am giving this long introductory session is simply to lecture the Third Member for Stanley and Rose Hill about flags.

**Madam Speaker:** But this is not the time to lecture. We can attend a lecture some other time. Please!

**Mr Rutnah:** So, Madam Speaker, anyway, flags are flags! People are proud. In Mauritius, we are proud when we take our flags and we walk on the Independence Day or on the Republic Day.

*(Interruptions)*

And we have to be able to allow our children, our youth, our elders and grandees to make use of the flag on special occasions in such a way so that they would not be committing a prohibited act under the law and to show that they belong to the nation - like hon. Soodhun is whispering from there. He, himself, being a patriot of this country, recently saved us in the wake of the oil difficulties that we were having. I am glad he is whispering from there.

Madam Speaker, this important amendment is to allow people to enjoy their flag. You have a building, you want to put your flag in a certain manner, you will be allowed on that day. You want to decorate a tree with the flag of Mauritius with the quadri-colour, you will be entitled to do it. You want to put a flag on your bicycle, you can do it. You want to put a flag on your autocycle, on your

motorcycle, the way you want to place it, you will be allowed. You cannot place it in an inverted manner, but it happened the other day. This is the opportunity that we all should be cherishing about. We will be celebrating our 50 years of Independence. 50 years of Independence should be celebrated without the fear of committing an unauthorised act or a criminal act over which you might have to face prosecution. We are today giving the opportunity to go and enjoy yourselves during the Independence celebration and the Republic celebration.

So, Madam Speaker, in a gist, the Independence Day, the Republic Day and any other symbolic day where the flag should be flown and the flag would be displayed in any manner so as not to commit a prohibited act. As a responsible Government, we should be able to allow our people to use the flag.

On this note, Madam Speaker, thank you for your attention.

**Madam Speaker:** Hon. Dayal!

(4.41 p.m.)

**Mr R. Dayal (First Member for Flacq & Bon Accueil):** Madam Speaker, the hon. Prime Minister, Pravind Kumar Jugnauth, should be commended for giving the explanatory note as to the motivation and the rationale behind this particular amendment. To understand better the motivation of the Government, our Prime Minister and all Members of this Government is that a flag in the life of a nation has got great importance and significance in terms of symbolism and patriotism. It has got a sacred aura of its own in terms of solidarity and service. It is a common link between men and land, our motherland and has got the bonding power of humanism that transcends all barriers of blood, relations and differences. The national flag is the symbol of our motherland that we must love and care at the cost of even the highest sacrifice.

Now, coming to the amendment proper, I would not be labouring on the Hague Convention nor on the Geneva Convention of 12 August 1949, although we are actively involved in various peacekeeping missions throughout the world as part of the United Nations. But the fact is that our national flag has to be afforded better protection and this is the first item on the object of this Bill: “to afford better legal protection to our national flag”. Mauritius being *un État de droit*, it is incumbent on all of us, here, present, to see to it that there is no prejudice caused to our national flag in whatever form it might be, although it took us long.

As a matter of fact, straight after Independence, we should have come with the Bill. Thanks to the Rt. hon. Prime Minister then, Sir Anerood Jugnauth, who is the Mentor Minister now, he came with the Bill, although the Bill does not encompass another aspect, very important and pertinent in nation

building, which is our Coat of Arms. During our accession to Republic, the then Prime Minister, Sir Anerood Jugnauth, agreed a modification to our Coat of Arms based on what it was designed in UK then, Sir Veerasamy Ringadoo was to be the first President and the present Coat of Arms has got a modified version which is very eloquent. I would not labour on that today because we have to labour more on the flag aspect amendment.

So, the flag is important because we are on the eve of our 50<sup>th</sup> Independence Anniversary. Therefore, we must motivate each and every one in Mauritius to make good use of our national flag. The amendment is very pertinent in that sense because at the highest level of Government, the hon. Prime Minister is making sure that the flag can be displayed as spelt out in our legal framework and, more precisely, on events dedicated to be celebrated with the national flag.

