



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 04 MAY 2021

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(Formed by Hon. Pravind Kumar Jugnauth)

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

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

PRINCIPAL OFFICERS AND OFFICIALS

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 06 of 2021

Sitting of Tuesday 04 May 2021

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

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Ministry of Housing and Land Use Planning**Minister of Tourism**

The State Lands (Amendment of Schedule) Regulations 2021. (Government Notice No. 97 of 2021)

B. Ministry of Education, Tertiary Education, Science and Technology

- (a) The Annual Report 2017/2018 of the Mauritius Qualifications Authority.
- (b) The Annual Report 2018/2019 of the Open University of Mauritius.

C. Ministry of Finance, Economic Planning and Development

The Freeport (Amendment of Schedule) Regulations 2021. (Government Notice No. 96 of 2021)

D. Ministry of Social Integration, Social Security and National Solidarity

The Financial Statements of the Training and Employment of Disabled Persons Board (TEDPB) for the years ended 31 December 2013, 31 December 2014 and 31 December 2015. (In Original)

E. Ministry of Labour, Human Resource Development and Training**Ministry of Commerce and Consumer Protection**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No 10) Regulations 2021. (Government Notice No. 95 of 2021)

F. Ministry of Health and Wellness

The COVID-19 (Closing Down of Premises and Restriction of Activities) (No. 2) Regulations 2021. (Government Notice No. 98 of 2021)

G. Ministry of Arts and Cultural Heritage

- (a) The Annual Report 2008-2009 of the Mauritius Museums Council.
- (b) The Annual Report of the Mauritius Museums Council for the period 01 July 2009 to 31 December 2010.

- (c) The Annual Report of the Mauritius Museums Council for the period 01 January 2011 to 31 December 2011.
- (d) The Annual Report of the Mauritius Museums Council for the period 01 January 2012 to 31 December 2012.
- (e) The Annual Report 2013 of the Mauritius Museums Council.
- (f) The Annual Report 2014 of the Mauritius Museums Council.

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

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

The Deputy Prime Minister seconded.

Question put and agreed to.

STATEMENTS BY MINISTER**CONSTITUENCY NO. 3 - MEMBERS ELECTED - VISIT TO AGALEGA**

The Prime Minister: Mr Speaker, Sir, I have two Statements to make following matters raised on Adjournment at the Sitting of the National Assembly on 27 April 2021.

The first Statement relates to a matter raised by hon. Shakeel Mohamed on the right of every Member elected in Constituency No. 3 to travel to Agalega, which forms part of their Constituency.

Mr Speaker, Sir, in fact, I have received a letter from hon. Shakeel Mohamed on 09 April 2021 wherein he has expressed his wish to visit Agalega, which forms part of Constituency No.3, of which he is an elected Member of the National Assembly, to meet his electors. My Office acknowledged receipt of this letter.

Mr Speaker, Sir, I wish to inform the House that there is no restriction on any citizen of Mauritius to visit Agalega. However, any citizen proposing to visit Agalega by his own means should inform the Outer Islands Development Corporation (OIDC).

The OIDC provides for regular trips to Agalega by chartering MV Trochetia. Any person wishing to visit or travel to Agalega onboard MV Trochetia should book a ticket with the OIDC.

In regard to the request of hon. Mohamed, I also wish to inform the House that currently, there is no ship leaving for Agalega as the MV Trochetia has left for dry docking to Sri Lanka on 12 April 2021 and is expected to be back to Mauritius on 20 May 2021. The next voyage of the MV Trochetia to Agalega is scheduled for 28 May 2021 by the Outer Islands Development Corporation.

However, in view of the current COVID-19 situation in Mauritius, there is a sanitary protocol which has been established for passengers from Mauritius proceeding to Agalega

whereby they have to undergo 14 days' quarantine in a Quarantine Centre at their own cost and 3 PCR tests on days 0, 7, and 14, which should be negative. If it so happens that the date of departure of the MV Trochetia is delayed by a few days, the person has to stay in the Quarantine Centre until the vessel leaves.

The hon. Member may wish to note that the MV Trochetia departs from Agalega after a minimum of five to six days following its arrival.

ROCHE BOIS - DRUGS

Mr Speaker, Sir, my second Statement is in regard to a matter raised by hon. Ameer Meea on the issue of drugs in Roche Bois.

Mr Speaker, Sir, I have taken note of the matter and have conveyed the concern of the hon. Member to the Commissioner of Police.

I must say that ADSU teams lay special focus in the region of Roche Bois and the surrounding areas with a view to countering drug dealing transactions.

As some suspected drug targets operate thereat, the exercise of information collection and working with informers are given special attention by Field Intelligence Officers.

Crackdown operations based on credible intelligence are regularly carried out. Unfortunately, in the past, on certain occasions, ADSU Officers had to face hostile reactions in the area during such operations.

Mr Speaker, Sir, I have on several occasions in the past invited hon. Members having any relevant information to communicate same to me in confidence.

Mr Speaker, Sir, the House and the nation are aware that since we took office in 2014, Government has provided more resources in terms of additional staff, equipment and logistics to relentlessly fight the drugs scourge. There has been a record number of seizures and of arrests over the past years, the latest in the series being the seizure of 243.5 kg of Heroin, including the packaging and 26 kg of Hashish of a total market value of about Rs3.4 billion.

Mr Speaker, Sir, I seize this opportunity to reiterate my unflinching resolve and determination to root out this scourge from our society and dismantle the drug network.

I thank you, Mr Speaker, Sir.

PUBLIC BILLS

Second Reading

THE SUPPLEMENTARY APPROPRIATION (2020-2021) BILL**(NO. XVI OF 2020)**

(11.40 a.m.)

Order read for resuming adjourned debate on the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020).

Question again proposed.

The Vice-Prime Minister, Minister of Education, Tertiary, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020) makes provision for an additional amount of Rs150 m. under the vote of the Ministry of Education, Tertiary Education, Science and Technology.

Mr Speaker, Sir, this additional provision is meant specifically to finance expenditure relating to the activities of the MES and will supplement the grant required to finance its operations and its commitments. I would like to highlight the context which has led to the situation whereby this funding is being required. The 2020-2021 Budget was presented in a context of the Covid-19 budgetary constraints, where all Ministries/Departments and Statutory Bodies had to make cost-effective use of resources allocated to them. Against this backdrop, it was initially projected that the Ministry would be able to meet its financial commitments out of the allocated budgetary prepositions. As the House is aware, the COVID induced situations had major implications that led to the readjustment of the school calendar and the rescheduling of examinations. All national assessments and examinations were rescheduled and SC/HSC Examinations are now expected to be completed by June 2021. Consequently, the pandemic also impacted on the budget, particularly with respect to the examination expenditure.

In line with education reform a new assessment, the NCE has been organised for the first time in Mauritius this year. The organisation of the NCE entailed preparation and printing of new Question Papers, the enlistment of services of invigilators and other exam personnel, their training, allowances for security services, the associated costs related to infrastructure and logistics.

Other factors that have contributed to the increase in examination expenses are: the foreign currency fluctuations with the pound Sterling being exchanged at a higher rate,

increased in freight charges with respect to the transportation of question papers and scripts, strict compliance to sanitary protocol, requiring reinforced examinations logistics and additional number of invigilators, supervisors and markers. The recurrent budget of the MES has been reworked in light of the above and was estimated at Rs453.5 m. Up to now, the MES has been able to finance its recurrent budget from funds available in its accounts amounting to some Rs300 m., and thus, a shortfall of Rs150 m. has been noted.

Mr Speaker, Sir, this supplementary amount will be needed to meet the expenses referred to above: Conduct and marking of PSAC, Grades 5 & 6 assessment, conducted marking of the NCE assessment, conduct of the SC/HSC Examinations including the cost of foreign exchange operations.

Mr Speaker, Sir, I would wish to conclude by drawing the attention of the House on the fact that the provisions for sponsorship of the Cambridge SC/HSC examination fees amounting to some Rs273 m. were already provided for in its budget for 2019-2020 and we carried forward for the payment of fees in 2021.

I thank you, Mr Speaker, Sir.

(11.43 a.m.)

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

Thank you, Mr Speaker, Sir. I have listened very carefully to all orators who have preceded me and there are two issues that I would like to say from the very outset. It is the following. We are a Tuesday, the Prime Minister, as Leader of the House, has decided that the Supplementary Appropriation Bill would be taken today for the second time, second week running; he knew it, and he chose it, and he did it, knowing that there could not be any Parliamentary Questions this morning. That, indeed, shows how democratically bent he is and how he enjoys being different to others...

(Interruptions)

A second thing which I would like to say...

Mr Speaker: Listen! Hon. Shakeel Mohamed!

Mr Mohamed: Yes?

Mr Speaker: Go to the debate directly!

Mr Mohamed: I am! In fact, I am just going onto the road, and the road has to lead; it leads to it.

Mr Speaker: No. This is the...

(Interruptions)

Mr Mohamed: And second thing which I would like to say is that I am very happy to have the opportunity of at least - if I am not mistaken, this is the second Bill, No. 2 of this year, 2021, and that is an opportunity that we cannot avoid since Government is not at all producing any Bills and then not really busy working in Parliament. But I have seen the hon. Minister of Finance make his intervention very economical because, for instance, when he is to talk about the Rs11.9 billion that he is seeking our approval for, let us bear in mind that this is Rs11.9 billion that he has already taken. This is what Mauritians should know, taxpayers should know, electors should know; that they have already taken that money. But the fact that he is very economical with the truth is what really astounds me. The fact that he does not even comment on the previous statements of his colleague Ministers from his own Government, from Financial Services in the past who have said that, at no time, money belonging to taxpayers would be utilised for the BAI saga.

Let us not forget how silent and economical he was, because this is very important. He seeks our approval when there was a commitment on the part of Government not to utilise public funds. So, the fact that he is silent about this violation of their own commitment is something that has to be underlined. He is very silent on the fact that the Prime Minister, his own *colistier*, his own friend in actual fact, had meetings in his Office prior to the General Elections of 2019 with representatives like Salim Muthy of the Super Cash Back Gold, promising to pay them - four days before the General Elections - against another contract that had already been entered into. That is a fact.

The Prime Minister: This is not correct, Mr Speaker, Sir.

Mr Mohamed: I am sorry, I am not giving way. I am not giving way!

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: I am not giving way!

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: If he raises a point of order, he tells us which point of order!

Mr Speaker: Order!

Mr Mohamed: And this is not to raise it; this is a point of clarification, not a point of order.

Mr Speaker: Order!

The Prime Minister: This is completely false, Mr Speaker, Sir. If you are averring that I made such promises, you have to prove it before this House.

Mr Mohamed: It is in the Press; you have met him, and that's it! Accept it!

(Interruptions)

The Prime Minister: What Press?

Mr Mohamed: You met him, you promised him, and you bought your votes!

(Interruptions)

Mr Speaker: Hon. Shakeel Mohamed, I think this point has sufficiently been canvassed by previous orators and even during the Budget time. Go straight to the debate...

Mr Mohamed: Mr Speaker, Sir, this is going straight to the debate.

Mr Speaker: I am still... Oh, show good manners towards me!

Mr Mohamed: I am showing good manners!

Mr Speaker: Yes.

Mr Mohamed: Maybe I should be shown the same by allowing me to speak!

Mr Speaker: Please! I am paid for that work! Help me!

Mr Mohamed: So am I!

(Interruptions)

Mr Speaker: I am still speaking. What I have said is that during the debate on the Budget and now during the debate, previous orators have raised that point and so this has been sufficiently canvassed, move to other points and go further, please.

Mr Mohamed: Mr Speaker, Sir, the issue about meeting with Salim Muthy and making promises with regard to Super Cash Back Gold has never been canvassed by any single orator. Not a single! It is the first time this is being canvassed, and it is being canvassed. And obviously, I know, Mr Speaker, Sir, I will move to another point very quickly because it has taken not a very long time for me to help Government and help the hon. Prime Minister because he is guilty of having bought votes!

Mr Speaker: Please, this is not ...

Mr Mohamed: ...on the eve of General Elections!

Mr Speaker: This is not debate! Please!

Mr Mohamed: And he is confused. He thinks this is a Court of Law.

Mr Speaker: Go to the debate!

Mr Mohamed: Here, I say what I say and I am a Member of this House and you cannot stop me even if you have *le galon de Premier ministre* that you don't deserve!

Mr Speaker: Go to the debate!

Mr Mohamed: To the debate! Another thing! You talk about BAI? This Government, led by Sir Anerood Jugnauth, with the Prime Minister here in that Government, all the Ministers of the first Government of MSM since December 2014, had decided that they would loot that Group for political reasons, and nothing else. Is it strange? How is it that the Minister of Finance does not talk about it today? How is it that until today, not a single person has been prosecuted or found guilty, not even prosecuted for the supposed and false allegations that the former Prime Minister was making against the administration, the officers of the BAI Group? How is it that all what was being said was Ponzi Scheme but not a single person has ever been prosecuted for this matter; not a single Court has entertained a case; the DPP has not entertained a case; the former Prime Minister, Sir Anerood Jugnauth, said there is no case against 14 officials of the BAI Group and, today, we are, therefore, coming to mop up the mess created by the predecessor of this Prime Minister who happens to be, not coincidence, his father and the former Leader of the MSM? The MSM has got blood on their hands! That is a fact!

(Interruptions)

Mr Speaker: Hon. Shakeel Mohamed...

The Prime Minister: Withdraw!

Mr Speaker: Withdraw that word!

The Prime Minister: *Ki blood?*

Mr Speaker: Withdraw the words 'blood on their hands'.

Mr Mohamed: Why is it?

Mr Speaker: You don't have ...

Mr Mohamed: Okay. They have got blood money on their hands.

Mr Speaker: This is my ruling; either you agree or you disagree.

Mr Mohamed: Okay I withdraw it. Just not to be stopped every time, I withdraw it.

Mr Speaker: Thank you, hon. Mohamed.

Mr Mohamed: So, they have committed wrong and whatever they are trying to take from the taxpayers today, in fact, is illegitimately being done because of their mistakes and their lies! The MSM has lied to the people whenever they have to portrait this whole issue about the BAI Group.

What the hon. Minister of Finance does not say is that - how come he keeps quiet? And I will put in a document here that shows all the shares in the BAI Company Ltd that have been realised in LMLC Ltd, in NMHL, in ENL, in Omnicane Ltd, in Fincorp Investment Ltd, in United Docks, in Air Mauritius, in all those other companies that this company which was supposedly to have done wrong, has invested in all those companies, and what was interesting is that money that was realised from the sale of those shares held by the BAI Company Ltd, Rs2,230,131,514. I put in that document; a list of all the money that has been recouped only from the sale of shares of a supposed Ponzi Scheme. Where has this money gone?

The next question which I will ask the hon. Minister of Finance is to ask the Prime Minister what was his relationship with Mr Katral of Omega Group. How many times did the hon. Prime Minister meet Mr Katral of Omega Group? How many times did the Prime Minister preside any meeting, if at all, pertaining to Omega and the sale of Omega and the valuation of Omega in the books of the NIC for Rs2.5 billion? Why is it kept quiet the fact that this was evaluated at Rs2.5 billion? And this was precisely the value that was removed

off the books of NIC, but clearly the Auditors never wanted to sign off because there was a hole in the books of the NIC.

(Interruptions)

Precisely Apollo ...

Mr Speaker: Hon. Mohamed, you take the responsibility of whatever you are stating.

Mr Mohamed: As opposed to Government, I do.

(Interruptions)

The Prime Minister: *Al Koz sa dehors!*

Mr Mohamed: *Koz sa dehors ! Mo Koz sa dehors, letan mo pou guet twa, to poursuive mwa la cour, ki to pu capav fer plis ki sa ? La verité ar mwa, pas la verité ar twa.*

(Interruptions)

Mr Speaker: Both sides of the House here, order! Order!

The Prime Minister: *Ale kozer dan to conference de presse !*

Mr Mohamed: Who was Minister of Finance at the time? And every single time that the issue of Omega Ark comes up pertaining to Apollo, every single Press has reported that the Prime Minister loses his cool and his calm. Why is it that he is so jittery about the Omega Ark affair? What has he got to be afraid of and what is he trying to hide? Whom is he trying to protect? That is the shocking element; negligence in the management of him when he was Minister of Finance. Did he not ask that a letter be written, signed by Mr Manraj, the Financial Secretary, on 06 January 2017? It is addressed to the Chairperson of the NIC. Who was Minister of Finance? Pravind Kumar Jugnauth. And that letter is a letter of comfort; sale of Apollo Bramwell Hospital. And it says here it is a letter of comfort in relation to the sale of Apollo Bramwell Hospital to Medical and Surgical Centre Ltd, the buyer. A Government that has consistently hid it from the public; he has hid the fact that they have always been using public funds when they have been saying exactly the opposite.

The Government has, in this particular letter of comfort, stated therein, providing comfort to the request of the NIC to meet any shortfall in the event the selling price of the hospital building and leasehold rights to buyer is below Rs2.5 billion, which is the value appearing in the books of NIC. What I have said today – I table this letter – is truth and whatever Government has been saying is far from the truth. Question: Why is it that

Government has hid this letter from the members of the public? Why is it that the Minister of Finance has been very economical in his presentation of the Supplementary Appropriation Bill? Why is it that the Minister of Finance does not refer to all the sums of money that have been received by his political party, the MSM, by that very same truth?

Mr Speaker: Yes! Please! You cannot make insinuations, make accusations. This is politics. Go to the Budget!

Mr Mohamed: This is it! The document...

Mr Speaker: Go to the Estimates; go to the debate itself!

Mr Mohamed: Mr Speaker, Sir, I know it hurts.

Mr Speaker: There is ...

Mr Mohamed: I know it hurts! But it is truth!

Mr Speaker: Please! Please! There is no time for politics here. There is no time for politics; go to the debate!

Mr Mohamed: They are playing politics all those years! People's lives!

Mr Speaker: This does not form part of the debate. Please!

Mr Mohamed: My God! So, I am coming to the debate. When he says that we need to give him permission for money that he has already taken, what is it for exactly, pertaining to the NIC? Let's understand that! Is it not coming to reimburse the hole that was created in the NIC by Government? When CIEL Group was given Apollo, was it not given Apollo below market price, insultingly below market price? Rs700 m. for the equipment? Was evaluation carried out? And where did that money, the Rs700 m. paid by CIEL Group go? It went to the Consolidated Fund. It did not go to the NIC! Imagine the NIC becomes owner for 1 Rupee in the deed that is signed. Of all the BAI Group held, Apollo included, 1 Rupee! If I do not call that theft, what is not? This is grand theft! And, on top of it, becomes owner of it, sells the equipment to CIEL Group for Rs700 m., but the Rs700 m. does not go to the NIC account; it goes to the Consolidated Fund. If this is not enriching the coffers of the State unlawfully, what is it? So, today, we have a Government that pretends to take the high moral ground, teaches the Opposition lessons. The Prime Minister says: where have I committed fault? The Prime Minister goes on 'where have I committed fault?' He was Minister of Finance when the Rs700 m. did not go to the NIC. Why was it unlawfully kept in the Consolidated Fund from property that, in my view, was unlawfully taken from a group for 1

Rupee? If this is not disguised nationalisation! And today, we are surprised that our rating with regard to Moody's is going down and down and investors have lost confidence!