The other aspect of the amendment is equally important because we have been used to some very inopportune use of our national flag in the past. All of us, we have seen flag being used as tablecloth, flag being used as in text, in places that do not provide the right aura of respect to our flag. Therefore, it is important that the amendment highlights certain very pertinent aspects related to our national flag.

I will be concluding by saying that based on national and international events because we are a small island State and we have already gone a long way in getting recognition through what we are doing in the international fora and we have to make sure that our flag gets the right protection and the right consideration at all levels.

I am very thankful to the Ag. Prime Minister for highlighting some very pertinent aspects regarding this amendment. This amendment is very timely and it is done with patriotic motivation.

Thank you very much.

**Madam Speaker:** Hon. Collendavelloo!

(4.47 p.m.)

**The Ag. Prime Minister:** Madame la présidente, d'abord, je remercie les deux intervenants sur ce projet de loi qui peut paraître insignifiant aux yeux de certains, mais qui n'en est pas un.

La loi telle qu'elle existait auparavant jusqu'aujourd'hui était rigide. Il fallait respecter tous les critères établis pour le drapeau mauricien. Si c'est vrai qu'on devrait adopter cette rigidité, on ne peut pas avoir des marchands de sorbets sur la plage avec des drapeaux mauriciens qui sont hors de communes mesures avec le réel drapeau mauricien. Par contre, le jour de l'indépendance ou s'il y a

une visite d'État ou une conférence internationale où le peuple participe, ou il y a une manifestation populaire, c'est important que les enfants et les adultes aussi puissent avoir un minimum de liberté avec la taille de leur drapeau et ne pas avoir à mesurer centimètre par centimètre les largeurs et les longueurs du drapeau national, surtout que l'on sait que beaucoup de personnes fabriquent leur propre drapeau. Ce ne sont pas des machines, ce ne sont pas des usines, et lorsqu'ils fabriquent leur propre drapeau, ils participent à cet élan populaire qui est, par exemple, l'indépendance et on ne peut pas leur demander d'être aussi précis que lorsque c'est une usine qui le fait.

Pas seulement cela, il y a des petits artisans qui préparent des emblèmes lors de la fête de l'indépendance qu'ils mettent en vente, qui mettent des petits dodos ou des petits produits artisanaux. Ce projet de loi permet de pouvoir avoir une flexibilité, mais comprenez-nous très bien, on ne peut mettre le drapeau verticalement. Il faut qu'on respecte la forme horizontale de notre drapeau et les couleurs de notre drapeau. Et c'est ce que nous essayons de faire avec ce projet de loi. Je suis heureux que les deux membres qui sont intervenus aient choisi d'élever les débats à ce niveau car il était important.

I, therefore, Madam Speaker, move ...

*(Interruptions)*

**Madam Speaker:** To commend the Bill to the House.

**The Ag. Prime Minister:** No, I wanted to say one small thing. It is the notion of national event - I am sorry, I have forgotten this bit - with again our giving some flexibility to the Prime Minister who will determine, if there is a special occasion, whether to declare that day, that occasion to be a national event. It need not be a public holiday; it can be any event, teachers' day, for instance. If the teachers want to have a special competition or a special exhibition, the Prime Minister may, in his discretion, decide to declare this as a national event.

I, therefore, Madam Speaker, wish to commend this Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The National Flag (Amendment) Bill (No. XXII of 2017) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the National Flag (Amendment) Bill (No. XXII of 2017) was read a third time and passed.*

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

*At 4.55 p.m. the sitting was suspended.*

*On resuming at 5.32 p.m. with Madam Speaker in the Chair.*

*Second Reading*

**THE LANDLORD AND TENANT (AMENDMENT) BILL**

**(No. XXIV of 2017)**

*Order for Second Reading read.*

**The Minister of Housing and Lands (Mr P. Jhugroo):** Madam Speaker, with your permission, I move that the Landlord and Tenant (Amendment) Bill (No. XXIV of 2017) be read a second time.