Mr Speaker, Sir, he tells us to approve the transfer that has already been made for several billion rupees in order to correct the wrong they have done. But why does he keep quiet about all the money that the MSM has not returned to the BAI Group?

Mr Speaker: Well, now you are going into politics.

Mr Mohamed: No, it is not!

Mr Speaker: I have no means of verifying anything you are saying about that.

Mr Mohamed: It is not...

Mr Speaker: So, this is debate! Go back to your debate!

Mr Mohamed: I am referring here to facts that were spoken in this Assembly; documents that have already been produced and are part of Hansard, and those documents are the ones I am only referring to and I am not bringing in any new element whatsoever. I am only referring to documents that form part of Hansard already, and those documents are every single transfer of money to the MSM, that the MSM has pocketed.

Mr Speaker: Once more, hon. Shakeel Mohamed, I ...

(Interruptions)

Mr Speaker: I have already ruled on that.

Mr Mohamed: Are you saying that ...

Mr Speaker: My ruling is that there is no politics in the debate. Whatever Hansard or whatever from where you quote, my ruling is my ruling.

Mr Mohamed: I shall bow to your ruling and not speak about the money given to the MSM. I bow to it; I bow to it. And this little silence here will make people try to understand what I was trying to refer to, but, then again, it forms part of Hansard. And yes, if I may, Sir...

Mr Speaker: If you have anything - now, I see you are commenting upon my ruling.

Mr Mohamed: No, no.

Mr Speaker: If you have anything to say, hon. Shakeel Mohamed, have the courage, go in a Press Conference and say it!

Mr Mohamed: I will! Later on, today!

Mr Speaker: But don't use the cloak of parliamentary immunity!

Mr Mohamed: I will!

Mr Speaker: Here, you are using parliamentary immunity...

Mr Mohamed: I am not using it! I don't.

Mr Speaker: ... just to accuse people.

Mr Mohamed: No, I am speaking the truth and those are facts that they have never denied or challenged.

Mr Speaker: For the truth, go outside!

An hon. Member: On a point of order!

Mr Speaker: In a Press Conference, you say anything you want!

(Interruptions)

But here, you will have...

(Interruptions)

Do not discuss my ruling!

Mr Mohamed: I am not! I have agreed! So, I will not speak the truth here, I will keep it for outside later on. Fair enough! I will not refer to Hansard; I will do it later on outside in a Press Conference. Fair enough!

So, what exactly is the Minister of Finance trying to do by remaining quiet about those very important issues? Why is it that the Minister of Finance does not address those very important issues? Why is it that the Minister of Finance does not tell us how much was paid to the Administrator, who happens to be the very person chosen to be the Administrator of Air Mauritius, Rs26 m. pocketed? Why doesn't he tell us all that? Why doesn't he tell us about all the wastage that has been made for the funds of Government, who have pocketed money and enriched themselves unlawfully because Government has chosen them to destroy a Group that was, in fact, totally legitimate? Why is it that the Minister of Finance keeps quiet about that? I totally understand him. He did not form part of the team that created the mess, but I have some news for him. Whenever you congratulate the former Government for

what they did, you cannot only take the assets. You are also liable to take on the liabilities, and it is a huge liability that this Government carries.

Let us simplify it! There are two issues that this Government cannot answer; two issues. They got together to destroy a Group, they take public funds in order to correct their wrong and, as a lawyer, what I call it is *faute lourde* on the part of Ministers who are here to administer with reason and honestly the affairs of the State. This is *faute lourde* on the part of those Ministers. And the fact that the Minister of Finance decides to keep quiet and not to address those pending issues, the fact that the Minister of Finance keeps quiet with regard to the non-payment to the Super Cash Back Gold members who are still waiting for their money, once again, makes him party to the wrongdoing. He should be aware and cannot run away from the fact that whatever he is asking us to do, we are just acting as rubber stamps in fact. I think hon. Uteem said it very clearly and precisely. We are being asked to act as rubber stamps. Whatever wrong he has done is already done. Whatever destruction the Government has tried to do has already been done. Let us not forget even people close to their committee, and that is not politics, that is truth, and it is in the documents of the Accountants and the Administrators of BAI Group. How many of them have bought cars for below value and could not even pay and had to bloody return the cars? How many of them? Bissoon Mungroo! What explanation is there for that? What explanation is there that friends of Government have enriched themselves or at least have tried to enrich themselves? Is that a coincidence? And today, he comes to ask us for billions of rupees *comme si de rien n'était*?

M. le président, avant de conclure, il est nécessaire pour que les Mauriciens et les Mauriciennes, les électeurs de ce pays réalisent que ce que le ministre des Finances nous demande, c'est de lui donner l'argent qu'il a déjà pris sans notre permission. C'est de donner l'argent, d'approuver une faute que ce gouvernement a commis, mais non par millions mais en milliards, plusieurs milliards. Ce que le ministre des Finances nous demande de faire, c'est de venir ici, plusieurs années plus tard, d'approuver un crime qui a été commis en détruisant un groupe pour des raisons politiques. Ce que le ministre des Finances nous dit de faire, c'est d'approuver le fait qu'un Premier ministre puisse rencontrer ceux qui veulent leur argent dans le *Super Cash Back Gold*, leur fasse des promesses, mais ne tient pas la promesse. Il veut qu'on devienne partie prenante de ces promesses non tenues. On refuse cela catégoriquement.

M. le président, il est vrai que tout ce que je dis va faire mal. Il y a une seule façon pour que le gouvernement puisse répondre à cela. C'est en insultant ceux qui disent la vérité ;

c'est en inventant sans pouvoir *substantiate* ce qu'ils envoient comme insulte. C'est l'arme des faibles. C'est au fait un gouvernement en partance ; c'est en gouvernement sur le départ. Ils sont peut-être, là-bas, à l'Hôtel du gouvernement, mais ils ne détiennent aucun pouvoir. Le peuple a découvert la supercherie, le vol...

Mr Speaker: Come back to the debate!

Mr Mohamed: *But this is the supercherie! Asking us to give money! The supercherie, c'est nous demander d'approuver une somme d'argent, et la cause de tout cela, M. le président, c'est la négligence criminelle d'un certain nombre de personnes qui ont décidé de jouer la politique...*

Mr Speaker: I will ask you to withdraw that word '*criminelle*'.

Mr Mohamed: La négligence criminelle?

Mr Speaker: You can say '*négligence*'.

Mr Mohamed: Négligence politique et non pas criminelle.

Mr Speaker: Thank you very much.

Mr Mohamed: But I still think it though.

Thank you very much.

Mr Speaker: Hon. Seeruttun!

(12.07 p.m.)

The Minister of Financial Services and Good Governance (Mr M. Seeruttun): Thank you, Mr Speaker, Sir. I am glad to intervene on the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020), as it gives me the opportunity to shed some light on some of the items of expenditure under consideration.

Mr Speaker, Sir, as the House is aware, the Supplementary Appropriation Bill is to provide for the supplementary appropriation by votes of expenditure in respect of Government services for the Financial Year 2020-2021. The consideration, today, in front of the House, is the appropriation, under the votes of expenditure in respect of nine Government bodies, of a total sum of Rs17 billion, out of which, Rs11.9 billion under the vote of expenditure 27-1...

Mr Speaker: Hon. Shakeel Mohamed! Listen to the reply; this is courtesy. Don't show your back to the Chair!

(Interruptions)

Mr Mohamed: I show my side, not the back.

Mr Speaker: That's your back!

(Interruptions)

Mr Seeruttun: Let me start again...

Mr Mohamed: It's written, read.

Mr Speaker: What is this?

(Interruptions)

Mr Seeruttun: Did I interrupt you?

(Interruptions)

Mr Mohamed: Of course, you can't. So, why would you?

Mr Speaker: So, if you are not talking to the back, you are talking...

(Interruptions)

Hon. Shakeel Mohamed!

Hon. Members: Shame!

Mr Speaker: Is this what you call parliamentary democracy?

(Interruptions)

Show good manners! Listen to the Minister! He is replying to the speech.

(Interruptions)

An hon. Member: *Malélevé!*

Mr Speaker: This is debate! And you people go in the Press, talk about parliamentary democracy!

(Interruptions)

Mr Mohamed: No, it does not exist, we don't talk about it.

Mr Seeruttun: Mr Speaker, Sir, the consideration, today, in front of the House, is the appropriation under the votes of expenditure in respect of nine Government Bodies, out of a total sum of Rs17 billion, out of which Rs11.9 billion under the vote of expenditure 27-1, that is, the Centrally Managed Initiatives of Government - Sub Item: National Property Fund Ltd .

Mr Speaker, Sir, in fact, during the financial year 2020/2021, an amount of Rs11.9 billion was injected by Government into the NPFL, out of which, an amount of Rs7.9 billion was provided to enable the company to meet its immediate debt obligations towards its creditors. The remaining sum of Rs4 billion was used by the NPFL, as the holding company, to inject capital into the National Insurance Co. Ltd (NICL) for the latter to implement its restructuring exercise and to address the substantial asset gap and capital deficit of the NICL which was caused by the impairment of the assets that were transferred by the Special Administrators from the ex-BAI Group to the Company amongst others.

Accordingly, on 22 September 2020, the Advance of Rs11.9 billion was provided to the NPFL for settlement of its immediate debt obligations and onwards injection into the NICL for the latter to address its asset gap and capital deficit, pursue its restructuring plan and file its audited accounts and statutory returns with the regulator, as per the requirements of the Insurance Act 2005.

Mr Speaker, Sir, as the House is aware, on 05 May 2015, the NPFL was incorporated as a company under the Company's Act 2001 with the mandate to repay the 16,225 Super Cash Back Gold (SCBG) policyholders and the 3,448 investors of the Bramer Asset Management Ltd (BAML), representing a total investment amount of Rs24,100,006,924.

Out of the 16,225 SCBG policyholders and the 3,448 BAML investors, 16,141 SCBG policyholders and 3,033 investors of BAML have registered with the NPFL for repayment purposes, representing a total investment amount of Rs23,983,205,677.

Please note, Mr Speaker, Sir, that to date, 84 SCBG policyholders and 415 investors of BAML have not registered with NPFL representing a repayment amount of Rs69,937,030 as per the established criteria.

Three Agreements were devised for the repayment of the SCBG policyholders and BAML investors. The first Agreement was entered in May 2015, the second Agreement in June 2016 and the final Settlement Agreement in July 2017. To date, 16,137 SCBG policyholders and 3,015 investors of BAML have been paid a total amount of Rs17,386,575,118. Out of the 16,137 SCBG policyholders, 30 have been partially paid for a

total amount of Rs25,767,377. According to the Final Settlement Agreement criteria, a total repayment amount of Rs166,159,671 is still outstanding for registered SCBG policyholders and investors of BAML.

Mr Speaker, Sir, upon its setting up, the NPFL received funds to the tune of Rs6.8 billion from the Special Administrators of the ex-BAI. Additionally, an amount of around Rs11.73 billion, obtained through facilities provided by Government and financial institutions, was raised and used to fulfil its mandate, that is, to repay the registered SCBG policyholders and the BAML investors for a total amount of Rs17,386,575,118. Payment of interest for the year 2018 and 2019 for the syndicated loan to the tune of Rs500 m. had also to be effected.

Funds raised by the NPFL to repay the registered policyholders and investors and to settle interest on its syndicated loan of Rs500 m. is made up as follows -

- (i) Rs6.4 billion as syndicated loan from a consortium of four Banks.
- (ii) Rs500 m. as bridging loan facility from SBM Bank (Mauritius) Ltd and the MauBank Ltd;
- (iii) Rs650 m. in the form of redeemable preference shares issued to SBM Holdings Ltd and SICOM Ltd;
- (iv) Rs680 m. as advance from Government, and
- (v) Rs3.5 billion as loan through a line of credit from the Bank of Mauritius.

Mr Speaker, Sir, in order to enable the NPFL to meet its immediate debt obligations towards its creditors in August 2020, Government agreed to a capital injection of Rs7.9 billion in the company as follows -

- (i) Rs6.624 billion for the syndicated loan of Rs6.4 billion and the accrued interest of Rs224 m;
- (ii) Rs520 m. for the bridging facility and the accrued interest, and
- (iii) Rs731 m. for the redeemable preference shares and the accrued dividends.

Moreover, Government agreed to the conversion of the Advance of Rs680 m. into equity of the NPFL.

The NPFL received the capital injection of Rs7.9 billion on 22 September 2020 and on the same day, the repayment of the syndicated loan, bridging facility and preference shares including interest and dividend due had been effected by the Company.

As at date, the NPFL has only the credit facility of Rs3.5 billion and accrued interest of Rs686,288,002.49 amounting to Rs4,186,288,002.49 as debt owed to the Bank of Mauritius at maturity on 30 June 2022.

Mr Speaker, Sir, with regard to the National Insurance Co. Ltd. (NICL), the company was set up in 2015 to safeguard the interests of some 130,000 life insurance policyholders and some 1,000 staff and sales force.

In view of the substantial asset gap and capital deficit of the NICL which was mainly due to the impairment of the assets that were transferred by the Special Administrator from the ex-BAI Group to the company and the carrying encumbrances on assets transferred, the accounts of the NICL could not be certified by the Auditors since the setting up of the company with the inherent challenges and complexities of the transfer of undertaking. In addition, the Financial Services Commission (FSC) had called for an urgent capital injection in the NICL in line with the requirements of the Insurance Act.

In order to put the NICL on sound financial footing, Government agreed to inject a capital of Rs5.7 billion in the company through the NPFL, which is the holding company of NICL. An initial amount of Rs4 billion has been provided in the current financial year and the remaining Rs1.7 billion will be catered for in the next financial year, that is 2021-2022.

The capital injection of Rs5.7 billion into the NICL is subject to the following conditions -

- (i) the NICL implementing rigorously its proposed restructuring plan;
- (ii) strict control being exercised on the operations of the NICL to ensure its financial viability, and
- (iii) an eventual disposal of NICL and the NIC General Insurance Company Ltd.

Mr Speaker, Sir, the objective of the restructuring and capitalisation of NICL is multi-fold. First of all, it lays the required foundation by addressing the inherent challenges arising from the transfer of undertaking thereby protecting, more importantly, the policyholders' interests. It further strengthens the financial base of the Company such that it can create value from the existing lines of business, new ventures and strategic initiatives. The restructuring

measures will further lead to a cost-effective and streamlined operation for long-term sustainability through an optimised business model, distribution channel and HR structures, and enhanced insurance products.

A Project Supervision Committee chaired by the Permanent Secretary of my Ministry, has been set up comprising senior staff of my Ministry, the Ministry of Finance, Economic Planning and Development and the Office of Public Sector Governance and also the Internal Control Department.

Furthermore, the NICL is currently working on development of Business Plans for launching of new lines of businesses and products with a view to create business value in the medium to long-term.

Mr Speaker, Sir, the above measures have enabled the NICL to complete its long outstanding audit and actuarial valuation exercises for the periods 2016-2020. The filing of audited financial statements and regulatory returns for these periods was effected in December 2020 to the Regulator and Authorities. I wish to reassure the House that the NICL is rigorously pursuing the implementation of its strategic and restructuring measures and is looking forward to completely transform its inherent challenges during the course of the year.

Mr Speaker, Sir, at this juncture, let me come back to some of the points raised by the hon. Members of the Opposition. Mr Speaker, Sir, first, I must say it is unfortunate that every time this Government comes to Parliament with an Estimates of Supplementary Expenditure, we hear the same rhetoric. We just heard it - we do this just to avoid PNQs and PQs. When everybody knows it, it is in the Standing Orders, whenever there is an ESE and Committee of Supply on the Order Paper, there is no PNQs, no PQs, yet, they keep saying it, as if we are responsible for that and we are depriving them of their rights. I mean the Standing Orders are clear and they are here to be followed, whether you like it or not. But, the irony, Mr Speaker, Sir, is that, when they are given opportunity to put questions, they either walk out or make provocation to be ordered out. That's the facts and we have witnessed that so many times here, in this House, Mr Speaker, Sir.

Now, going back to that Rs11.9 billion allocated to the NPFL, when the House will remember that the first time, the question was put in this House as to the solvency of this BAI Group, it dates back to November 2013. It dates back to November 2013. The then Leader of the Opposition and Leader of the MMM, party to whom hon. Uteem belongs to, referred to this Group as running a Ponzi Pyramid Scheme and he even reiterated the concerns of the

IMF Report at that time. And having full knowledge of that operation and knowing that the public investors would eventually end up as victims of such a scheme, it did not stop the MMM from pocketing Rs10 m.!

Mr Uteem: You prevented hon. Shakeel Mohamed from talking about MSM taking money from BAI and now you are allowing the hon. Minister to talk about MMM? Is that fairness?

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order! Order! First of all, hon. Uteem...

(Interruptions)

Mr Mohamed: *Mo ena statement to meme tone pran cass là!*

(Interruptions)

Mr Speaker: Hon. Shakeel Mohamed, parliamentary democracy, the Speaker is speaking.

Mr Mohamed: Sorry! I apologise.

Mr Speaker: How many times I have to remind you about parliamentary democracy? The rule of debate: first, you ask the floor to raise a point of order. Do it!

Mr Uteem: Mr Speaker, Sir, I have a point of order to raise.

Mr Speaker, Sir, when hon. Shakeel Mohamed was speaking, you interrupted him and prevented him from talking about politics and you prevented him from referring to the money which MSM pocketed from BAI. Now, hon. Mahen Seeruttun is doing exactly the same thing with another political party. I hope that you will give the same ruling to hon. Seeruttun. Thank you.

Mr Speaker: Point of order noted! My ruling –

You can only reply to what hon. Shakeel Mohamed stated, but do not bring new elements of politics. Please!

Mr Seeruttun: Thank you, Mr Speaker, Sir.

Mr Speaker: Rule of debate!

Mr Seeruttun: Yes, I was saying that in 2013, it was known to most of the Members who are sitting on this side of the House, how this Group was pocketing money from the public and using it for other purposes other than giving back returns to those poor public investors.

Mr Mohamed: On a point of order. He has just made an allegation against a company. Those...

(Interruptions)

An hon. Member: *Laisse li kozer!*

(Interruptions)

Mr Speaker: Order, please!

(Interruptions)

Order! There is a point of order! Make sure there is a point of order!

Mr Mohamed: Oh it is! It is!

(Interruptions)

Mr Speaker: You are not No. 2 Speaker. Quiet!

(Interruptions)

Quiet, please! You don't have the floor! You don't have the floor!

Mr Mohamed: He cannot make an allegation against a company which is not here and anyone to defend it in Parliament. That's No. 1.

(Interruptions)

And whenever he makes an allegation...

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: Whenever he makes such an allegation of fraud, he should be able to substantiate same. He cannot do it! Whereas the difference is whenever I wanted to make allegations, it was substantiated by documents which you did not allow me to put in! That's the difference!

Mr Speaker: You made your point.

Mr Mohamed: Good!

Mr Speaker: So, you cannot refer to the names of people who are not present in the Assembly. Please, continue with your debate!

Mr Seeruttun: Mr Speaker, Sir, hon. Uteem also, in his intervention, mentioned that my predecessor, in reply to a PQ on the subject matter, stated that no public funds would be used to repay ...

(Interruptions)

Mr Mohamed: Sorry, Mr Speaker, Sir, I apologise. One point of order! I thank you for having ruled, but if you could please ask him to withdraw what he said about not having paid people when they took money. At least he would withdraw! He has already said it! He should withdraw it!

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: He should withdraw what he said because you ruled on it!

Mr Speaker: Let me rule now!

Mr Mohamed: Thank you.

Mr Speaker: I will check the recordings. Rest assured if there is anything to be withdrawn by any Member here, he would have to withdraw.

Mr Seeruttun: Yes, Mr Speaker, Sir, I was referring to what was stated by hon. Uteem when he intervened on this subject last week. He referred to a reply from my predecessor that no public funds will be used to repay the policyholders of Super Cash Back Gold. I think what he omitted to say - and should I say what he deliberately omitted to say - is what the predecessor of my predecessor stated on several occasions on the financing of the policyholders.

Mr Speaker, Sir, I presume he did not want to embarrass his newly found ally...

(Interruptions)

... who, I believe, is the shadow Minister of Finance...

(Interruptions)

Mr Speaker: Order!

Mr Seeruttun: ... of the *l'Alliance de Désespoir!*

(Interruptions)

Mr Speaker: Now, do not get involved in politics!

Mr Seeruttun: But I must say, Mr Speaker, Sir, at the time of the collapse of the BAI Group, the assets in the accounts matched the liabilities as reported in the books and, based on that, Government ...

(Interruptions)

Mr Speaker: Hon. Patrick Assirvaden!

Mr Seeruttun: ... and with the assurance by the then Minister, at that time, it could be deduced that there would be no public funding. Unfortunately, as pointed out by the then Leader of the Opposition, back in 2013, the Group was all a sham, *une coquille vide, M. le président*.

Mr Mohamed: Once again, on a point of order!

(Interruptions)

Again, he is saying 'sham'.

Mr Speaker: Make sure you have a point of order!

Mr Mohamed: It is exactly the same point of order that you have ruled already. You have told him that he cannot attack a person or a company that is not present here. You have ruled on it. He has done it again.

(Interruptions)

Mr Speaker: So, as a rule, if somebody is not in the House, you cannot mention the name.

Mr Seeruttun: Mr Speaker, Sir, I am referring to what was said back then. So, we can go back and check in the Hansard what was said back then.

Mr Mohamed: If he is going by what was said back then, he has to quote when was it said, by whom, and what, where, and he should put in the document! That is what Standing Orders say!

(Interruptions)

Mr Speaker: No, this is not Standing Order!

Mr Mohamed: It is!

Mr Speaker: This is not Standing Order! Make sure you are not disrupting the debate!

Mr Mohamed: I am sure!

Mr Speaker: Make sure you are not disrupting the debate...

Mr Mohamed: Mr Speaker, Sir, ...

Mr Speaker: Please!

(Interruptions)

Please!

(Interruptions)

Please!

And make sure you don't raise fraudulent points of order! Make sure!

Mr Mohamed: ...Standing Order.

Mr Speaker: Please, go ahead!

Mr Seeruttun: Mr Speaker, Sir, the assets were highly overstated and could not match the liabilities. In fact, most of the assets, if not all, had to be written down. Thus, we have a large gap between the assets and the liabilities, Mr Speaker, Sir. And, as a responsible Government, the Government had a duty to protect the 16,225 Super Cash Back Gold policyholders; the 3,448 Bramer Asset Management investors; the 130,000 Insurance policyholders; the 1,000 employees of the Group, and also how to ensure that the financial stability of the country is not impacted. That is what we did, Mr Speaker, Sir. And we did, at least for those people not to lose everything, and this is a fact that no one can dispute, Mr Speaker, Sir.

They talk about *brader* the assets of the Group. I would ask them to have a good chat with their newly found ally to know whether they were really *bradés* as they claimed. Also, hon. Ramful, who is not here today, last week when he intervened and today hon. Mohamed, I mean, for me, they are the least persons who could teach us any lesson on that. I mean, hon. Ramful talked about *traumatisme* last time. Mr Speaker, Sir, if we are here today, the whole situation arose because his party, their party, the Labour Party...

An hon. Member: Politics!

Mr Seeruttun: They have been the ones who allowed it to happen when they were in power, and I don't think anyone from the MMM would dispute that fact. This happened, Mr Speaker, Sir, *au vu et au su de tout le monde*. They were the ones who turned a blind eye on the whole operation of the BAI Group while they knew very well how the public were being robbed in broad daylight, Mr Speaker, Sir.

An hon. Member: *Enn parti in ale dan coffre!*

(Interruptions)

Mr Speaker: Order! Both sides of the House, order!

Mr Seeruttun: Mr Speaker, Sir...

(Interruptions)

Mr Speaker: Order! Both sides! Both sides, order!

A hon. Member: *Pa kav assiz devan aster?*

Mr Speaker: Order here! No threats! Order!

(Interruptions)

No threats! Order! Third time, no threats! Order! Third time! No threats in the House!

Please, continue!

Mr Seeruttun: I was saying, Mr Speaker, Sir, we would not be here today, had they not tolerated such a Ponzi-like Scheme to exist and not to mention - I mean, some people probably might have forgotten - '*l'affaire Sunkai*', '*Je T'aime Marketing*'; all these were being allowed to operate freely during the time they were in power. Like some would say, Labour Party at its best, Mr Speaker, Sir. Earlier on, hon. Mohamed was saying "blood on their hands", Mr Speaker, Sir. That reminds me of the Gorah-Issac tragedy.

(Interruptions)

An hon. Member: *Ale lave to la main do!*

Mr Speaker: Order!

(Interruptions)

Order! Order !

(Interruptions)

Order, please!

Mr Assirvaden : M. le président ! M. le président...

Mr Speaker: Order, please! Order, please!

(Interruptions)

An hon. Member: *To gagn dimal!*

Mr Assirvaden: M. le président, je voudrais avoir votre *ruling* concernant la déclaration du ministre, *imputing motives* sur l'honorable Mohamed en parlant de 'l'affaire Gorah-Issac'!

(Interruptions)

Je vous demande, M. le président ...

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order!

(Interruptions)

Order here! Minister, order! You had a point of order?

Mr Assirvaden: Je vais me répéter, M. le président. M. le président, je voudrais avoir votre *ruling* concernant la déclaration du ministre qui, subtilement, essaye de...

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order !

Mr Assirvaden: ...qui, subtilement, essaye de *impute motive* à l'honorable Shakeel Mohamed, sachant très bien, M. le président, que dans 'l'affaire Gorah-Issac' - je vous demande de demander au ministre, s'il est un honorable membre...

Mr Speaker: Make your point at once!

Mr Assirvaden: ...de retirer ses propos !

(Interruptions)

Mr Speaker: You can't...

(Interruptions)

An hon. Member: On a point of order!

(Interruptions)

Mr Speaker: I am on my feet, you wait! You can't give the sanction yourself! Let me give the sanction!

(Interruptions)

Mr Ganoo: *Dans* Standing Orders *pena...*

(Interruptions)

Mr Speaker: You have a cellphone?

Mr Mohamed: Mr Speaker, Sir, what the hon. Minister has said is obviously referring to 'l'affaire Gorah-Issac', in which I was accused, but I would like to point out that the Standing Orders...

(Interruptions)

I am sorry! This is common known and...

(Interruptions)

Mr Speaker: Wait! Wait! You don't have the floor!

(Interruptions)

Mr Mohamed: May I be allowed to...

Mr Speaker: Order!

Mr Mohamed: And the hon. Minister of Financial Services should not be allowed to make statements of that particular nature, precisely...

(Interruptions)

...precisely because what my friend said, it is...

Mr Speaker: You made your point on this!

Mr Mohamed: No! Secondly, which I made, because...

Mr Speaker: You made your point!

Mr Mohamed: ...for this matter, I have entered cases before Court where I have sued Sir Anerood Jugnauth for having said the same thing...

(Interruptions)

Mr Speaker: No! But the order is...

(Interruptions)

All these are not important! You made your point of order, short and sweet...

Mr Mohamed: He ought to apologise...

(Interruptions)

Mor pa to encore doit li kass! To pas dire...

Mr Speaker: Is that a point of order?

(Interruptions)

Mr Dhunoo: Mr Speaker, Sir, on point of order. You said...

(Interruptions)

You gave a ruling that the Minister can reply to hon. Mohamed, one, and second, you said “don’t mention names of people who are not in this House”, and he is mentioning Sir Anerood Jugnauth; he should withdraw!

(Interruptions)

Mr Speaker: My ruling, I’ll check recordings and I will come with a solution.

(Interruptions)

What is this? What is this?

Mr Uteem: May I have a point of order? Under Order 42 of the Standing Orders, I would like the guidance of the Chair, and I read -

“(1) Debate upon any motion, Bill or amendment shall be relevant to such motion.”

I want to know whether what the hon. Member is talking is relevant to the Bill.

Mr Speaker: Let me rule! Let me rule and let it be the rule! I thank you very much, you are referring to Standing Orders. But when I listen to some speeches from both sides, let me tell you the truth, it is not a true reflection of the Standing Order; and if I had to take sanctions, many orators would have to just sit down. Thank you very much!

Please, continue!

Mr Seeruttun: Thank you, Mr Speaker, Sir. I will also refer to the points raised with regard to the preparation and filing of the Audited Financial Statements. Though, last year, I replied to a PQ that was put to me that the accounts were being finalised, I can confirm today to the House that the Annual Reports and the Audited Financial Statements for both the NPFL and the NIC for the period 2016-2020 have already been filed with the Registrar of Companies and they are available on the website of the Registrar of Companies. Please go and check.

(Interruptions)

Mr Speaker: Please, don't disturb the Minister!

Mr Seeruttun: Anyone can go and check, it is on the website, it is available to the public, and they have been audited and filed, as I am mentioning. Also, last time, hon. Ramful mentioned about whether an actuarial certificate has been issued for the NIC. I can confirm that an actuarial evaluation was made and the Actuarial firm has given a certificate, and that has been also filed. There was another question concerning the independent inquiry with regard to the sale of Britam Kenya. I would say, from the information that I have, the inquiry as regards to the hearing is being completed now and a report is being drafted. A delay, unfortunately, happened due to the COVID-19 pandemic, Mr Speaker, Sir. I think I have replied to most of the points raised with regard to that particular specific matter.

I would like to conclude, Mr Speaker, Sir, and say that despite the adverse consequences of the pandemic of COVID-19 on various sectors of the economy, the Government is finding ways and means to mitigate its economic and social impacts. This Government has at heart the welfare of one and all and had always done what was proper at that time to protect our people, to protect our financial stability and also to protect our financial system. This decision was bold, but we took it without fear to protect the interest of the nation and ensure that the financial obligations and regulatory requirements are met alongside. This Supplementary Appropriation Bill is, therefore, required to ensure continuity of our efforts to better protect the economic and social rights of our people.

With these words, Mr Speaker, Sir, I thank you.

(12.44 p.m.)

The Leader of the Opposition (Mr X. L. Duval): Mr Speaker, Sir, I will be 20 to 30 minutes. I hope that you will allow me to start and finish before lunch. It will be much easier for everyone.

Let me congratulate, Mr Speaker, Sir, previous Opposition orators who, I think, to my mind, have forcefully expressed the desperation of the ex-BAI policyholders and the anger felt by many of our people about the way that the assets have been disposed, and the way the whole BAI liquidation, if that is the word, has been carried out.

As far as the Supplementary Appropriation (2020-2021) Bill, I think it is absolutely true, as the previous orator said just now, that it is often being placed on a Tuesday. In my recognition, it has never been on two subsequent Tuesdays, the same Supplementary Appropriation (2020-2021) Bill; that has never happened. Now, the Prime Minister had the occasion, I understand there was an urgency last time, the Prime Minister, the Deputy Prime Minister were kind enough to inform me, that is fine. But this Bill could have been scheduled for the Friday say, so that we would have a normal session this Tuesday. So, it has never been on two successive Tuesdays, the same Supplementary Appropriation (2020-2021) Bill. That, therefore, does seem to show that it was deliberate ...

Mr Speaker: Go to the debate!

Mr X. L. Duval: ... in order to avoid...

Mr Speaker: Go to the debate!

Mr X. L. Duval: ...in order to avoid questions today. I'm sorry?

Mr Speaker: Go to the debate!

Mr X. L. Duval: Well, I am...

Mr Speaker: This is not the debate!

Mr X. L. Duval: I am responding to the fact that he said...

Mr Speaker: This is not the debate!

Mr X. L. Duval: ... that it has always been on a Tuesday. I am saying it has never been on two Tuesdays.

Mr Speaker: This is not the debate!

Mr X. L. Duval: But, Mr Speaker, Sir...

Mr Speaker: I tell you this is not the debate! The debate is...

Mr X. L. Duval: I am sorry, Mr Speaker, Sir, you raised it, I am answering it.

Mr Speaker: You have the paper in front of you!

Mr X. L. Duval: I am answering it, Mr Speaker. Now, this Supplementary Appropriation (2020-2021) Bill has come and we need to look. My first point, Mr Speaker, Sir, do we really want to come and maintain the system where the Supplementary Appropriation Bill is passed months and months and months after the actual expenditure has been incurred? The Minister before me has just said that the payment has already been made; Rs11 billion, Rs12 billion in December. So, this is merely a rubber stamp. Whatever we say here is for the record, is for the Hansard. It has already been paid. The Special COVID-19 Allowance has already been paid. The pensions have already been paid. So, we are just now rubber stamping, and I am asking the question, which is a serious question, as to whether we want to continue in this format, in this respect, having this procedure, where this Assembly which one thing it has power to do is approve Government Expenditure whereas with this way of doing things, we are actually approving nothing at all because it has already been paid. That is, Mr Speaker, Sir, the big difference between when the Budget is presented, the Appropriation Bill is passed, when it is passed, then the expenditure is spent. This is contrary to the Budget that we will have in a few weeks' time, where we vote and then it is paid. Here, no! It has already been paid and we vote. That is, Mr Speaker, Sir, a serious question that we need to answer for the future, bearing in mind that it has been like this in the past, for some time.

Now, I have some points to make and then I will come to the elephant in the room, Mr Speaker. Firstly, the Special COVID-19 Allowance, like many others, Mr Speaker, we are happy; policemen got their Rs15,000, healthcare workers. But, it is good, Mr Speaker, Sir, that we make the point, that others did not because there will be, maybe, other confinements, other lockdowns. Scavengers, Mr Speaker, Sir, what have they done wrong? They were picking up our rubbish all through the confinement, and it is not a pleasant job. Firemen at the same time, they answered every single call there was during the COVID-19, during the confinement, yet they got nothing. And the poor supermarket workers, Mr Speaker, Sir, some of the lowest paid workers in this country. I mean, the Minister of Finance has predicted to

have a special thought for low paid workers. These are some of the lowest paid workers in the country, working here, meeting hundreds of people every day with only a Perspex glass in front of them. I think, Mr Speaker, Sir, it is not too late that we make provision in the House, here, for payment to these categories of people, especially the poor supermarket workers who, for me, are as essential a worker as any other of these other persons because if we do not have food, we would have died a long time ago.

Mr Speaker, I will come now to the issue of pensions. Vote: 10-2. Rs375 m. being voted today, already paid, most of it, for additional people coming onto the pension roll; additional people reaching the age of 60. Now, the first thing you ask yourself is: why, at least, has not the purchasing power of these poor pensioners been maintained? Why, at least, the purchasing power has not been maintained? Now, if you look at the minimum wage, it was increased more than inflation. Very good! Rs375 was more than the official inflation rate; let me put it this way. But Rs230, a mere Rs230 would have been enough for Government to maintain the dignity of our old people and maintain their purchasing power at a time when the rupee which used to be worth Rs35 to the Dollar, now Rs41 to the Dollar has created an extremely expensive situation for the old, being given that the old, Mr Speaker, Sir, spend a lot of money on pharmacy, on medicine, etc. And the old age basket is not the same as the basket that Statistics Mauritius uses for the rest of the nation. So, my point, Mr Speaker Sir, the people of old age have had a rough time with the depreciation of the rupee, having to spend so much hundreds of rupees more on medicine, etc., and the least that could have been done is for the old age to have maintained their purchasing power.

Now, the point here, Mr Speaker, Sir, is this: we are in 2021, we have been promised an increase of Rs4,500 per month per pensioner in three years' time, in 2024. Three Budgets are left for the Government to honour a solemn promise it has made to the old people, the handicapped, the widows of Mauritius, to increase by 2024 the pensions to Rs13,500 per person; Rs4,000 additional per person. 50% increase, Mr Speaker, Sir, in the pension.

Now, the Minister here is asking us to vote for Rs375 m. That is going to be for additional pensioners. So, by 2024, not only will we have additional pensioners, which we will, but we will have also to account for a 50% increase in the pension, which I am okay with. I am okay with that. But, please, hon. Minister of Finance, tell us how it will be achieved? Have the courage to tell us how you would achieve it? You will certainly not achieve it through growth. I hope you do not come and tell us that; that is not possible. You are not going to get 50% growth over the next three years, maybe not any growth at all,

because we still have a long way back to catch up from the GDP position that we were in 2019. So, how will you finance it? How sustainable, how achievable is your promise? And this is, Mr Speaker, the issue. We all vote the Rs.375 m., we want to know, Mr Speaker, Sir, whether the Minister of Finance will come up with the goods in a few weeks' time for the Budget and start increasing substantially the pensions to the old, handicapped and widows so that he will reach that Rs4,500 additional payment per person per month in three years' time.