Madam Speaker, as per the Landlord and Tenant Act, as amended, business premises which were let on or before July 2005 would no longer be governed by the Act on 31 December 2017. After this date, the rent of these business premises will be liberalised and no more protected by the Act. A drastic increase in the rent of these premises will, no doubt, lead to the closing down of many such types of businesses, with negative social and economic impact.

We are all aware that business premises which have been let to owners of small businesses prior to July 2005 are located in town and village centres and are facing difficulties due to rising cost of operations and competition from shopping malls, which are attracting customers due to more pleasant surroundings and other appealing facilities.

As a responsible Government, we have been sensible to various representations from tenants for the moratorium period ending 31 December 2017 to be extended.

Madam Speaker, with a view to demonstrating the willingness of Government to help small businesses, which are vulnerable and are experiencing difficulties, section 3 of the principal Act is being amended in subsection (2)(ab) for the moratorium to be extended for a further period of three

years up to 31 December 2020, after which business lettings would be liberalised.

I am confident that businesses will, during this extended period, take steps to improve their competitiveness and attract customers in their fold. Ease of doing business also applies to businesses which should showcase their willingness to participate in the national economy by increasing revenues generated.

Madam Speaker, with these few words, I now commend the Bill to the House.

Thank you.

**Mr Boissézon rose and seconded.**

(5.34 p.m.)

**Madam Speaker:** Hon. Mrs Jeewa-Daureeawoo!

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mr F. Jeewa-Daureeawoo):** Thank you, Madam Speaker. We welcome and support the introduction of the Landlord and Tenant (Amendment) Bill, which is amending section 3 of the Landlord and Tenant Act of 1999.

Madam Speaker, what is the main objective of the present Bill? The main objective of the Bill is to extend for a further period of three years the moratorium given to tenants of business and commercial premises let before July 2005.

This Bill will continue to grant the status of protected tenants to the tenants of business and commercial premises until 31 December 2020. This amendment will have a far-reaching and positive legal, economic and social impact.

At the very outset, allow me to say that, as a caring Government, we have at heart the interests of both the landlords and the tenants of business and commercial premises. We do not want anyone of them to suffer any injustice.

First, let us consider the interest of the landlord -

- (i) the landlord, who is the owner of business and commercial premises, has the right to claim an increase in rent payable to him, and
- (ii) the landlord may need to regain possession of his property for the purpose of improvement, that is, renovation and/or modernisation.

What is the interest of the tenant? The tenant, who is a trader, has an interest in paying a fair and reasonable market rent to make sure that he does not go out of business due to excessive high rent. We

must not forget that, at the same time, he has to preserve his trade and *fonds de commerce* built over several years.

By introducing this amendment, the Government aims at striking a right and just balance between the needs of both the landlord and the tenant and/or between these two competing interests.

In the beginning of my intervention, I have said that the present amendment will have a positive bearing on the legal, economic and social aspects. From a legal perspective, this amendment is extending the moratorium period given to tenants by three years until 31 December 2020. As such, this amendment will grant extended protection to the tenants.

These tenants are considered as protected tenants within the ambit of the Landlord and Tenant Act 1999. This means that a trader who is the tenant of a business and commercial premises cannot be summarily evicted by the landlord. The tenant will continue to be a protected tenant; if the landlord wishes to evict a tenant, he must have recourse to the Court for an Eviction Order. And, as you may know, to do so, the landlord must respect the grounds of eviction enumerated in the Landlord and Tenant Act 1999.

Furthermore, the Act provides that the Magistrate will not grant the Eviction Order unless the Court considers it reasonable so to do. From an economic perspective, this amendment is ensuring that the quantum of rent payable and any increase in rent payable by tenant of business and commercial premises to the landlord will continue to be regulated by the Act. The law provides that any increase in rent for business premises has to be determined and approved by the Fair Rent Tribunal which will decide on the fair market rent which is just and reasonable. If this amendment is not brought as from January next year, as has been rightly pointed out by hon. Jhugroo, the quantum of rent payable by the tenant and any increase therein, would have been fully re-valourised and no longer regulated under the law. This may result in excessive increases in the quantum of rent fixed unilaterally by the landlord and owners of the business and commercial premises.