So, we will see, Mr Speaker, Sir, whether he will put his money where his mouth is. And that is, Mr Speaker, my point because we have had the CSG which has been called a Ponzi by Actuaries, the *Contribution Sociale Généralisée* which is anyway insufficient even to pay for the pensions that have already been given. So, the CSG is already for the higher paid people in Mauritius, a tax of 9% on the payroll; 6% paid by the employee and 3% paid by the employer. So, what it will be? It will be 20%? Tell us how are you going to fund your promise that you have made, and we will hold you to account and we will see to it that you honour your promise. So, Mr Speaker, Sir, that was my first point.

The second point I will talk about is when you look at the estimate of certain expenditures, you realise that there is an elephant in the room and that is obviously the Rs11.9 billion. We are asked to approve a payment that has already been made by Government without approval by the Assembly, because it is now being approved, to the National Property Fund. So, what would happen if we did not approve that today? It has already been paid. This is the absurdity of what we are voting today. So, Rs11.9 billion, that is, nearly Rs12,000 m.

Now, Mr Speaker, Sir, much has been said about the closure of BAI. I was Deputy Prime Minister at the time. It happened. It was probably inevitable once the Bramer Bank was closed overnight. We can talk about it some time, but this is what I said, Mr Speaker, Sir, in this House, as Deputy Prime Minister, on 15 April 2015. One important issue, Mr Speaker, Sir - here, I am quoting - is that

“(...) the conservators, liquidators received and whoever will be dealing with all these companies preserve and achieve as much value to the various stakeholders as possible so that the deposit holders in Bramer Bank, the insurance policyholders in the British American Insurance, the creditors and everybody can retrieve as much of the debt as possible around the whole conglomerate. That is very important that we preserve as much as possible the value that exists - in the company.”

That, Mr Speaker, Sir, I did not say from the Opposition bench. I said that as Deputy Prime Minister because that was obvious. It was obvious, Mr Speaker, Sir, that when you close, whatever reason for closing, we had another way in the previous Government of dealing with it, that is, reducing substantially the related party transactions from 88%, when I became Minister of Finance, to 56%, and it would have been done maybe the same way. Maybe it would have been closed at the end of the day with a much smaller payment from Government. That is the point, because it was already reduced; the related party transaction had already fallen from 88% to 56% over the three years. So, who is to say that over the next three years, it would not have fallen to 30%, in which case, the hole that existed exists still? And, Mr Speaker, Sir, you talk about hole. I do not want to go into it, Mr Speaker, Sir, but I can debate at any time, anyone on this issue.

Let us come now to the issue at hand. We are being asked to approve the payment of nearly Rs8,000 m. to a company called NPFL, Mr Speaker, Sir. Now, NPFL - I just listened to the hon. Minister before me - has not filed any Audited Accounts. Perhaps, I mean, you are an Accountant, you will know. What the NPFL has filed is a Financial Summary, and I will table the Financial Summary. There is a big difference between an Audited Account and a Financial Summary, Mr Speaker, Sir. A Financial Summary is an unaudited document. I hope the Minister will not try to teach me the difference between one and the other, I will not be happy with it. A Financial Summary filed by Government; today, I picked it up from Mrs Chinien herself, is an audited piece of paper that has been filed. It is some three pages long. And this, Mr Speaker, Sir, just to show, everybody else who is not an Accountant, this is the Financial Statements, not a Financial Summary of NIC Ltd. That is what has been filed for NIC Ltd and three pages have been filed for NPFL, and when you look at the pages that have been filed for NPFL, you do not have any of the information that he has just given to us today, Mr Speaker, Sir. You do not have any information at all. And this is, in fact, what has been filed. I will table it so that the Minister can see the difference between what he has filed and who has said he has filed. Unfortunately, I will not use the word 'misleading', but it is, in fact, not the truth what he has said, and I think, hopefully, he will withdraw that later on as a gentleman. Mr Speaker, Sir, therefore, when I look...

Mr Seeruttun: Mr Speaker, Sir,...

Mr X. L. Duval: Please, yes.

Mr Speaker: Is that a point of order?

Mr X. L. Duval: I give way, Mr Speaker, Sir, he can speak. I give way.

Mr Seeruttun: He said what I said was not true. Whatever I said is filed according to the Companies Act. That is right, okay.

Mr X. L. Duval: Mr Speaker, Sir, exactly. I will come to that...

Mr Seeruttun: The accounts have been...

Mr X. L. Duval: No.

Mr Seeruttun: ...completed and filed according to the Act, filing is done...

Mr X. L. Duval: I am happy! This is the English way, Mr Speaker, Sir. He can interrupt me, I have no problem.

Mr Speaker: Continue with the debate!

Mr X. L. Duval: I gave way. So, what I am saying to him, in fact, he did not say that, he said we filed audited statements; he must check back and he will see. But I accept his point that he filed according to the Companies Act and I will come to that, Mr Speaker, Sir, because a company of which we are asked to invest Rs12 billion of our money has only filed - and the Minister has accepted - a three-page piece of paper, unaudited three-page piece of paper.

Now, on that, Mr Speaker, Sir, you know why it is so? I will tell you why it is so. This company has assets of Rs10 billion. Is that so? Rs11 billion. Rs11 billion assets that the company has, but, its turnover, the fruits of this Rs11 billion that this company has, is only Rs32 m. per annum, Mr Speaker, Sir. That shows you what wastage there has been in that company, that you put Rs11 billion worth of assets. If you put it in a bank, you will get more money! Rs11 billion of assets only generates Rs30 m. of income, and that is why it is able to file a Financial Summary because Small and Medium Enterprises - the Minister of Finance will know - file Financial Summaries when their turnover is less than Rs50 m., and that is why the Government has used this procedure effectively to deny the public any knowledge at all of what happens at NPFL. And I would say, Mr Speaker, Sir, is it a serious Government that would ask us to vote Rs12 billion to pay for a company and shamefully only files three pages that the public or ourselves, as Parliamentarians, can access? Is that, Mr Speaker, Sir, the type of Government that we want? Is that what the Minister is saying, that we should accept his word for it? File the actual Financial Statements, audited, and then we talk, then we will know what has happened. Then we will know what use has been put to Rs11 billion

of assets to generate only Rs30 m. of turnover and a loss at the end of the day, big loss, nearly Rs200 m. loss, Mr Speaker, Sir. Then, we can talk. Do not hide things; do not hide, Mr Speaker, Sir. Rs254 m. loss for the period. I will table that, Mr Speaker, Sir, you can see I am telling the truth.

Now, Mr Speaker, Sir, National Property Fund. Here, I have another problem. When I look at the Estimates of Supplementary Expenditure, and you know, we all understand English; we know what an investment is, what a payment is and what a conversion is. I am converting a loan that someone owes me to share capital; that is a conversion. But it is not a conversion when I am repaying somebody else's loan with my money. That is not a conversion. That is repayment of a loan with fresh capital. This, Mr Speaker, Sir, is misleading. Provision required to convert the advance provided to the company into equity. It is not the advance provided by Government that is being converted. Is it? You have just said so yourself. It is the advance provided by the banks, only small amounts, Rs600 m. You just said so yourself; Rs600 m. was paid, is being converted.

The rest is a repayment of a loan given by a private sector bank to NPFL for which the NPFL has been unable to repay because of such poor paltry results. It has not been able to pay its loan back to SBM and others, and the Government is putting taxpayers' money into it, and that is the truth. And this is, Mr Speaker, Sir, not the truth, the conversion. It is not what is happening. No, no, no, it's not!

The second thing, Mr Speaker, I'll come to NIC in a moment because there again, it's not happening. So, Mr Speaker, Sir, I don't have a huge amount to say, except I wanted to raise these issues, which hurt me because I cannot have it that we conduct the affairs of Government and treat the Opposition and the public in this horrible way. I cannot, Mr Speaker, Sir. Because we need to know how were assets sold, were the assets sold to the highest bidder, what was sold, what is owed? All that, hopefully, would come if we had this decent pair of financial statements like they have been forced to do for the NIC.

Now, Mr Speaker, Sir, mention was made also with the Britam Commission of Inquiry. I have respect for all Judges, all ex-Judges, but this ex-Judge, Mr Speaker, Sir, has taken four years to inquire into a single transaction, the sale of assets. Four years, Mr Speaker, Sir!

Now, what self-respect would you have? COVID has been one year. What self-respect would you have? The Commission of Inquiry, okay, probably he has found nothing.

If he has found everything, he would have come up with something. There is no report. We can presume that there is nothing to be reported on, but he must have the decency to report and finish with it. A Commission of Inquiry on one single transaction cannot take four years. It cannot take four years! It is unfair on all the people involved, including unfair on the policyholders of BAI who are entitled to know what happened. It is, of course, unfair on everyone else whose name has been put into cause in this issue. So, Mr Speaker, Sir, if the ex-Judge is listening today, I hope, let's pray that he can write the few pages left of his report and submit it. And also, let's hope that the Government will have the decency to publish this, whatever it says there, to publish the report the soonest possible, Mr Speaker, Sir, because in the absence of information, everything becomes speculation.

Mr Speaker, Sir, just quickly onto NIC. Now, NIC, Mr Speaker, he just said this is restructuring. What restructuring? What does restructuring mean? What happened in the NIC is quite clear. When it took over the assets of ex-BAI, it brought the value down by Rs4 billion; you know that, I know that. The value of the assets were brought down by Rs4 billion, because it thought it was valued at less, whether it's right or wrong, we don't know, and that is what has happened, no restructuring. We are putting Government money now to fill up the coffers of NIC so that it balances the books, because a hole of Rs4 billion plus the losses, etc., that had been made in the past, Mr Speaker, Sir. And the point is the remaining assets of the BAI, what are they? Apollo? We know that Apollo is being rented, I think, at Rs60 m. a year. Any estate agent will tell you what the value is. You divide it by 0.05%, you get the value of what it is. Rs1.2 billion would be Apollo on the basis of the rental; the Minister of Finance can confirm that. And then, Apollo is not worth all that much, certainly not the 2.5 that was mentioned by my colleague. So, the Government will have to step in and pay.

Secondly, Mr Speaker, Sir, we have MauBank; MauBank is loss-making; accumulated losses at MauBank. There you go! And then, what else do you have? NIC! We just put Rs4 billion of good money in there. Still, we will need to put another Rs1.7 billion. The Minister has just confirmed. So, there is no value in these companies anymore. They are just sucking up, swallowing Government funds.

So, Mr Speaker, Sir, a conservative estimate of what it has cost the taxpayers; the BAI affair. I will tell you what it is. It is Rs11.9 billion today. It is Rs3.5 billion that the Bank of Mauritius - you said so yourself also - has invested in the company, has lent to the company. It is Rs6 billion that has been put into MauBank. Okay, I agree MauBank is, in fact, two

banks, but, still, I do not have the breakdown, let's say Rs6 billion into MauBank. Mr Speaker, Sir, it is another Rs1.7 billion that Government has already committed to pay the NIC. The Minister has just said so himself, a moment ago, to come to Rs5.7 billion to NIC. And the shortfall for Apollo which will be a minimum of Rs1.1 m. because the Ministry of Finance has given an undertaking that it will meet any shortfall.

So, Mr Speaker, Sir, it is more than Rs24 billion of public funds that had been used. Very little chance of recuperating any of it - after six years, obviously, we would have done so. And it is now that the NIC is going to run and strictly control cost! I don't know if the Minister realises how ridiculous it is to say, after six years, that the NIC will now be well run, reduce its costs, etc., as if people there had been sleeping for the last six years. But, still, Mr Speaker, Sir, we are talking about Rs24.2 billion, at my conservative estimate, of public funds.

Now, the actual amount of the policyholders, how much was it? Who remembers how much the after policyholders were owed? Rs24 billion, I think. So, what has happened to any assets of the company? Has it just been wasted in expenditure, in interest paid, *bla-bla-bla*? Rs24 billion of Government money has gone in. There were originally Rs24 billion of policyholders' funds, and not all has been paid. So, the only conclusion is that, when I said, back then, in 2015, when I spoke as Deputy Prime Minister, that the most important thing is to preserve value of the assets, that has not been done because it is clear that hardly any assets have been realised, anyway not sufficient to cover even the running cost for all these years and the wastage and the writing-offs that have happened. So, this, Mr Speaker, Sir, is a national scandal called ex-British American Insurance, managed by these gentlemen, and we end up with this situation.

Mr Speaker, Sir, that's all I wanted to say. I did not want not to repeat what my colleagues have said. But I must say that I subscribe entirely to what has been said on the part of the Opposition in this debate.

Thank you, Sir.

Mr Speaker: I suspend the Sitting for one and a half hour.

At 1.14 p.m., the Sitting was suspended.

On resuming at 2.47 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated!

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): Mr Speaker, Sir, with your permission, I would like to set the record straight further to what is being said concerning the timing of the debates pertaining to this Bill.

May I proceed? Unfortunately as is, too often the case, the lack of courtesy has it that whereas we were here listening, however painful it was, to the speeches of hon. Shakeel Mohamed and the Leader of the Opposition, they are not here to return the courtesy in the spirit of Parliamentary democracy.

Mr Speaker: Maybe you are lucky.

The Deputy Prime Minister: Mr Speaker, Sir, before the sitting of 27 April, the Opposition protested loudly outside the House against the scheduling of this Bill for Tuesday last stating that Government did not want to respond to Parliamentary Questions. Then, at last Tuesday's sitting, hon. Shakeel Mohamed, in the House and then outside the House, denounced the hon. Prime Minister for not being present at resumption of debates after the lunch break and then today, both hon. Shakeel Mohamed and the Leader of the Opposition have protested as to the fact that the debates are continuing today thus preventing the Opposition allegedly from again putting questions.

Now, the criticism has been very harsh and not to say exceedingly aggressive, in hon. Shakeel Mohamed's usual style, and with the help of the Opposition's allies in the media, they have been poisoning the minds of people as to an alleged violation of democratic practice and as to an alleged autocracy in the making.

So, allow me, Mr Speaker, Sir, to state the facts. Firstly, it is the established practice in all Westminster-based democracies that the business of the House, that is the decision as to which Bill comes before the House, when and how, is proposed by the Leader of the House. That has always been the case and let the people of Mauritius know this. This has been the case since independence, from Sir Seewoosagur Ramgoolam to Pravind Kumar Jugnauth.

Secondly, the Standing Orders which guide us since 1968 have it clearly laid down at Standing Order 24(3) -

“Notice of questions, including private notice questions, shall not be entertained on the following sittings days –

- (a) On the opening of a session when the Speech of the President of the Republic is delivered;
- (b) when the Minister of Finance delivers his Budget Speech;
- (c) on any day fixed for the consideration of an Appropriation Bill or a Supplementary Appropriation Bill by the Committee of Supply.”

That has always been the case and in its wisdom considering the upcoming Budget, Government decided to bring this Bill, the Supplementary Appropriation (2020-2021) Bill, before the House on Tuesday last with the clear intention of passing the Bill on that day. You only need consider the Order Paper which included two other Bills on the Agenda as is the case again today and for which the Whips on both sides had agreed and the list of speakers had been circulated. It goes to show the intention of Government that the Supplementary Appropriation (2020-2021) Bill be debated and passed last Tuesday.

Now, what happened was that in the course of the day, on Tuesday 27 April, the Prime Minister was made aware of the very serious risk of torrential rain within a matter of hours and had to apply his mind to the matter. Hence, his inability to come to the House immediately after the lunch break, and he conveyed his apologies to the House through the Speaker who has, as clearly laid down in Standing Order 17(2), the unqualified right to amend the Order of Business as may be required.

Thereafter, the Prime Minister came back to the Chamber, ensured that the first Bill on the Order Paper which he was piloting was passed and he then adjourned proceedings earlier, much earlier, than we had planned in order to call an urgent, an unforeseen meeting of the National Crisis Committee because of the risk of torrential rain and we know what happened thereafter.

Now, this was explained by the Prime Minister to the Leader of the Opposition and I did the same immediately after the sitting was raised and the Leader of the Opposition thanked me for this and said: “Yes, the Prime Minister has explained what the predicament is.”

So, today, Parliament meets normally as every Tuesday to complete the debate and pass the Supplementary Appropriation (2020-2021) Bill. So, where is the harm? Again, people who are not familiar with Parliamentary proceedings outside this House, are being led to believe that this is autocracy whereas it has been normal practice ever since I entered the House in 1991 and indeed ever since Independence under Governments of different hues. So,

for pity's sake, will the Opposition agree to cease the demagoguery and behave as patriots in these times of COVID-induced crisis?

Mr Speaker, Sir, I had not initially planned to intervene on the Supplementary Appropriation (2020-2021) Bill but after the intervention of the hon. Second Member of Parliament for Constituency No.2, Port Louis South & Port Louis Central, casting aspersion on the work of the Ministry of Housing and Land Use Planning and its dedicated staff, I feel compelled to set the record straight.

Now, the first criticism formulated by hon. Uteem is to the effect that land acquired by the State and vested in various Ministries is not put to use as originally planned. In that regard, I wish to inform the House that since 2015, the procedure for processing by my Ministry, of requests from different Ministries for acquisition of land has been reviewed. Such requests are now only entertained after financial clearance from the Ministry of Finance, Economic Planning and Development has been obtained which presupposes a proper needs analysis and an explicit project implementation time frame. However, I am ready to admit that there are at times unforeseen circumstances whereby the recipient Ministry does not go ahead with the project for which the land was earmarked and acquired.

Now, in such circumstances, in accordance with relevant provisions of the Land Acquisition Act, an offer to sell back the land is made to the former owner. This is provided for by the Land Acquisition Act, section 31. Should the former owner decline to take up the offer, the State then retains ownership of the land for future use. In such a situation, that land is recorded as a State asset, the value of which, obviously, increases over time.

Moreover, I wish to inform the House that my Ministry is presently carrying out an inventory of all lands vested in various Government, Ministries and Departments as well as parastatal bodies to ascertain the status of such land and retrieve land that is not in use or land that will not be used.

Let me recall that my Ministry is mandated to act as a central repository of State land and unutilised land can be provided for various development projects having obtained prior financial clearance, as I explained earlier.

The second criticism levelled by the hon. gentleman, relates to interest paid to owners for land acquired by the State.

Now, let me recall that when there is a private agreement between the/and owner and the State, as purchaser, there is no question of interest because there is transfer of title only at

the time of payment. However, when there is compulsory acquisition, Government acquires title to the land when the notice of compulsory acquisition is transcribed, pursuant to the provisions of the Land Acquisition Act at Section 8. Interest is thereafter payable from the date of transfer of title up to the time of appointment of the Notary for purpose of drawing up the deeds of acquittance.

Unfortunately, this may translate in a protracted time period when, for instance- the owner does not respond to the offer of compensation from the State, or where there are a multitude of heirs involved who need to be individually contacted and their agreement secured concerning the compensation, or where the heirs having become owners are abroad, or when there is a counter-claim from the owner that needs to be assessed by the Valuation Department.

I, nonetheless, hasten to add that at times, the complexity in applying the law, coupled with the administrative delays, are a matter of concern indeed and with the agreement of the Prime Minister and Government, my Ministry has initiated a comprehensive review of procedures pertaining to Land Acquisition by the State, including the provisions for sale back.

The third line of criticism from the Second Member for Port Louis South and Port Louis Central concerned what he called the 'State Law Register Software Legislation'. I think this was the term he used. I understand that he is, in fact, referring to the 'Digital State Land Register', which I am happy to report to the House, is now a fully developed software, which includes a land acquisition module. Now, the input of relevant data is presently on-going thanks to remote work during times of confinement and the Register is expected to be operational by the end of this year and I wish, Mr Speaker, Sir, to place on record my appreciation for the commitment and dedication of the relevant personnel of my Ministry in that respect, who have done very good work during confinement.

In the course of his speech, hon. Uteem went on to question the fact that after having budgeted Rs500 m. under the item 'Land Acquisition', Government is now seeking Parliamentary approval for the disbursement of an additional Rs400 m. With all due respect - and I do not mean any offence - the hon. gentleman, who has not been in Government, may not be fully conversant with the budgetary process.

Now, under any Government, in any year, the Ministry responsible for Housing and Land, requests a budgetary allocation, indeed requests a maximum sum to meet all

anticipated requirements for land acquisition, further to which the Ministry of Finance, which has the difficult task of judiciously and equitably apportioning projected available public funds as between various Ministries, will, of course, budget a lesser amount under the same item, but with the clear understanding that as and when there are additional and justified requirements, further budgetary provisions will be made in the Financial Year. This is the *raison d'être* of the Supplementary Budget, explained in very simple terms. And this is what we are debating today but, argues the hon. gentleman, there is no guarantee that these projects will be implemented. Now, without seeking to lose the time of the House, allow me, Mr Speaker, Sir, very briefly, to say that the funds already budgeted, have been put to good use and I am referring to that Rs500m. which we budgeted.

Let me refer to the largest projects –

- (a) the construction of the Cap-Malheureux bypass;
- (b) the construction of the Terre Rouge-Verdun-Trianon Link Road;
- (c) the construction of the East Coast Trunk Road;
- (d) the Metro Express, of course, which is forging ahead despite confinement and flooding;
- (e) the upgrading of the Moka-Camp de Masque-Flacq Road, DA7, and
- (f) the construction of a Grade Separated Junction along the Port-Louis-Plaisance Dual Carriage Way.

These are the main projects and there is a list of nearly 20 projects which account for the monies which were budgeted. Now, where does the additional Rs400 m. come in? The one major project here is the construction of the New Link Road between the Motorway M3 and the M1 at Hillcrest. And I am sure that in the course of the next budgetary debates my colleague, the Minister in charge of National Infrastructure, will come back on this and provide all details. So, this is the one major project. Then, of course, the Metro Express continues to require additional funding and the Grade Separated Junction at Pont Fer-Jumbo Dowlut also, for instance. So, those are the main projects and, again, there is a list of nearly 20 projects which I will not go through one by one. So, the projects are there. We are not acquiring land for the pleasure of acquiring land, we are acquiring land as and when required.

Let me conclude by explaining what this is all about. Now, we are debating in times of COVID crisis, economic social crisis, for which no one is to be blamed, neither the Opposition nor the Government side.

Now, to protect the weak and vulnerable, to extend the arm of solidarity of the State to the poorer sections of our community, to resume our march forward on the road to social progress, there is, obviously, no other way than ensuring economic recovery. We know we need to get out of these dire straits and we need to ensure economic recovery and here, public spending, including public investment in infrastructure is key to recovery.

Now, given the structure of land ownership in our country - I am talking of buildable land - Government has no choice and this has always been the case. Remember when we were building schools at the time of the MSM-MMM Government, how did we get the land? It is either exchanged or acquired through compulsory acquisition. Often, this is the only way. I need not mention all the Social Housing Projects coming up. This is the only way. So, whatever the unjustified criticisms levelled at Government, acquisition of land will remain very much on the agenda as we build the future of our country and the future of our people.

Thank you, Mr Speaker, Sir.

(3.03 p.m.)

The Prime Minister: Mr Speaker, Sir, let me, first of all, respond to a few criticisms that have been addressed towards Government in the course of the debate on the Supplementary Appropriation Bill.

First of all, the hon. Leader of the Opposition said that he regrets that we are coming with a Supplementary Appropriation when the money has already been spent, and now the National Assembly is acting as a rubber stamp, and this is not fair, this is contrary to certain principles.

Mr Speaker, Sir, I am happy that the hon. Leader of the Opposition has a track record of not only having been in Government previously but also of having held very high constitutional posts, also including the very important post of Minister of Finance. And when I look at the number of years there has been...

(Interruptions)

Yes, I never understand! You and the Opposition are the only ones who understand. *Je ne comprends rien, M. le président, mais ça ne fait rien. Mais même si je ne comprends rien, ça*

ne m'empêche pas d'expliquer à la population au moins, ce qui est dit dans la Chambre, pour que les gens puissent tirer leurs propres conclusions!

I am happy that we are, at least, able to express ourselves in spite of the comment of the Leader of the Opposition. I did some work in trying to see how many Supplementary Appropriation Bills have been presented in the past; in fact, so many, each year, practically, by every Government! And the hon. Leader of Opposition has been in Government, I believe, since 2005; I am not going so far back, but 2005 to, I would say, nearly 2014. So, what he is saying now is that we should have thought about a different system, we should have amended the system. But you had so many years to think about it! Each time that this Parliament was voting a Supplementary Appropriation Bill, why did you not come forward and say, "Look, it is high time that we review this process and let us now change." No! You know what? You are always wise when you are in the Opposition; wiser, I would say!

(Interruptions)

And as my Deputy Prime Minister has said, Mr Speaker, Sir, ...

(Interruptions)

Mr Speaker: Hon. Nuckcheddy!

The Prime Minister: I shall not repeat, because of the Standing Orders, that it has been the practice. But I address myself to the hon. Leader of Opposition, through you, Mr Speaker, Sir, that, of course, there is always room for review. Now, that is one thing.

(Interruptions)

And exactly! The second thing, I shall come to....

Mr Speaker: No interruptions!

The Prime Minister: ...is that Tuesday last...

(Interruptions)

I am not arguing! I am cool!

Mr Speaker: Leader of the Opposition! Second time! No interruptions!

(Interruptions)

The Prime Minister: *M. le président, je ne suis nullement en colère. Il ne sait pas comment ça se passe quand je suis en colère ! Mais, mardi dernier, M. le président, comme il*

l'a dit - je ne vais pas répéter ce que le Deputy Prime Minister a dit - the intention of Government was on the agenda. In fact, we wanted to complete debates on the Supplementary Appropriation Bill. But there has been an urgency; unforeseen circumstances as we say. Meteorological services had issued a warning of torrential rain. I was informed that rain would continue, and that the very next day, there was going to be even more rain than on Tuesday. As a caring Government, we are concerned with the safety and security of people and more so that so many students are sitting for exams and there are exams which are set by Cambridge.

I do not want to go into the intricacies and complexity of having to take a decision with regard to whether to allow students to sit or not. But we decided, as a Government - I do not want to go into that, but we had to meet urgently; decisions had to be taken; people had to be informed and I must say that I am sad that the hon. Leader of Opposition has criticised us for resuming debates now, today. And I believe that, unless there are other unforeseen circumstances, we are going to complete debates today.

Let me also say, Mr Speaker, Sir, that I am not like a former Prime Minister, who, when the country was on fire, was in his bathtub; *il était en train de prendre du plaisir!* I act, and even when we have to adjourn Parliament, I adjourn, and we meet and we take decisions. This is this Government!

We have been treated as being - to refer to the words that have been used, to summarise thereon - 'an undemocratic Government'. We are stifling Parliament because there is no PNQ, there is no question because we chose to put the Supplementary Appropriation Bill on the agenda for a Tuesday.

Again, let me refresh the memory, particularly of hon. Mohamed and the Leader of Opposition as well. The 2007-2008 Estimates were presented by hon. Rama Sithanen; First Reading, Tuesday 11 November 2008; Second Reading, Tuesday 18 November 2008. Okay, one for Sithanen. Estimates 2010-2011, presented by hon. Xavier-Luc Duval; First Reading, Tuesday 18 October 2011; Second Reading, Tuesday 25 October 2011.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Wait! We have more! 2011, presented by hon. Xavier-Luc Duval; First Reading, Tuesday 17 July 2012; Second Reading, Tuesday 24 July 2012. 2012,

presented by hon. Xavier-Luc Duval; First Reading, Tuesday 22 October 2013; Second Reading, Tuesday...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: ...29 October 2013. The Estimates of Supplementary Expenditure for 2013, presented again by hon. Xavier-Luc Duval...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: ...Tuesday 29 October 2013; Second Reading, Tuesday 10 December 2013. So, Mr Speaker, Sir, if the argument holds that we have fixed the Supplementary Appropriation Bill on a Tuesday...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: ... and are being taxed as being undemocratic, then, in fact, they are taxing Rama Sithanen and the Government of the Labour/PMSD and hon. Xavier-Luc Duval as being undemocratic!

(Interruptions)

They are saying that! I shall not say that. And then, Mr Speaker, Sir, I think we do not need to be taught lessons in terms of democracy when everybody will remember, in 2014, the Labour Government, *en complicité avec le MMM, avait fermé le Parlement pendant neuf mois! Fermé! On ne pouvait même pas entrer ici!* You must rejoice that you are able to sit down and debate. *On ne pouvait même pas entrer. Neuf mois! Sans précédent dans l'histoire de notre pays! Et ils ont le culot de nous faire la leçon de la démocratie.*

(Interruptions)

Mr Speaker: No crosstalking!

The Prime Minister: Let me also respond with regard to the comments made for the old-age pension...

(Interruptions)

Mr Speaker: Order, both sides!

The Prime Minister: ... which has gone up from Rs3,623 in 2014 to Rs9,000 in 2021. This represents, Mr Speaker, Sir, an increase of 148.4 %. Now, if we peruse Statistics Mauritius, it can be ascertained that the cumulative inflation for the period 2015 to 2020 has been 12.2%. Therefore, it is clear that the old-age pensioners have benefited from an unprecedented rise in purchasing power. I do not think anyone needs to embark on a lot of lengthy studies to conclude that with regard to compensating the old-age pensioners for inflation that has been registered, we have, in fact, done more than what was required.

Now, let me remind the hon. Leader of the Opposition, that we are very far from the Labour-PMSD Government between 2005 to 2010 when, in fact, workers and pensioners were robbed of their legitimate dues in terms of salary compensation indexed on inflation and that Government, of which hon. Xavier-Luc Duval was Vice-Prime Minister, came up with a formula, whereby salary compensation, Mr Speaker, Sir, - can you imagine that - was determined by halving the rate of inflation. You divide the rate of inflation by 2. For what reason? We do not know. This has never been explained till now, as well as applying, as another criterion, productivity index while considering the capacity to pay. Workers and pensioners would remember that there was an instance when they received a mere Rs135 as compensation. And, today, hon. X. L. Duval is saying that he cares more than ourselves for old-age pensioners! I think beneficiaries of Basic Retirement Pension know that since we took office in December 2014, Government has always honoured its commitment. Basic Retirement Pension was increased in December 2014 to Rs5,000, as promised, and after the General Elections in 2019, it was increased to Rs9,000, again as promised.

(Interruptions)

Yes, you wait and see!

Now, Mr Speaker, Sir, let me say, that in the end we are in a situation wherein, hon. Leader of the Opposition, would you have predicted that there is going to be a pandemic?

(Interruptions)

No one! In October 2020, there was no COVID case in the community and, in fact, Mauritius was considered as COVID-safe. As all the activities had resumed normally and there was no restriction on gathering, following consultations, - I want to comment on certain expenses that have been made - the writ of election for 130 Village Councils were issued on 16 October 2020. The nomination day was fixed for 31 October 2020 and the polling was held

on 22 November 2020. Therefore, adequate provision had to be made in the budget of the Electoral Commissioner's Office for the holding of these Elections in this financial year.

As a result, an amount of Rs175 m. was requested from the Ministry of Finance, Economic Planning and Development to meet all the expenses relating to the Village Council Elections.

I wish to underline that it is for the first time, since Elections have been held, that counting was done on the same day for the Village Council Elections 2020. The counting process, in fact, started immediately after the close of poll and continued throughout the night until the proclamation of all results. The first results were proclaimed at around 21.00 hours on 22 November 2020, and the last one on Monday 23 November 2020 at around 02.45 hours. I wish to highlight that with the COVID-19 pandemic in the background, the holding of the Elections was, in fact, an unprecedented challenge. The sanitary protocols had been put in place to ensure the safety of the voters and all stakeholders.

Mr Speaker, Sir, I seize this opportunity to thank the population for its participation and its discipline during the Elections. I also wish to place on record the efficient organisation of the Elections by the Office of the Electoral Commissioner, the Electoral Supervisory Commission, the Police, the Elections staff and all those who, directly or indirectly, have contributed to the smooth holding of those Elections.

Mr Speaker, Sir, with regard to the Government Printing Department, the building presently accommodating the Department dates back to the 1990s, and has encountered major structural defects over the years and is beyond economical repairs. In this vein, Government has invested in the construction of a new state-of-the-art building of the Department.

This modern building will offer the infrastructure conducive to host new and evolving technologies, additional security for the production, amongst others, of confidential materials and hence, provide enhanced printing services for its customers.

By investing in this state-of-the-art building, Government also aims at providing the employees of the Printing Department with a modern and conducive working environment. The project value amounts to Rs467.8 m.

For Financial Year 2020-2021, provision was made for an amount of Rs166 m., but as the contractor has informed that the project will now be completed by May 2021, an additional sum of Rs190 m. is required for the completion of the project within this financial

year. This amount will also include the relocation of existing equipment and purchase of new furniture at a cost of Rs45 m.

Construction works for the project started on 24 May 2019 and was expected to be completed by August 2020. However, with the COVID-19 pandemic in 2020 and 2021 and also because of additional excavation works, the construction of the building has been delayed and is now expected to be completed before the end of this financial year.

Mr Speaker, Sir, as the House is aware, on 30 January 2020, the World Health Organisation declared the COVID-19 outbreak as a public health emergency of international concern. Mauritius detected its first cases on 18 March 2020. And to prevent the spread of the virus in Mauritius, the Mauritius Police Force, comprising some 12,500 Officers, was fully mobilised day and night from 19 March 2020 to 30 May 2020 to enforce the Curfew Order effective as from 20 March 2020, and to perform various duties related to Public Safety and Security, and to protect the health of the population.

In this context, Police Officers were deployed at check points, hospitals, quarantine centres, the harbour, airport, retail outlets, amongst others, for security checks and to provide assistance to various Ministries and institutions.

The staff of the Police Force and the Health Sector, amongst others, have since the very outset been instrumental in the fight against COVID-19 and have relentlessly toiled without respite, away from their dear ones, for the safety and the security of our people.

Mr Speaker, Sir, to show our gratitude to all those frontliners, it was announced in the Budget Speech 2020-2021 that a one-off allowance of Rs15,000 will be paid to all frontliners, hence, a supplementary provision of Rs195 m., and let me seize this opportunity to thank all our frontliners for their commitment, dedication, and courage, and our Police Officers who are always at the forefront to ensure peace and order and to contain the pandemic.

Mr Speaker, Sir, this year as well, the frontliners, amongst others, are showing the same dedication, commitment and diligence, and with their usual vigour and support, we are containing the spread of this virus again.

Mr Speaker, Sir, I also wish to respond particularly to the averments of the Opposition with regard to the main Vote of Supplementary Expenditure related to the National Property Fund Ltd.

At the outset, I wish to highlight that as a Government, we do not regret our decision in 2015 to unveil the biggest Ponzi Scheme this country has ever witnessed, with billions of investors' money siphoned through a master-minded structure to the benefit of BAI's ultimate beneficial owner, family and friends.

Some Members of ...

Mr Mohamed: On a point of order! I had raised this point of order earlier on whereby you, Mr Speaker, Sir, has ruled that I was right that we cannot make accusations, more so that the Prime Minister is fully aware that no one has ever been prosecuted or found guilty and it is not in order, therefore, to make gratuitous accusations against any person when they have never been found guilty by any Court of Law in spite of all his averments.

Mr Speaker: You made your point!

Mr Mohamed: And they are not here to defend themselves!

Mr Speaker: You are making a speech? You made your point of order!

Mr Mohamed: I am trying to make it clearer.

Mr Speaker: You do not need to make it clearer!

(Interruptions)

Come to the main issue!

The Prime Minister: Indeed, some Members of the Opposition continue to question whether the BAI was running any Ponzi Scheme as if the scam were an invention of Government, and they keep on using the escape door of political vendetta. This is what we have heard again today to cover, I would say, their friends of the defunct BAI Group.

Mr Speaker, Sir, let me remind the House that the first person to state that BAI was running a Ponzi Scheme was hon. Paul Bérenger. The then Leader of the Opposition came with a PNQ on 21 November 2013, where he rang the alarm bells referring to a Ponzi Pyramid Scheme and highlighted the concerns of the International Monetary Fund with regard to the BAI. He stated that, and I quote –

“The whole financial system was based on an insurance make-up built on a huge Ponzi Scheme.”

He quoted paragraph 55 of the IMF report he was referring to, which reads as follows, and I quote –

“(...) it suggested that the Bank of Mauritius and the FSC - Financial Services Commission - should carry out what it called ‘war games’ in a prevision of a possible financial crisis.”

The then Minister of Finance, to whom the PNQ was addressed, happens to be the present Leader of the Opposition. And hon. Xavier-Luc Duval defended the BAI and took umbrage at the mention of the possibility of Ponzi Schemes in the Insurance Sector. He went to the extent of assuring this House, and I quote –

“that BAI is a company that is regulated, and that its financial statement for 31 December 2012 showed Rs6 billion of excess assets over liabilities.”

I would not make any accusation. I leave it for people to conclude what he stated although he was fully aware of the real situation concerning the financial position of BAI.

Mr X. L. Duval: Mr Speaker, Sir, on a point of order.

Mr Speaker: Yes.

Mr X. L. Duval: Who is he to say whether I am fully aware or not? Why is he making this accusation?

Mr Speaker: I could not get your point.

(Interruptions)

Order! You have two points of order?

Mr X. L. Duval: Who is he to say whether I am fully aware or not?

The Prime Minister: You answered the PNQ!

Mr X. L. Duval: Who is he to say that I am fully aware or not that it was a Ponzi? Who is he to say that?

The Prime Minister: I said that you are fully aware of the financial situation of BAI! Yes! So, you must listen!

Mr Speaker: There is nothing out of order! Please continue!