This situation may lead to many traders having to close down their business, being unable to pay the excessive rate of rent. The tenants and traders, who are operating their respective businesses since many decades, would lose their source of income and revenue. They might also lose their goodwill and *fonds de commerce*, which is attached to their business premises.

From a social perspective, if traders go out of business and close down their operations, this will lead to their respective employees becoming redundant and losing their employment. This situation would then lead to an increase in the rate of unemployment in the country which, in turn, would affect



many families and cause social unrest.

So, the introduction of the Bill which extends the moratorium by 3 years, will prevent the traders, who are tenants of these business and commercial premises and their respective employees from going through hardships and difficulties. Although we are extending the moratorium for the tenants to a further period of 3 years, this will, in no way, affect the rights and protection afforded to a landlord under the Landlord and Tenant Act 1999. The law does provide for a landlord to make a claim for an increase in the quantum of rent payable by a tenant.

However, the increase in rent is controlled and regulated under the Act by the Fair Rent Tribunal which is entitled to determine the amount of the increase and the fair market rent which has to be reasonable. It is clear that the introduction of this Bill will, in no way, affect the acquired rights of the landlord to claim justified increase in rent. The regulation and control of the rent is present in the law just to avoid any abuse or any unjustified or excessive increase in rent. This could otherwise have a negative impact on the small and medium enterprise sector of the country, especially affecting the traders.

On the issue of the landlord of these business premises wanting to renovate and modernise the building, the Landlord and Tenant Act 1999, in its section 26 entitled “Scheme of reconstruction”, already caters for this particular issue. The District Court may order that the landlord gets repossession of his property for any improvement, renovation or modernisation to be brought by him. The tenant will then have to vacate the business premises within the delay granted by the Court.

So, Madam Speaker, I would like to commend the Bill which will strike, in my view, a just and reasonable balance between the two competing interests of both the trader and the landlord. This Bill will have a positive social and economic impact on the Mauritian community of traders and the Small and Medium Enterprise sector of the country. It will also indirectly have a positive impact on the livelihood and source of income of all employees working in that sector.

Thank you.

**Madam Speaker:** Hon. Mrs Jadoo-Jaunbocus!

(5.43 p.m.)

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs R. Jadoo-Jaunbocus):** Thank you, Madam Speaker. This Bill, Madam Speaker, is literally, as we say a one-liner. In one paragraph, that is, at clause 3, section 3 of the Principal Act, that is, the Landlord and Tenant Act

1999 is being amended, as had been subsequently amended, to introduce one element. And that is to ensure that the rent that has been increased and capped as at 2017 remain the same until 2020. But in that one clause, in those very few words, what the Government is saying loud and clear is that yes, this Government cares. It really cares about its people. It cares about those tenants out there who will be impacted upon by the law had this Bill not come to Parliament.

Let's just go back a little bit in history before we come to the present amendment, very briefly, because it is a very short amendment indeed. Why was the very first Landlord and Tenant Act brought about in 1960? It was introduced because there was a wake of massive destruction inflicted by two cyclones in Mauritius, that is, if those who will remember, Alix and Carol. We had utter disrepair, utter havoc in the country. We had poverty and, therefore, a lot of people had lost their dwellings, their houses and what the law then meant to do was to ensure security of tenure so that tenants who were staying in either residential or, at that time, commercial premises and who did not have much means, were being secured so that they could not be left to the whims and caprices of their landlord, because at that time, you had the land owners and then you had the tenants who were living at the expense and at the whims and caprices of those landlords. The country had to be rebuilt and what was done, we had this Bill that came at that time, that law that came then.

And then later, in 1999, what happened was that the Labour Government repealed the 1960 Act and came with the 1999 Landlord and Tenant Act where they wanted, through the Act, to modernise the law, to bring the law at par with what was happening, to improve the industrial sector, the building sector, to reboot the construction sector so that we could have increased rent, we could have people, that is, land owners building and constructing. But what has happened, that amendment has really failed because what was happening, you would have only increase of rent as most people, even up to now, believe, of only 10% of what was then the protected rent being paid and therefore that did not lead, as was envisaged, by the then Labour Party, that this would bring a boom in the construction industry, would bring a boom in the upgrading of buildings around with increased rent being paid. The idea was the tenants would run away and would not be able to pay the rents so that the owners could take possession of their property and then pull down and rebuild. That did not work.