The Prime Minister: You must listen properly!

(Interruptions)

Mr Speaker: Do not interrupt the Prime Minister!

The Prime Minister: Do not interrupt for nothing! Indeed, Mr Speaker, Sir, in its Article...

Mr X. L. Duval: *Ki to ete twa?*

Mr Speaker: Don't! Come on! You stop with this sort of language!

The Prime Minister: In its Article IV Consultation Report in 2012 - I hope he read; I hope, since he is saying that he is not aware - the IMF drew attention to the investment vehicles being operated by the BAI and stressed on the fact that there are, and I quote –

“potentially serious issues for the policyholders, depositors and investors and that the weaknesses that allowed the problem to remain unresolved, could also result in more serious failure of a systematically more important institution.”

And the Minister of Finance, at that time, was not aware?

(Interruptions)

If I listen to what is being said from a sitting position!

(Interruptions)

Mr Speaker: Do not interrupt!

The Prime Minister: You were not aware of Article IV Consultation 2012?

(Interruptions)

Mr Speaker: The rule of debate!

The Prime Minister: In fact, Mr Speaker, Sir, the insolvent situation of BAI was detected...

Mr Speaker: Rule of debate! Try to be polite in Parliament! Do not forget you are the Leader of the Opposition of this country! Behave yourself!

Mr X. L. Duval: I am being very polite.

The Prime Minister: M. le président, ils ont l'habitude de dire que ça fait mal ! Je vois que ça fait mal ! Très mal encore ! Mais...

Mr Speaker: Continue with the debate!

(Interruptions)

The Prime Minister: ... *subtilement mal*. This is a new way of saying so. The insolvent situation of BAI was detected and reported as far back as 2009 and 2010 by the auditors of BAI.

Moreover, the ultimate holding company, KLAD Investment, based in the Bahamas, was also audited by the same auditors, which reported that the Group had excess liabilities over assets of USD302 m. as far back as 31 December 2012. And just imagine that somebody who has been Minister of Finance at that time, is not aware, does not know! These audited accounts highlighted, and I quote to refresh the memory of some -

“the existence of a material uncertainty which may cast significant doubt on the subsidiaries ability to continue as a going concern.”

(Interruptions)

Mr X. L. Duval: What is the date of the report?

The Prime Minister: 2012!

(Interruptions)

Mr Speaker: This is not debate!

Mr X. L. Duval: Give the date!

The Prime Minister: Yes, I shall provide it to you. Do not worry! These, Mr Speaker, Sir, were wake-up calls, but instead of taking appropriate remedial actions, the then Labour-PMSD Government put undue pressure on the regulators...

(Interruptions)

Mr Speaker: You do not have the floor! You are doing it on purpose! You want to interrupt the orator on purpose. You take your responsibility. Please!

The Prime Minister: I was saying that they put undue pressure on the regulators to allow BAI to pursue its Ponzi activities.

M. le président, les membres du Parti travailliste qui ont pris la parole sur le présent projet de loi devraient interpeller leur conscience. Au fait, ils doivent poser la question à leur leader sur le rôle qu’il a joué pour que le Ponzi de la *BAI* puisse devenir un monstre financier à multiples tentacules.

En fait, M. le président, l'élément catalyseur qui a déclenché l'engouement pour le *Super Cash Back Gold Scheme* de la *BAI* a été la décision du gouvernement travailliste de taxer les intérêts sur les dépôts bancaires en 2007.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Une situation qui avait été créée, où les gens, surtout ceux qui touchaient leur *'lump sum'* ne voulaient pas placer leur argent en banque. D'autres, malheureusement, ont retiré leur argent de leur banque. Ils ont été amenés à investir dans le plan de la *BAI* et on peut légitimement se poser la question, parce qu'il y en a qui posent des questions, s'il y a eu un acte prémédité pour attirer les gens vers ce plan attrape-nigaud. Clairement, le gouvernement travailliste a sa part de responsabilité dans ce qui s'est tramé dès le départ, sans oublier que les *'wrongful doings'* ont été cautionnés d'en haut. Quelle honte ! Et ces gens-là ont le culot aujourd'hui de nous accuser ! Ils ont instigué le crime et, aujourd'hui, ils prétendent être les donneurs de leçons !

M. le président, il n'y a pas que le Ponzi de la *BAI*. Il y a eu d'autres structures financières concoctées pour plumer des honnêtes gens sur lesquelles le gouvernement PTR-PMSD avait fermé les yeux. Mon collègue, le ministre Mahen Seeruttun en a parlé. On n'a pas oublié *'Sunkai'* Ltd de Bhimla Ramloll, ex-conseillère du PTR à la Municipalité de Quatre Bornes.

(Interruptions)

Mr Speaker: Order!

The Prime Minister : De même, on n'a pas oublié *'Je T'Aime Marketing'* et *'Whitedot International Consultancy Ltd'*, dont les promoteurs étaient des protégés du régime d'alors. Les victimes de ces arnaqueurs avaient été abandonnées à leur sort. Elles ont eu à porter leurs cas en Cour et le gouvernement d'alors n'avait rien fait pour les aider. Pas un sou n'avait été avancé pour soulager leur souffrance ; jusqu'à aujourd'hui.

Mr Speaker, Sir, it is too easy for Members of the Labour Party and PMSD to criticise others, but, as we say, when you live in glass houses you should not be throwing stones. Et je demande à l'honorable Ramful, qui est là maintenant et qui n'était pas là auparavant et qui n'a pas eu cette chance d'être parmi, et dans les rangs du PTR, qu'il lui faut demander à son leader et qu'il lui faut poser des questions surtout à son leader.

Pour le MMM, je ne vais pas dire plus que ce que tout le monde sait ; ils ont commencé par dénoncer le *Ponzi Scheme*. Vous imaginez le Chef du parti du MMM qui dénonce le scandale de *Ponzi Scheme*, et qui reçoit des financements de ce même....

(Interruptions)

Qui reçoit des financements.

(Interruptions)

Mr Speaker: Order! Order!

Mr Uteem : I am raising the same point of order that I raised and you already ruled upon when hon. Seeruttun wanted to make allusion to donation received. It is the same point which the hon. Prime Minister said...

Mr Speaker: I understand your point. This morning some Members spoke about - you understand what I mean.

Mr Uteem: So, the Prime Minister can?

Mr Speaker: If the Prime Minister is replying to something which has been stated prior to that, I have to allow him.

(Interruptions)

Order!

The Prime Minister: Anyway....

(Interruptions)

Mr Speaker: Order! Did you have the floor?

Mr Assirvaden: Simplement, j'ai demandé que le micro de l'honorable membre soit allumé quand il parle.

Mr Speaker: But this is not the way to do it!

Mr Assirvaden: Mais j'ai demandé ; c'est tout !

Mr Speaker: This is not the way to do it!

(Interruptions)

Respect Parliament!

Mr Assirvaden: Ce n'est pas la peine de crier !

Mr Speaker: You are shouting! Respect Parliament! Show respect to Parliament and the Chair!

(Interruptions)

There is a way! There is a way to behave in Parliament!

You continue!

The Prime Minister: M. le président, le point que je voulais faire est simple - on accuse un conglomérat d'avoir fait un *Ponzi Scheme*, on le dénonce à l'Assemblée nationale et hors de l'Assemblée nationale aussi. Je ne vais pas mentionner la conférence de presse qui avait été tenue par le Leader de l'Opposition d'alors, et maintenant, je pose une question à 10 millions de roupies. Est-ce que ce parti, ce Leader a reçu une contribution quelconque ? Je pose la question ! Est-ce qu'il a reçu une contribution quelconque de la part de ce même conglomérat ?

(Interruptions)

Je ne sais pas ! J'espère que, soit dans la Chambre ou ailleurs...

(Interruptions)

Mr Speaker: Order !

The Prime Minister:...ils vont répondre à la question. Mais ça, à l'époque, c'était le grand amour. On le sait ; il y en a des témoins. Et le grand amour quand même s'est répété récemment, et puis, il y a eu un genre de 'On', un jour de 'Off'. Là, ils sont en 'Off mode' ; je ne sais pas quand ça va retourner à 'On mode'.

Mr Speaker: Go to the debate! Hon. Prime Minister, go to the debate!

(Interruptions)

The Prime Minister: En tout cas, l'espoir...

Mr Speaker: Order !

The Prime Minister: En tout cas, M. le président, l'espoir est là ! Mais, il ne faut pas nous pointer du doigt.

Mr Speaker, Sir, let me continue because I need to state...

(Interruptions)

Mr Speaker: Order! Silence!

The Prime Minister: I need to state again what happened before to refresh the memory of some Members here and for the people not to forget. It is good for the House and the Nation to know that hon. Reza Uteem was on TV, in a debate with his very good friend, Roshi Bhadain. The debate took place on 11 September 2015 and he repeated the averment of hon. Bérenger, where he stated that it is a Ponzi Scheme. He said, I quote -

“Dépi longtemps dans MMM nou ti conner ki ti pé passer, mo capave dire dépi 2010 déjà...”

(Interruptions)

He referred to the then Government’s reply to the matter where the latter argued that an insurance company cannot run a Ponzi Scheme as the insurance sector was well regulated and also drew attention to the fact that the then Minister of Finance, that is, hon. Xavier-Luc Duval, had stated that BAI had assets in excess of liabilities of Rs6 billion.

Hon. Uteem condemned the fact that although Mauritius was being promoted as a financial jurisdiction of repute, an insurance company was allowed to flout statutory requirements and put the question why its auditors, although drawing attention to the gravity of the situation, did not qualify their reports.

Hon. Uteem went on to state and condemn the Minister of Finance, hon. Xavier-Luc Duval, for having condoned the suspicious acts of the ex-BAI, especially when the Minister is himself an accountant.

Mr Speaker: Order!

The Prime Minister: However, although hon. Uteem firmly denounced the BAI and its Ponzi Scheme, in the course of the same debate he contradicted himself and stated and I quote -

“Ou pas capave craze ene aussi grand groupe par ene simple decision pou révoque licence ène la banque”.

The then Minister, Mr Roshi Bhadain, who was also, as I said, on a face à face. TV debate, drew attention to the blatant contradiction in the averments of Hon. Uteem. He said he was shocked by that contradiction and put the question and I quote –

“ki faire MMM, si zotte ti sérieux, pas ti alle la Police ou à FSC en 2013 pou dénonce sa Ponzi là et réclame ki l’enquête faire...”.

M. le président, dans une interview au *Sunday Times* du 16 avril 2017, l'honorable Reza Uteem déclarait et Je cite -

« Dès l'éclatement de l'affaire BAI, le ministre Bhadain a mené tout le monde en bateau et continue à le faire... Grâce à son incompetence et arrogance, il n'a pas pu réaliser les actifs du groupe BAI à leur juste valeur marchande »

Aujourd'hui, M. le président, M. Bhadain est à côté du MMM.

Mr Speaker: Order! Order! Both sides of the House, Order!

The Prime Minister: Subitement, il est très compétent et pas arrogant du tout. Il n'est plus le KGB tant décrié par l'honorable Bérenger et les autres. Aujourd'hui, M. Bhadain est une lumière. Et ce n'est plus Bhadain qui est responsable si les actifs de la BAI n'ont pas été vendus ou encore bradés ! Voilà comment la girouette mauve fonctionne !

Clearly, Mr Speaker, Sir, in the ranks of the MMM, it has always been a tale of doublespeak. That is why, in fact, they are where they are.

Mr Speaker, Sir, the bare fact remains that in 2015, we inherited the BAI scam. And this is confirmed by the IMF in its 2015 Article IV Consultation Report.

At Annex I – under the title- Mauritius: The Failure of British American Investment Co. (BAI), it is stated, I quote, as it is important -

“The BAI Group, a mixed international financial conglomerate and one of the largest conglomerates in Mauritius, comprised a number of entities operating in insurance, banking, asset management, retail and commercial services, with cross border operations in other SSA countries. The Insurance Company had substantial proportion of its assets invested in related companies. In addition, it issued single policy premium products promising relatively high returns, but suffering from high lapse rates, that were only sustainable as long as fresh cash was injected into the scheme from new policies, from the investment proceeds from old policies (mostly in related companies), or from other entities in the group.”

The report goes on to say, and I quote -

“This episode also highlighted issues of regulatory forbearance, political leaning and coordination problems among financial regulators. The consultation discussions noted the systemic importance of mixed conglomerates, of which several banks are part, highlighting the importance to upgrade consolidated supervision and cooperation

among regulatory agencies - in particular between the BOM and the Financial Services Commission (FSC)".

Mr Speaker, Sir, had Government in 2015 not taken surgical, courageous and timely actions, this country would have faced devastating consequences on the social and economic fronts.

We have assumed our responsibility as a caring Government to protect the interests of policyholders and investors who were trapped in that scam. We took the decision to set up the National Property Fund Ltd to which 18 assets of the ex-BAI were transferred as from June 2016 with a view to repaying as far as possible the hard earned investments of the thousands of victims of Super Cash Back Gold and Bramer Asset Management. The Special Administrator also transferred funds to the tune of Rs6.8 billion to the NPFL.

The company holds 100% of the shareholding of the NIC General Insurance Co. Ltd, the National Insurance Co. Ltd and the NIC Healthcare Ltd, previously known as Apollo Hospital.

The decision to repay policyholders of Super Cash Back Gold and investors of the Bramer Asset Management stemmed from assurances provided by the then Minister of Financial Services and Good Governance that reimbursements would be made from money that could be recovered through the sale of the BAI's assets in Mauritius and abroad.

In fact, mention was made by the then Minister of shares in Britam Kenya, Diplomat Garden luxury apartments in Floreal, BAI's insurance business, Iframac, Apollo Hospital, Courts, Bramer House, BAI Exchange and overseas properties, amongst others.

The then Minister informed the House on 03 May 2016 that no public funds would be required to repay the victims of the BAI's scam. But instead of assuming his responsibilities and honouring his commitment to the nation, he chose to resign and today he is one of the, what we can call a *'jigri dost'* (close friend) of the former Prime Minister, Dr. Navin Ramgoolam and also *'jigri dosts'* (close friends) of former Deputy Prime Minister, hon. Xavier-Luc Duval. Now, instead of cleaning up, even under the carpet as he used to say, he has chosen to get under the same carpet which is soiled by the stinking dirt of malversation and nepotism. Why is he not speaking anymore of the numerous crimes of the former régime which he so forcefully denounced when he was with us in the MSM? Where are the tons of information on Dr. Navin Ramgoolam and others which he said he stored in Cloud? The cloud has become rain now? People have judged him already and they know that he is a man

that can never be trusted. Anyway, I have loads of quotations, but I would not bore the House with what he has been saying. But the time will come. Of course, the time will come when we shall have plenty to say in public.

(Interruptions)

This Government, Mr Speaker, Sir, has remained consistent, and we are more than ever committed to our pledge to the nation. We have managed the aftermath of the BAI crash with wisdom and compassion. This cannot be denied. And the victims of the BAI scam keep on thanking us for the efforts that we have put in to repay them their investments to the extent agreed upon. We could not wait for ex-BAI assets to be adequately disposed of before we effect the repayments. Government found ways and means to act as quickly as possible to alleviate the despair of the victims.

Mr Speaker, Sir, it is good that I do provide some information also with regard to that. Three of ex-BAI's assets under the portfolio of NPFL have been disposed of for an amount of Rs2.5 billion, including the sum recovered from the sale of shares in Britam Holdings. As I stated earlier, the Special Administrator has transferred funds amounting to Rs6.8 billion to the company.

I am also informed that 13 overseas assets of the ex-BAI transferred to the National Insurance Co. Ltd have been disposed of for an amount of Rs506 m. In addition, the Administrators had disposed of three overseas assets and recovered Rs612 m.

An amount of Rs17.4 billion has been disbursed so far in favour of 16,141 previous policyholders of Super Cash Back Gold and 3,033 investors of Bramer Asset Management.

Mr Speaker, Sir, the immediate debt obligations of NPFL as at September 2020 comprised the following -

- first, some Rs6.6 billion in respect of syndicated loans contracted with SBM, MCB, Barclays and MauBank, which were backed by Government guarantee;
- second, Rs520 m. in respect of a bridging loan of Rs500 m. plus accrued interests, and
- third, Rs731 m. in respect of redeemable preference shares with SBM and SICOM plus accrued interests.

Government provided an advance of Rs7.9 billion to NPFL to meet those debt obligations and an advance of Rs4 billion for the National Insurance Co. Ltd in view of the latter's restructuring exercise.

Mr Speaker, Sir, Government has taken the wise decision not to sell the four main assets of the defunct BAI Group, namely -

- Apollo Hospital, now NIC Healthcare Ltd, leased to C-Care of the CIEL Group;
- NIC Insurance Co. Ltd;
- NIC General Insurance Co. Ltd, and
- MauBank Holdings Ltd.

In fact, it would have been irresponsible to sell these assets in the aftermath of the BAI crash when we know that their value automatically went down. Now, these businesses have started regenerating value and going forward, and the National Property Fund Ltd is confident that they will constitute profitable investments in the medium to long-term. Government can, of course, decide to dispose of these assets at a convenient time.

In the meantime, provision is being made through the Bill before the House to convert into equity the advances to the tune of Rs11.9 billion provided by Government to NPFL and NIC Ltd.

So, there is nothing sinister or scandalous about it. That is, in fact, good and responsible financial management.

Mr Speaker, Sir, when the BAI scam was uncovered, resulting in the crash of the conglomerate, and we were faced with the distress of thousands of policyholders, investors and employees of those institutions, we acted as we did because there was urgency and, today, we are proud to state that we never let the victims down. Today, the House is being asked to give its approval for the expenses that were met by Government with regard to NPFL by way of advances. We are addressing the matter as it should be and we are comfortable with it, knowing that NPFL is backed by assets and those assets constitute a guarantee for Government. There are no public funds that are being misused or misappropriated as is being alleged by the Opposition. In fact, we are fully assuming our responsibility in Government and that is what matters most for us today.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Minister of Finance!

(4.01 p.m.)

Dr. Padayachy: M. le président, de prime abord, je souhaiterais remercier le Premier ministre ainsi que mes autres collègues ministres et parlementaires pour leur prise de parole sur ce projet de loi.

Ils ont apporté des réponses claires aux divers commentaires des membres de l'opposition. Je passe sur les jérémiades de l'honorable Reza Uteem qui semble insatisfait de la tenue de l'ouverture des débats un mardi. Cela s'est pourtant produit à chaque fois que le MMM, pour rappel son parti politique, détenait le portefeuille des Finances. Et à cette époque, cela ne semblait pas poser de problème. Alors bien même, que les montants à voter étaient largement supérieurs à celui de ce jour.

Je déplore également l'amalgame qu'il a piètrement essayé de faire au sujet du recrutement de personnels pour la campagne nationale de nettoyage par MauriFacilities.