But what has worked and what always works is what this Government does. Way back, in 2005, a Bill was brought to this House and that is the Landlord and Tenant (Amendment) Bill 2005. And what the then Minister had moved was to increase the rent to bring it at par with the market rent. It was said 'the rent being paid would be at par with the market rent' and what it meant is that the belief that everybody has, for whatever building being a prime property, whatever premises being a prime

property, one would be paying, say Rs300, Rs500 in the modern day, that is, in 2005. That piece of legislation, through a few amendments, would mean that the owner could claim, through the Fair Rent Tribunal, an increase in rent equivalent to the market value of that rent, those premises would be worth at the time.

What happened was that thousands of cases were lodged before the Fair Rent Tribunal because the 2005 legislation brought by them - this Government together with the *l'Alliance* at that time had brought that piece of legislation - indeed has led to increases in rent being made with several applications in front of the Fair Rent Tribunal.

Now, what the hon. Minister in this Bill has proposed to do is today saying that: 'Yes, in 2005, we had asked for the increase in rent.' Indeed, it has been applied so that rent was increased and then, again there was a further legislation to take it right up to 2017. What the hon. Minister is saying is: 'Let us be a caring Government as we have always been.' Yes, we are modernising our law, we are bringing the rent which was formally being paid at a really derisory sum back to the market value, but let us hold on a little bit because as indeed those who have spoken before me have elaborated how this would impact on the social and economic picture of the country. If you will look around all our towns ranging from Goodlands, Triolet, Flacq, Port Louis, Rose Hill, Curepipe, Mahebourg and everywhere, you would go to and all these cases that go to the Fair Rent Tribunal, the rent has already gone up.

Now, if we do not come with this amendment, what will happen is that now that the rent has come up to the market value, we are going to let it open, so, we are going to say to the landlord: 'You can determine however rent you want it to increase and you can just unilaterally increase those rents.' This is what the law was saying. If we do that, what will happen? This is where we have to strike a balance. In fact, the Landlord and Tenant Act has always been a balancing exercise because on the one hand, you have the powerful lobbying of those who are the landlords and, on the other hand, you have those who are vulnerable and sometimes not so vulnerable tenants. But the Government always has to balance and ensure that the interests of both parties are being respected. This is what this piece of legislation is about. This piece of legislation is not about saying to the owners of property: 'Oh yes, you cannot ever claim any increase in rent. You cannot ever deal fairly and equally with your tenants.'

This legislation is saying, yes you can. But we are only, as we say, altering *l'échéance*. You can do that, but a bit later. Let the tenants breathe, let them stabilise because 2017 is the year, let us not forget, where all the rents that have ever been increased would have capped because if you start increasing your rent by 2017, the 2005 Act has envisaged that all the rents would have stabilised and

reached its maximum in 2017. So, suddenly that person has reached the maximum of rent that he is supposed to be paying. Now, he is being asked to trade freely with the landlord. Let us say the market rent is Rs10,000, he now wants Rs20,000, for instance. That indeed will be very unreasonable and it would lead to the slow death. In fact, not slow death, Madam Speaker, rapid death of those tenants and all those businesses that are operating around the country. It is precisely what the hon. Minister and this Government is trying to avoid, bearing at the same time the rights of the landlord and the rights of property owners. That is why a date has been set and it is not infinite because a non-caring Government would have come here and said: "We just freeze it and then we will see later what is going to happen." But this Government has set a date to it, has set a term to it, so it is saying that we have to strike a balance and, therefore, we are watching out the interests of both, on one side the landlord and on the other side the tenant. So, that is what it is all about.

I am, therefore, very, very happy to stand here and say that this piece of legislation is, let us say, the end-of-year gift to all those who are out there and who are about to think that they are desperately going to lose out, not being able to survive, not being able to negotiate because then, you will have the stronger one and the lower one negotiating, and they will not be at par. That is what it is all about. Therefore, I should say that this piece of legislation helps the businesses to survive and, therefore, brings what is much required, that is, stability in the market out there for both the consumers who will go and avail themselves of the services that are being put out there through the traders and, of course, the tenants.

I shall, therefore, end here and say that this is a really caring piece of legislation and that it takes care of all the needs and demands that are placed upon both the tenants and the landlords.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Collendavelloo!

(5.53 p.m.)

**The Ag. Prime Minister:** Thank you, Madam Speaker. Let us see what we are talking about this evening, not tonight yet.

When, in 1999, we passed the Landlord and Tenant Act, we said two things; that this new Act which gave a measure of protection to tenants would not apply to business premises let after 01 July 2005. That is the first thing. So that in any case those tenants who entered their premises after 2005, the law does not apply to them. Then, we had this provision that where premises were let before 01 July 2005, there would be a *moratoire* until the beginning of next year, that is, 31 December 2017. The

question is: ‘Should we, on 01 January, now allow a full liberalisation of tenancies?’ That was a decision which we had to take and we had to take it urgently because if we just let things go, what would have happened?

Les locations des commerçants seraient libéralisées. Le propriétaire viendrait sauf s’il y a un contrat. D’ailleurs, les avocats conseillent souvent à leurs clients que c’est mieux de faire un contrat s’ils ont un bâtiment maintenant et s’ils le louent. Mais s’il n’y a pas de contrat, le propriétaire mettrait n’importe quelle somme et dirait aux commerçants : ‘vous avez à payer.’ Et si le commerçant ne paie pas, il doit rendre son commerce ou sinon payer. Si les loyers des commerçants subissent une hausse conséquente, qui sont ceux qui vont payer ? Le commerçant, oui, mais il va récupérer son loyer de ses clients. Ce qui voudra dire une hausse dans le coût de la vie. Tous les prix devaient monter à partir du 01 janvier 2018. Comment voulez-vous qu’on permette une solution aussi désastreuse que cela?

En 1999, on se disait: ‘2017 est encore loin.’ En 2017, on se dit: ‘Bon, allons réfléchir!’ Mais, il n’y a pas eu ce compromis qu’il faut faire entre la nécessité, bien sûr, de protéger le propriétaire des lieux, mais aussi de protéger la population. C’est un exercice et je suis sûr que le nouveau ministre du Logement et des Terres va s’y atteler.

I have been shocked, I must say, by reading the words of the hon. Third Member for Rose Hill and Stanley. The headline reads –

*« Bérenger fustige le «manque de sérieux » du GM. »*

And it says that he denounced –

*“(…) a dénoncé (...) « le manque de sérieux extraordinaire » du gouvernement (....).*

*Depuis des années, on avait annoncé la levée du gel de loyer (...).”*

Mais, il vit il y a 40 ans. Quel gel de loyer ! La loi de 1999 prévoyait, pas que les loyers seraient gelés, mais qu’il y aurait un *fair rent*, un loyer équitable. Pour déterminer le loyer équitable, il y a un tribunal où le propriétaire qui n’est pas content, traîne son locataire, chacun donne son prix avec l’aide de leurs conseillers, évaluateurs, arpenteurs, etc, et le tribunal juge.

Dans la plupart des cas, arrivés au tribunal, le propriétaire et le locataire, puisqu’ils sont conseillés par des spécialistes, arrivent toujours à trouver un terrain d’entente. Est-ce qu’il fallait là, à la veille de l’année, bouleverser la vie de toute une population ? Donc, le manque de sérieux c’est chez le troisième député de Rose Hill. Le manque de sérieux ce n’est pas ici. Et il dit -

*«(...) on avait annoncé la levée du gel de loyer des bâtiments des centres-villes.»*

Comme si cette loi s'applique aux centres-villes. Mais, il faudrait y réfléchir avant de causer. Je sais qu'il a d'autres préoccupations, je comprends, mais ce n'est pas une raison pour dire n'importe quoi. Et ensuite, il nous dit -

«Après plusieurs renvois, la “*Landlord and Tenant Act*”, qui autorise les propriétaires des bâtiments des centres-villes - je ne sais pas pourquoi il dit centres-villes, comme si cela s'applique qu'aux centres-villes - à augmenter leur loyer de manière graduelle, devait finalement entrer en vigueur le 31 décembre.»