Verser une rémunération de R 10,575 à des Mauriciens sans emploi pour réaliser un travail d'intérêt public, cela n'a rien à voir avec les « 4 jours à Paris » de l'honorable Reza Uteem.

Cette absence d'empathie et d'humanisme révèle le véritable état d'esprit et le manque d'égard de l'honorable envers les plus vulnérables. Et dire que ces travailleurs n'ont même pas les moyens de rêver, de visiter Paris. Mépriser les travailleurs précaires, est-ce la nouvelle doctrine du MMM ?

M. le président, à dire vrai, entendre de tels propos ne fait que renforcer nos convictions et notre combat pour plus de justice sociale. Nous, de ce côté de la Chambre, nous sommes fiers d'être aux côtés de la population. Nous, nous sommes fiers d'avoir porté *le Basic Retirement Pension* à R 9,000. Souvenez-vous qu'en 2014, il n'était que de R 3,623 et que ceux qui siègent dans l'opposition étaient incapables de proposer un *BRP* à R 5,000. Nous, nous l'avons proposé. Nous, nous l'avons fait. Et nous, nous avons persévéré dans cette voie.

Le montant du BRP a ensuite été porté à R 6,210 puis R 9,000 en 2019. Cela représente une augmentation de 45%, alors que l'inflation en 2019 n'était que de 0,5%, l'une des plus basses des 5 dernières décennies. Grâce à cela, le pouvoir d'achat de nos seniors a largement été revalorisé.

M. le président, à l'inverse, alors que l'honorable Xavier-Luc Duval était ministre des Finances, il n'a eu guerre de considération pour nos aînés et leur niveau de vie. Pour rappel, en 2011 et alors que l'inflation était de 6,5%, il a réussi l'exploit de n'augmenter la pension que de R 204, passant de R 3,146 à R 3,350. Nous de ce côté de la Chambre, en 2019, nous l'avons augmenté de R 2,790, 14 fois plus que ce qu'avait fait l'honorable Duval. Je ne parle même pas de l'année 2008. Avec une inflation frôlant les 10%, le gouvernement dont il faisait partie n'avait donné que R 231 aux pensionnés. Le *BRP* était de R 2,802. Et le Leader de l'Opposition ose aujourd'hui nous parler de respect de soi. Je crois qu'une introspection s'impose et que c'est pour cela que l'honorable membre est désormais sous 'Xanax'. Je pense qu'il se rend compte du mal qu'il a fait. Peut-être devrait-il faire son mea culpa.

M. le président, comme je l'ai mentionné à l'ouverture des débats, les dépenses totales pour l'exercice financier 2020-2021 ont été supérieures au montant total voté antérieurement par la Chambre.

En conséquence, le dépassement des dépenses à hauteur de R 17 milliards doit maintenant être approuvé, selon les dispositions de notre Constitution.

C'est à cet égard que nous soumettons ce présent Projet de loi au vote de l'Assemblée.

Ces dépenses, qui n'auraient pas pu être prévues en amont, s'expliquent par les circonstances suivantes. D'une part, elles rendent compte de la nécessité de répondre au besoin immédiat de la *NPFL* pour recouvrer sa dette et opérer la restructuration de la *NIC*. D'autre part, elles résultent de la situation exceptionnelle créée par la crise de la COVID-19.

M. le président, sur ce premier point, c'est sans surprise que l'opposition nous a offert un spectacle d'interventions démagogues, au ras des pâquerettes. Aujourd'hui, l'honorable Shakeel Mohamed s'est encore une fois illustré dans un genre qui ne fait pas honneur à cet auguste Assemblée.

Dois-je rappeler aux honorables membres que nous traversons la pire crise de notre histoire? Le contexte n'appelle-t-il pas à aller plus loin que la vulgaire critique? Ils nous fustigent pour avoir sauvé des centaines d'emplois et les dépôts de dizaines de milliers de nos compatriotes.

Mais quelles sont les alternatives et solutions proposées par ceux qui siègent de l'autre côté de la Chambre? Aucune, je dis bien aucune. Avec courage et responsabilité, nous avons refusé de sacrifier cette entreprise. Nous, nous n'avons pas de sang sur les mains, comme certains. Nous, nous avons de la sueur sur le front. Car je le répète, notre stratégie est

celle de la préservation, et non pas celle de la destruction. Protéger les emplois, les entreprises, en un mot, les Mauriciens. Voilà ce qui guide la décision de ce gouvernement au regard de la *NPFL* et de la *NIC*.

L'honorable Shakeel Mohamed parle d'un vol. Je l'invite à regarder dans sa propre famille politique et plus particulièrement du côté des coffres dégoulinant de billets.

An hon. Member: Sun Trust!

M. le président, sur le second point, comme sauront l'apprécier les membres de cet auguste Assemblée, une partie de ces dépenses a été engendrée par la mise en place de *l'Economic Recovery Programme*. L'annonce de ce programme répondait à l'urgence de la situation économique. Alors que nous traversons une crise sans précédent, il est de notre responsabilité de soutenir les moyens de subsistance de la population et de remettre l'économie sur les rails.

J'ai écouté avec attention les propos du Leader de l'Opposition. A mon grand étonnement, j'apprends que l'honorable Xavier-Luc Duval vient tout juste de découvrir le fonctionnement du vote des dépenses supplémentaires. Pourtant, il a fait partie de plusieurs gouvernements et a même exercé comme ministre des Finances et Premier ministre adjoint. Si je suis son raisonnement, il se critique donc lui-même. Et s'il pense que ce système aurait dû être amendé, pourquoi ne l'a-t-il pas fait lorsqu'il était aux fonctions?

M. le président, il est également décevant de voir comment le Leader de l'Opposition continue de se saisir de chaque occasion pour avancer des arguments politiques pernicieux sans aucun fondement économique. Cette stratégie n'a d'ailleurs pas l'air de convaincre dans ses propres rangs à voir les récentes désertions. Elles témoignent de la lassitude de certains qui, à raison, préfèrent plutôt partir que de s'obstiner dans l'Alliance du désespoir.

M. le président, nous devons protéger ceux qui ont le moins et limiter au maximum les dégâts structurels que cette crise pourrait engendrer sur notre capacité de production.

C'est pour cela que nous avons choisi la politique de la relance. C'est l'essence même de la stratégie de ce gouvernement pour l'emporter face à la crise. Empêcher les défauts de paiement, limiter les faillites et préserver les emplois. Les organisations internationales soutiennent d'ailleurs cette démarche. Et pour preuve, laissez-moi reprendre les propos du Fonds Monétaire International dans le billet intitulé '*A Future with High Public Debt: Low-for-Long Is Not Low Forever*', publié pas plus tard que le 20 avril 2021.

Dans ce papier, il est rappelé que *‘Le FMI a appelé les pays à dépenser autant qu'ils le peuvent pour protéger les personnes vulnérables et limiter les dommages durables aux économies, en soulignant la nécessité de bien cibler les dépenses’.*

Et de rajouter, *‘Cela est particulièrement important dans les économies émergentes et en développement.’*

M. le président, il est clair que l'opposition veut créer une sinistrose dans le pays, à coups de campagnes démagogiques. Les chiffres des institutions internationales montrent pourtant que Maurice est sur la voie de la reprise. J'invite l'honorable Ramful, qui s'essaye de plus en plus à l'économie, à reconsidérer les leçons qu'il prend avec ses gurus du moment.

D'après les estimations des instances multilatérales, en 2021, Maurice fera partie du Top 15 des pays dans le monde avec la plus forte croissance économique. Ce qui nous permettra durant l'année fiscale 2021-2022 d'enregistrer un PIB aux alentours des R 500 milliards.

Contrairement à l'Opposition dont le but premier semble de saper le moral de la population, ce gouvernement est lui déterminé à faire de la confiance un élément moteur de notre reprise.

Sur ces considérations, M. le président, je recommande maintenant le Projet de loi à l'Assemblée.

Merci.

Question put and agreed to.

Bill read a second time and committed

COMMITTEE OF SUPPLY

(Mr Speaker in the Chair)

ESTIMATES OF SUPPLEMENTARY EXPENDITURE (2020-2021) OF 2020

Vote 1-5 Office of the Electoral Commissioner (Rs175,000,000) was called and agreed to.

Vote 2-4 Government Printing was called.

Mr Uteem: Can I ask the hon. Prime Minister who was awarded this contract for construction of the Government Printing building?

The Prime Minister: The contractor is Hyvec Partners Ltd.

Mr Ameer Meea: We are being asked to vote an amount of Rs190 m. additionally compared to what has been already budgeted, Rs160 m. Can I ask the hon. Prime Minister whether there has been any cost overrun for this project and also what will be the total cost of this project?

The Prime Minister: The total sum that has been disbursed amounts to Rs290,576,322 and the forecast expenditure up to date for the completion will amount to Rs166,336,127. So, I am informed that there is no cost overrun because this has been planned for several financial years.

Mr Armance: Thank you, Mr Chairperson. Out of the sum that we are voting today, may I know from the Prime Minister whether there has been some costs that were allocated through acceleration cost since it is mentioned now that the project has been completed earlier? Has there been any cost related to acceleration of the project?

The Prime Minister: No, there is no acceleration cost, not to my knowledge.

Vote 2-4 Government Printing (Rs190,000,000) was, on question put, agreed to.

Vote 2-5 Police Service (Rs195,000,000) was called and agreed to.

Vote 4-1 Vice Prime Minister's Office, Ministry of Education, Tertiary Education, Science and Technology was called.

Dr. Gungapersad: Thank you, Mr Chairperson. Will the hon. Minister provide a detailed breakdown of the sum of Rs150 m. and how it was or will be used?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, as stated earlier during my intervention, the Rs150 m. will be spent for the conduct of SC-HSC exams, conduct and marking of the NCE examinations, conduct and marking of the PSAC Grade V and Grade VI examinations.

Vote 4-1 Vice Prime Minister's Office, Ministry of Education, Tertiary Education, Science and Technology (Rs150,000,000) was, on question put, agreed to.

Vote 9-1 Ministry of Housing and Land Use Planning was called.

Mr Uteem: May we have a detailed breakdown of what this Rs400 m. would be used for? He did mention one project but we need a complete breakdown for the total aggregate amount of 400 additional million rupees?

The Deputy Prime Minister: Mr Chairperson, what I can do is to read out the list of projects if that is what the hon. Member wants. I did say that the construction of the New Link Road between the M3 Motorway and the M1 at Hillcrest accounts for three quarters of the sum.

Now, apart from that major project, the other components are –

- (1) The great separated junctions at Pont Fer/Jumbo/Dowlut Roundabouts;
- (2) The upgrading of Pointe-aux-Sables B31 Road;
- (3) Further expenses for the construction of the East Coast Trunk Road;
- (4) Enlargement and improvement of the public road running from La Porte Providence to Poste de Flacq;
- (5) Further expenditure concerning the construction of the bypass at Cap Malheureux, which, as you may recall I explained, was the major component of expenditure in the Rs500 m. budgeted;
- (6) The construction of the St Julien bypass;
- (7) Improvement of Plaine des Roches Road also known as B122;
- (8) Improvement of Quartier Militaire Road, B6;
- (9) Realignment of Mare La Chaux Road;
- (10) Construction of a drain at La Chapelle Road, Bois D'oiseaux;
- (11) Metro Express, we have had to acquire 5 additional plots of land;
- (12) Construction of a New Link Road as I said, Motorway M3 to M1 which is the main component;
- (13) Then, there is a mini soccer pitch at Camp Fouquereaux, and
- (14) Finally, construction of a bus layby and shelter at Laventure.

Mr Armance: I thank the hon. Deputy Prime Minister for the list of projects he mentioned. I just want to find out from him, from the list he mentioned, can he, please, table a cost breakdown of the project? What is the status of the project, whether they have been completed and if not what has been the budget earmarked and the sum paid to date?

The Deputy Prime Minister: I take it that the hon. Member wants those details in respect of each of the 14 items I have just listed. That, of course, that would take a lot of time.

I could provide the cost budgeted now for any one of the items but if he wants the precise status, I would invite the Member to put a question to the Minister of National Infrastructure and Community Development who will be in a better position to explain the present status of works.

So, in terms of expenditure, the list I have given so far requires an additional amount of Rs387,173,973 and I would simply say once again that the major component is that Link Road, the New Link Road between the M3 and the M1, which was not budgeted for initially. That, on its own, accounts for more than Rs302 m.

Mr Ameer Meea: Yes, in the acquisition of land, Rs500 m. was appropriated last year. Can I ask the hon. Deputy Prime Minister, is there any land that has been acquired in Constituency No. 3 for any Government project?

The Deputy Prime Minister: From the list that I have, a list of 16 major projects, I cannot see anything that relates to Constituency No. 3, as far as I can see, but then there are also a number of minor projects, accounting for more than Rs19 m. the breakdown of which I do not have at hand because they said there is a large number of minor projects. But, again, I would invite the hon. gentleman to put a question to my colleague, the Minister of National Infrastructure and Community Development, who will be able to provide any specific information that the hon. gentleman may require.

The Chairperson: Hon. Duval! No question.

Vote 9-1 Ministry of Housing and Land Use Planning (Rs400,000,000) was called and agreed to.

Vote 10-2 Ministry of Social Security and National Solidarity was called.

The Chairperson: Hon. Armance!

Mr Armance: Thank you, Mr Chairperson. I just want to find out what was the number of beneficiaries and what was the increase in number of beneficiaries that is mentioned here.

Mrs Jeewa-Daureeawoo: Well, this sum is to cater for the increase in the number of beneficiaries from 227,172 to 240,885. There is an increase of 13,713 beneficiaries.

Vote 10-2 Ministry of Social Security and National Solidarity (Rs375,000,000) was, on question put, agreed to.

Vote 21-1 Ministry of Health and Wellness was called.

The Chairperson: Hon. Richard Duval!

Mr R. Duval: Yes. Can the Minister provide a list of category of officers who are entitled for this allowance and the criteria to decide on the quantum?

Dr. Jagutpal: Mr Chairperson, the different categories of frontliners from the health sector, who have been paid this allowance, those who have been working in the hospital, all those who have been in contact with positive patients and all those who have been working in the different quarantine centres.

Vote 21-1 Ministry of Health and Wellness (Rs190,000,000) was, on question put, agreed on.

Vote 26-1 Centrally Managed Expenses of Government (Rs325,000,000) was called and agreed to.

Vote 27-1 Centrally Managed Initiatives of Government was called.

The Chairperson: Hon. Armance!

Mr Armance: In relation to item 28215912: *Economic Recovery Programme - Nationwide Cleaning Campaign*, may we have some more details? What was the tender that was launched under the campaign?

Dr. Padayachy: Sorry, what is the question?

Mr Armance: In relation to item 28215912: *Economic Recovery Programme - Nationwide Cleaning Campaign*, I just want to have some more details on the tender that was launched for the campaign.

Dr. Padayachy: It is not a tender. It is a recruitment process made by MauriFacilities. So, the process has been on-going with the authorities.

The Chairperson: Hon. Uteem!

Mr Uteem: Under the same item 28215912: *Economic Recovery Programme - Employment Support Scheme for SMEs*, may I know from the hon. Minister of Finance, the amount of money, which under this item, has been invested by SME Equity Fund Ltd, in Babul and Sons Fishing Company Ltd, whose Director and Shareholders were arrested yesterday for drug trafficking?

Dr. Padayachy: Mr Chairperson, I think that the hon. Member does not know what it is about concerning the Employment Support Scheme for SMEs and MMEs. The scheme is to provide Wage Support of up to Rs10,575 monthly to some 11,000 new employees in SMEs and MMEs. It is not about an equity.

The other one is about SME Equity Fund, under the ISP. It is not the same scheme.

Mr Ameer Meea: Under item 32155060: *National Property Fund*, mention is made in the Estimates that Rs4 billion is being asked to vote to enable the Company to inject Capital in the National Insurance Company. Can I ask the hon. Minister whether there has been any business plan before injecting this Rs4 billion because we all know the reasoning behind throwing good money after bad?

Mr Seeruttun: There has been a restructuring plan that was conducted by a private firm and following that, a business plan has been worked out and also given that there are some requirements to comply with the Insurance Act, that money needed to be injected and that is why those Rs4 billion have been injected into the company.

The Chairperson: Hon. Assirvaden!

Mr Assirvaden: Par rapport à la question de mon collègue, est-ce que le ministre peut nous éclairer un peu concernant – parce qu'on demande 3 milliards de roupies de vote et *Nationwide Cleaning Campaign*, au juste, en quelques mots, c'est quoi?

Dr. Padayachy: C'est comme ce qui a été écrit. C'est pour nettoyer le pays. Donc, c'est un *National Campaign* qu'on voulait lancer. On a commencé juste après le mois d'octobre. La compagnie MauriFacilities, qui est sous *Landscape*, a commencé les procédures pour recruter 2000 personnes pour nettoyer le pays dans les temps prédéterminés.

Mr Assirvaden: Vous avez un programme établi?

Dr. Padayachy: Oui, il y a un programme établi et je crois, si je ne me trompe pas, qu'ils sont toujours en train d'essayer de recruter le personnel.

The Chairperson: Hon. Mohamed!

Mr Mohamed: Under the same issue of the National Cleaning Campaign, how many people have been recruited up to date and how was the recruitment process carried out? Was there any advertising or was it basically chosen amongst those closest to you?

(Interruptions)

An hon. Member: Can you withdraw that?

(Interruptions)

Mr Mohamed: I hope not.

Dr. Padayachy: I am just going to read it. So, following public advertisement for the recruitment of General Cleaners in local newspapers and MBC, 1214 applications were received and only 527 persons expressed their interests in the briefing session done on 05, 06 and 22 January 2021. From the 527 candidates, 318 persons were offered a job in January 2021. Only 151 persons accepted the job offer and have started work in February 2021. The Clean-up Programme started in the District of Grand Port and Savanne. An additional 57 persons joined in as from 03 May 2021. A second call for candidates was launched in January 2021 and 2,328 applications were received. That is the information I have got.

The Chairperson: MP Ramful!

Mr Ramful: Thank you, Mr Chairperson. May I ask the hon. Minister, with regard to the Rs3 billion, can we have a breakdown of all the different measures that were taken under the Economic Recovery Programme and, in particular, if he could give us the list of beneficiaries under the Airfreight Rebate Scheme by the EDB?

Dr. Padayachy: So, for the Rs3 billion, Rs800 m. for the increasing of the National Training and Reskilling intake; Rs800 m. for Employment Support Scheme for SMEs and MMEs, Rs250 m. for the Nationwide Cleaning Campaign; Rs100 m. for Assistance Scheme for Coral Farming, Fish Breeding and Tea Growers; Rs200 m. for Airfreight Scheme for Export Oriented Enterprises; Rs500 m. for Credit Guarantee Scheme implemented by DBM; and Rs350 m. for Financial Assistance for SMEs and Operators in the Tourism Sector for payment of the 2021 salary compensation of Rs375 to the employees as well as for an increase of Rs140 in the special allowance payable to a Mauritian employee of an Export Oriented Enterprise.