Ce n'est pas vrai du tout ! Ce n'est pas ça du tout ! Il n'a qu'à lire la loi et on voit de ce qu'on parle. Les commerçants avaient protesté et le gouvernement a décidé d'amender la loi pour revoir le délai prévu pour son entrée en vigueur qui sera repoussée au 31 décembre 2020. Effectivement, il y avait un choix à faire, il y avait une décision à prendre.

J'ai prêté une attention particulière à ce que certaines organisations de propriétaires ont dit et certains urbanistes aussi qui sont en faveur de la libéralisation des loyers. Qu'est-ce qu'ils vous disent ? Ils vous disent : « Oui, ces commerçants qui s'agrippent à leur commerce, ils empêchent le développement des centres-villes. » Et c'est pour cela que l'honorable troisième membre de Rose Hill et Stanley parle des centres-villes, parce que les gros propriétaires sont dans les centres-villes pour la majorité. Et c'est vrai que ces propriétaires, parfois à juste raison, vous disent : « Si on libéralisait les loyers, on aurait pu abattre ces vieux bâtiments - et c'est vrai qu'il y a beaucoup de vieux bâtiments - et construire de jolis bâtiments à Port Louis et moderniser Port Louis. » On dirait par un nouveau *Heritage City* partout dans Maurice. Voilà ce que les propriétaires vous disent. Quel est notre intérêt, de tout de suite voir des commerçants mis à la rue pour être remplacés par des spéculateurs immobiliers ou protéger le niveau de vie des Mauriciens ? Comme je pose la question, nous avons la réponse. Et en plus, le troisième membre de Rose Hill et Stanley nous dit –

« Le MMM n'est pas le porte-parole des propriétaires de bâtiments, mais c'est un manque de sérieux extraordinaire »

Quand vous avez fini de dire tout ce que j'ai lu, vous êtes précisément en train de vous faire porte-parole des propriétaires. Nous avons besoin de voir la réalité en face. Et c'est pour cela, Madame la présidente, que je félicite le ministre du Logement et des Terres d'avoir sérieusement réfléchi sur la question et d'avoir pris une décision rapide et urgente. Il a fait ce qu'il y avait à faire.

Je vous remercie, Madame la présidente.

**Madam Speaker:** Hon. Jhugroo!

(6.05 p.m.)

**The Minister of Housing and Lands (Mr P. Jhugroo):** Thank you, Madam Speaker. Before summing up, let me thank the Ag. Prime Minister, the Vice-Prime Minister, Minister of Local Government and Outer Islands, and the Minister of Gender Equality, Child Development and Family Welfare who have participated in the debate today.

I would also like to thank the officers of my Ministry, those of the Attorney General's Office and also the Attorney General who have worked on this Bill.

Madam Speaker, extending the moratorium period up to 31 December 2020 will enable small businesses, which are struggling with big shopping malls, to have ample time to strengthen the foundation and time to breathe and further grow into more stable businesses.

It is imperative for any caring Government to intervene and provide sufficient security and incentives to help those who are vulnerable. It is clear that there is unanimous agreement in this House today, for the proposed amendment to be made. Although this is just a small amendment brought to the legislation, its effects would be enormous on both the economic and social lives of many Mauritians.

Should there not be any amendment brought, a small number of employees would risk losing their jobs due to closure of a number of businesses, as mentioned by my colleagues before. Right now, there are so many small businesses which are striving to keep up with the already increasing operational costs.

Liberalising the rentals of business premises would lead to exorbitant sums being claimed by landlords. There is, therefore, a need for this Government, as a caring Government, to provide some form of protection and ensure the security of tenure.

Madam Speaker, this Bill requires the urgent attention of the House, and I, therefore, commend the Bill to the House.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The Landlord and Tenant (Amendment) Bill (No. XXIV of 2017) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the Landlord and Tenant (Amendment) Bill (No. XXIV of 2017) was read the third time and passed.*

(6.19 p.m.)

**END-OF-YEAR MESSAGE**

**The Ag. Prime Minister:** Madam Speaker, I normally would have had to move for the Adjournment of the House, but allow me to say a few words because today is the last sitting of this year.

At the outset, I shall start by conveying my good wishes to the population; good wishes for the festive season as well as for all the other celebrations of the year. I wish that 2018 shall be peaceful and prosperous.

As I address these wishes, Madam Speaker, can I request you to present the Season's Greetings to the President of the Republic and Mr Fakim, as well as to the Vice-President and Mrs Vyapoory, and their families. Of course, the hon. Prime Minister and myself convey to you and your family the same good wishes at the start of this festive season. This also extends to all the staff of the National Assembly, including the Clerk, Deputy Clerk and the Clerk Assistants. Our good wishes also go to the hon. Leader of the Opposition and hon. Members of this House and their families.

Madam Speaker, on 28 March 2017, Parliament TV was introduced in this country together with internet and web streams, a further access to the democratic size of our country. Our children who are abroad, good wishes, and all those who are interested in Mauritian politics are able to follow us at the time that I speak.

At the same time, you have tried to make Standing Orders more available to hon. Members by publishing the pocket notebook of the Standing Orders; the Pocket Edition of the Standing Orders. I hope that this will provide no excuse for breaches of Standing Orders during the year 2018, and that we shall see more of them around the House.

As at to date, we have had 32 sittings. Out of the 24 Bills introduced by Government, 23 have been passed. Government has replied to 752 Parliamentary Questions requiring oral answers - I do not count the number of supplementaries coming from both sides of the House - and eight requiring written



answers. In addition, Government has replied to 23 Private Notice Questions and answered several queries at Committee of Supply for the Appropriation (2017-2018) Bill. I have to thank you and the hon. Deputy Speaker, and I am sure I can safely speak for all hon. Members, for having presided over the deliberations of this House.

On behalf of the Leader of the House, whom I have the great pleasure of replacing today, I have to express appreciation to all hon. Members for their participation in the debates. Our thanks also are extended to the Clerk, Deputy Clerk, Clerk Assistants, all the staff of the National Assembly, including the staff of the Library, the Office Care Attendants, the Serjeant-at-Arms and all his officers.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Members, I wish to associate myself with the Season's Greetings expressed by the hon. Ag. Prime Minister, on behalf of the Leader of the House, to her Excellency the President of the Republic and Mr Fakim and to the Vice-President of the Republic and Mrs Vyapoory. I will, with great pleasure, convey the message to them.

In my own name and on behalf of the staff of the National Assembly, I thank the hon. Ag. Prime Minister for his kind words and good wishes.

I am pleased to extend my best wishes for a Merry Christmas and a Happy New Year to the hon. Prime Minister and Mrs Kobita Jugnauth, the hon. Ag. Prime Minister and Mrs Collendavelloo, the Rt. hon. Minister Mentor and Lady Jugnauth, to the hon. Leader of the Opposition, to hon. Bérenger and to all hon. Members and their families. I wish to extend my appreciation and thanks to all the hon. Members for their participation in the different activities of Committees of the House.

I also wish to thank the Clerk, the Deputy Clerk, the two Clerk Assistants, all the members of the staff of the National Assembly, including the staff of the Library and the Office Care Attendants, the Serjeant-at-Arms and his officers and all the civil servants, including the officers of the Solicitor General's Office, who have assisted in the work of the Assembly, and convey to them and their families my Season's Greetings.

Thank you.

## **ADJOURNMENT**

**The Ag. Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 27 March 2018 at 11.30 a.m.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F.**

**Jeewa-Daureeawoo) rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned.

*At 6.17 p.m., the Assembly was, on its rising, adjourned to Tuesday 27 March 2018 at 11.30 a.m.*