For the Airfreight Scheme, I will circulate it later on to the hon. Member.

The Chairperson: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Mr Chairperson. With regard to the recruitment made for the Nationwide Cleaning Campaign, the hundred or so people that have been recruited, are they on permanent and pensionable recruitment process? And if so, to which Ministry are they attached, because the Ministry of Environment, Solid Waste Management

and Climate Change, has a pool of labourers that go around the country for cleaning purposes?

Dr. Padayachy: Ce sera sous *Landscape* et c'est pas permanent ; c'est sur contrat.

The Chairperson: Hon. Armance!

Mr Armance: Already answered, Mr Chairperson.

The Chairperson: Hon. Uteem!

Mr Uteem: Mr Chairperson, we are being asked to vote a massive sum of Rs7.9 billion again for NPFL. Can I ask the hon. Minister what has been Government's total participation in NPFL up to now and, does he have any idea of any future injection in NPFL?

Mr Seeruttun: I need to look at that.

The Chairperson: Hon. Shakeel Mohamed!

Mr Mohamed: On the same issue of NPFL, I would like to ask the hon. Minister, what are the professional fees, if any, external to the main parties, professional fees, be it consultancy fees that have been paid out of this Rs11.9 billion for this transaction to happen? All professional and consultancy fees external to the NPFL, be it notaries, registration of documents, floating charge or no floating charge, whatever.

Mr Seeruttun: The Rs7.9 billion is in regard to the reimbursement of loans and other financial facilities that were needed to be able to reimburse all those policyholders of the Super Cash Back Gold and the Bramer Assets Management Ltd. The other Rs4 billion was to be transferred to the NIC. So, I gave the details of how those Rs7.9 billion that was used by the NPFL to repay the Rs6.4 billion that was contracted with the syndicated loan from the Consortium of banks plus the interest that was accrued; Rs500 m. as bridging loan facility from SBM Bank Ltd and MauBank Ltd. There was also Rs650 m. in the form of redeemable preference shares issues to SBM and SICOM plus accrued dividends.

Mr Mohamed: No, what I wanted to know is the professional fees.

Mr Seeruttun: I am saying that the amount that you mentioned was to repay those loans and other facilities that were used to repay those Super Cash Back Gold policyholders. No professional fees were used for that particular use.

The Chairperson: I will take a few more questions. Hon. Uteem!

Mr Uteem: Mr Chairperson, in respect to the Training and Reskilling Programme, may I know from the hon. Minister of Finance how many graduates have been trained so far under this programme?

Dr. Padayachy: I know that there are 238 trainees following courses in the fields of Construction, ICT and Healthcare since February 2021. I need to have some more information; I am going to find some information on whether they have got degrees or not.

The Chairperson: Hon. Osman Mahomed!

Mr Osman Mahomed: With regard to the Rs4 billion already injected to enable the National Insurance Company with a view to restructure the company, may we have a copy of the restructuring plan, if ever there is one, and what does it entail? Is it for more recruitment, what kind of restructuring are we referring to here?

Mr Seeruttun: In fact, the points that I have mentioned are included in that plan, it is to first reduce the costs of operations, relocate some branches to the main office and also to come up with a voluntary retirement scheme, that is, the MARS Scheme. Also some other measures that have to be introduced in terms of new products, new ways of doing their activities, so, it is a lot of different schemes that they want to put in place to be able to make it more viable. It includes also some commercial activities that entail in that particular plan; I do not think that, at this point in time, it is wise to render it public.

The Chairperson: Hon. Assirvaden!

Mr Assirvaden: Merci, M. le président. C'est toujours concernant le ministre. En ce qui concerne les R 4 milliards dans la *National Insurance Company*, je voudrais savoir du ministre si on peut avoir une copie, parce que vous paraissez un peu hésitant. Peut-on avoir une copie de ce plan de restructuration, parce que R 4 milliards, quand même, c'est énorme ?

Mr Seeruttun: M. le président, je viens de le mentionner. C'est un plan qui comprend pas mal d'éléments, entre autres, il y a des éléments commerciaux.

Mr Assirvaden: L'Assemblée peut avoir une copie?

Mr Seeruttun : Ce ne serait pas correcte à ce stade de le rendre publique, parce que quand même, c'est une entité qui opère sur une base commerciale.

(Interruptions)

The Chairperson: Order!

Mr Seeruttun: Ce ne serait pas dans l'intérêt de cette entité de mettre cela sur le domaine du public...

Mr Assirvaden: *C'est R 4 milliards, M. le ministre !*

The Chairperson: Hon. Ramful!

Mr Ramful: With regard to the Rs7.9 billion to NPFL, can we know if there are any remaining future claims with regard to the Super Cash Back policyholders and the Bramer Assets Management debentures, and if we can know the amount involved?

Mr Seeruttun: The Rs7.9 billion is used up to pay all the debts that the company has contracted to reimburse the Super Cash Back Gold policyholders and the amount that is still outstanding is catered for in that amount. So, there are some cases that are at the level of Court and provision is made for that and the amount that I have here, I have been informed, it is the total amount of Rs236,096,701.

Vote 27-1 Centrally Managed Initiatives of Government (Rs15,000,000,000) was, on question put, agreed to.

COMMITTEE STAGE

THE SUPPLEMENTARY APPROPRIATION (2020-2021) BILL

(NO. XVI OF 2020)

(Mr Speaker in the Chair)

The Schedule was agreed to.

Clauses 1 and 2 were called and agreed to.

The title and enacting clause were agreed to.

The Bill was agreed to.

E.S.E (2020-2021) of 2020 and the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020) were agreed to.

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

Second Reading

THE MENTAL HEALTH CARE (AMENDMENT) BILL

(NO. II of 2021)

Order for Second Reading read.

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Speaker, Sir, I beg to move that the Mental Health Care (Amendment) Bill (No. II of 2021) be read a second time.

Mr Speaker, Sir, I am honoured to be able to move for the adoption of a new piece of legislation in such difficult and challenging times.

Coming to the Bill before this House today, I would start by saying a few words on the importance of mental health and well-being.

According to the definition of World Health Organisation, mental health is fundamental...

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: ...and good mental health ...

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: ... is an integral component of one's general health

(Interruptions)

Mr Speaker: Order! Order! Order!

Hon. Minister!

(Interruptions)

Order!

(Interruptions)

Dr. Jagutpal: However, mental health is also a vast and complex area, which is continuously evolving. My Ministry is doing its best to improve mental health care services in the Republic of Mauritius. In Mauritius, mental disorders with different presentations include depression, bipolar disorder, schizophrenia, developmental disorders among others. Hence, the importance to tread cautiously with the amendment to the Mental Health Care (Amendment) Bill.

Mr Speaker, Sir, as the House is aware, the Mental Health Care Act 1998 was amended in 2019, through the Mental Health Care (Amendment) Act 2019. The aim was to provide for an effective composition and functioning of both the Mental Health Board and the Mental Health Commission.

Additionally, a new entity, namely the Managerial Committee, was set up. This Committee had the mandate to take over all the administrative functions which were being done by the previous Commission. However, Mr Speaker, Sir, there is need to further review the functions of the Mental Health Commission and Managerial Committee. This has to be done so as to reflect the actual intent and purpose of the previous amendments made.

Hence, Mr Speaker, Sir, the main object of the Bill is to further clarify and clearly demarcate the respective roles and responsibilities of the Commission and that of the Managerial Committee.

In the Explanatory Memorandum, the functions of the Managerial Committee and of the Commission are clearly explained. The objective of, and legislative intent behind the setting up of a Managerial Committee were precisely for it to take over the administrative functions which were being done by the previous Commission.

However, section 15 of the present Act, which deals with the administrative duty of “automatic review” of every patient and subsections (1) and (2) provide that these functions should be done by the Commission.

Mr Speaker, Sir, it would be clear to the House that “patient”, under the Act, is defined as “any person who is suffering from a mental disorder”.

A security patient has a different definition. A security patient is a patient who -

- (a) is unfit to stand trial by reason of mental disorder;
- (b) has been found not to be guilty by reason of mental disorder;
- (c) is suspected of having committed a criminal offence; or
- (d) is in the custody of the Police or is a detainee in a reform institution.

Mr Speaker, Sir, under section 6(1)(g) of the Act, as amended, the function of the Commission is to review matters relating to the admission, treatment, leave, discharge and continued treatment as being applicable only to security patients who -

- (a) are unfit to stand trial by reason of mental disorder;

or

(b) have been found not to be guilty by reason of mental disorder.

As regards all other patients and the other two categories of security patients, namely those suspected of having committed a criminal offence or those in the custody of Police or is a detainee in a reform institution, the reviewing of such cases have to be done by the Managerial Committee and not by the Commission.

If this were to be the case, the Commission would be unnecessarily burdened once again with routine administrative work and this would defeat the purpose of having created a Managerial Committee under the Act.

The Managerial Committee shall also, amongst others, review matters relating to the involuntary admissions, treatment, leave, discharge and continued treatment of patients. The Committee has also the duty to refer to the Commission, complaints made by patients, their relatives and visitors.

Furthermore, Mr Speaker, Sir, the Managerial Committee, shall also bring to the notice of the Commission, any breach or suspected breach of discipline, professional misconduct or any case of violation of a patient's rights.

Mr Speaker, Sir, the attributes of the Managerial Committee are indeed specific and will provide for a better handling of patients. The tasks and duties of the Committee have to be well defined.

Hence, section 6 of the principal Act is being amended to remove the reference to section 15 and to clearly provide for the Commission to conduct the review of security patients referred to in subsection 1(g).

In the same vein, the Commission shall, in addition, address complaints received from patients, their relatives and members of the public referred by the Managerial Committee. It shall also investigate any breach or suspected breach of discipline, professional misconduct and violation of Human Rights or patients' rights.

Upon completion of its inquiry, the Commission shall notify the Board of its findings. The Commission acting on the basis of evidence shall also determine whether complaints and charges against a Medical Officer or a Psychiatrist or any other person or Officer have been proved. It will be the Commission's duty to refer to the Police any suspected criminal offence

made under this Act. Finally, the Commission shall also oversee the proper functioning of the Accounts Committee.

Mr Speaker, Sir, Section 6B of the principal Act is also being amended, to specifically provide for the Managerial Committee to deal with the automatic review of all patients and the other two categories of security patients.

Mr Speaker, Sir, other sections of the principal Act are being accordingly, amended to delete and replace wherever required the reference to either the “Commission” or the “Managerial Committee”.

Sections 27 and 28 of the principal Act are being amended to delete the terms “significant” and “believed to be”, respectively, as such terms are of a subjective nature.

Mr Speaker, Sir, following the last amendments made, which provide for new investigative powers and functions of the Commission to deal with complaints received from patients, their relatives and the public, amendments which also empower the Commission to investigate any violation of Human Rights or patients’ rights. The need has arisen for penalties and sanctions to be inflicted to any person who fails to attend the Commission or who gives false evidence, testimony or complaint to the Commission. Henceforth, a person on conviction will be liable to a fine not exceeding Rs100,000 and to imprisonment for a term not exceeding two years.

Section 44 is also being amended to provide for a higher penalty in respect of offences committed under any regulation made under the Act. The fine will thus be fixed at an amount not exceeding Rs50,000 instead of Rs5,000, as formerly prescribed.

As for imprisonment, the term which was initially of not less than 6 months will now be fixed at not less than 1 year. These severe penalties and sanctions will ensure that patients’ rights are safeguarded and those who commit offenses are answerable for their misdeeds.

Mr Speaker, Sir, my Ministry is sparing no effort to ensure that the best of care is being provided to our patients who suffer from mental disorders. We need to continuously adapt our legislative framework to make it more responsive to the evolving needs of patients so as to better protect their rights and dignity.

Mr Speaker, Sir, the amendments that are being brought to the Mental Health Care Act, come at an opportune time when we need to achieve higher efficiency and effectiveness in the treatment of mental patients.

Mr. Speaker, Sir, I would like to quote the Director-General of World Health Organization. He stated the following –

“Good mental health is absolutely fundamental to overall health and well-being”.

Mr Speaker, Sir, to conclude, I would like to thank the hon. Prime Minister for his unflinching support and leadership and to Members on this side of the House for their collaboration. My Ministry remains committed to provide the best of care to the citizens of our Republic and mental health shall always be at par with the conventional definition of general health.

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

Thank you.

The Deputy Prime Minister seconded.

(5.00 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): I thank you, Mr Speaker, Sir and take note of your attempt to make light of the situation, and your sense of humour. Thank you very much.

However, I must say that I am quite surprised to say the least that the Minister of Health and Wellness has chosen to come forward with this piece of legislation and treated this piece of legislation as though it is of utmost importance, which I am sure it has, but, I am convinced now that the hon. Minister has no sense of priorities.

It is clear, Mr Speaker, Sir, that the Minister of Health and Wellness, who is clearly faced with a lot of serious problems at the level of his Ministry, has got more important issues to deal with, but instead of prioritizing, understanding what is of importance to the nation, he has chosen to drown his lacuna in dealing with his Ministry, by coming up with this piece of legislation. And more so, it convinces me of his inability to lead that Ministry because if one were to try to look at the Mental Health Care (Amendment) Bill, a proper Amendment Bill should have gone further than the timid approach that he has shown us he is capable of.

So, the question I put myself, because he has been so nice to come up with quotations with regard to certain officials of the World Health Organization. Fair enough! It is very good and proper to quote what other people have said, but that does not mean that you are running the Ministry as it should be. To quote what authorities say as to what a good health system

should be, does not mean that you are heading an institution that has got a good health system.

To be a Minister and to bring changes, it does not suffice for that Minister to give us references of what other people believe a good health system should be. So, as far as I'm concerned, Mr Speaker, Sir, it is sad that the very first attempt he has made when he has assumed office as Minister of Health and Wellness, to try to bring some fundamental, much needed changes to the mental health in Mauritius is just a little *épée dans l'eau*.

Let me take him if maybe he is not aware, so busy or maybe he is not busy enough sorting out the other mess in his Ministry. Let me take him to the very beginning of definition of what mental health should be and why did he not think of bringing such changes; the definition of mental health itself. When one goes to the definition of mental disorder in the main Act, I refer the hon. Minister to it. Why is it that he did not think it important enough to try to modernise the legislation on Mental Health? Why? Why has he been so timid in his attempt or maybe he just does things *en surface, mais sur le fond, il n'est même pas allé étudier ce qu'il fallait changer*.

M. le président, when you look at the definition of mental disorder in our main Act, and I read, I quote –

“mental disorder means a significant occurrence of a mental and behavioural disorder exhibited by symptoms indicating a disturbance of mental functioning, including symptoms of a disturbance of thought, mood, volition, perception, orientation or memory which are present to such a degree as to be considered pathological.”

This, according to the Minister, is the modern definition of Mental Disorder. If the Minister believes that this is the modern definition of Mental Disorder, then, he has got a serious lacuna within his concept of what Mental Disorder is, that he urgently needs to correct. Is it because of all the mess that he is facing with regard to COVID ever since last year that he cannot even concentrate on something so elementary?

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: I need not be a Medical Doctor or qualified in the field to simply go to the Laws of other Jurisdictions, such as the one in the United Kingdom, to see the stark difference that lies therein. There is a difference between an old, yes, I agree, an old

Legislation that must be reviewed, fundamentally reviewed as opposed to Legislation in the United Kingdom that shows what it is to be a modern one. So, the very art of copying and pasting is something that is not even mastered by our Minister of Health.

(Interruptions)

A hon. Member: *Gore toi! Toi ki gore!*

Mr Speaker: Order!

Mr Mohamed: Mr Speaker, Sir, it suffices to read, and for those who cannot, maybe, I can teach them how to read what is in the Mental Health Act there. But, maybe, the hon. Prime Minister himself did not even bother to read. Why doesn't he bother? Because he has a Minister here who just tries to self-congratulate the Prime Minister for his support for this Bill, as though he has to convince the Prime Minister to keep him as Minister; that's the problem we have been faced right now.

(Interruptions)

Mr Speaker: No; no politics!

Mr Mohamed: Well, if I am going to be insulted, I will respond!

(Interruptions)

Mr Speaker: You have important points, more important points.

Mr Mohamed: So, the Mental Disorder definition in the United Kingdom Legislation - the provision here is very clear, straightforward and modern as opposed to the old archaic definition in our Law. So, what I was going to invite the Minister to do, instead of being always on the defensive, at least, consider that it is possible to modernise the Legislation. He has not even listened to what I am saying and he is dismissing what I am saying.

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: What is the point?

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: What is the point?

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: His attitude, his arrogance is amazing. Arrogant!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order, please!

A hon. Member: Shame!

Mr Speaker: Order!

(Interruptions)

A hon. Member: Shame on you!

Mr Speaker: Order!

(Interruptions)

Order!

Mr Mohamed: His arrogance is amazing!

(Interruptions)

Mr Speaker: Be careful when I am on my feet, don't shout again!

Mr Mohamed: Saying 'shame' is parliamentary, Mr Speaker, Sir

Mr Speaker: Say it again!

Mr Mohamed: Saying 'shame' is parliamentary. 'Shame' is parliamentary.

Mr Speaker: I am not saying that.

Mr Mohamed: Oh! I did not understand you therefore; I apologise.

Mr Speaker: There are two points, one point is unparliamentary, I am not contesting that. But, when I am on my feet nobody should talk.

Mr Mohamed: I agree, fair enough.

Mr Speaker: You are an experienced politician.

Mr Mohamed: So, when one looks at the definition of Mental Disorder, and here, it means - I read the one in the United Kingdom as opposed to the one in Mauritius -

“It shall have effect with respect to the reception, care and treatment of mentally disordered patients, the management of their property and related matters.”

In this Act, Mental Disorder means -

“Any disorder or disability of mind and mentally disordered shall be construed accordingly.”

But what is most important here is the following, it says here -

“A person with a learning disability shall not...”

And it is mandatory.

“...shall not be considered by reason of that disability to be suffering from mental disorder.”

For the purposes of the provisions mentioned in subsection 2(b)...

(Interruptions)

Mr Speaker: Order! Do not disrupt the hon. Member.

(Interruptions)

Please!

(Interruptions)

Please, continue!

Mr Mohamed: And it says further, that -

“A person with learning disability not only shall not be considered by reason of that disability to be suffering from Mental Disorder...”

It goes on to say -

“...shall not be requiring treatment in a Hospital for Mental Disorder.”

So, this little distinction that makes the difference between people suffering from learning disability that is brought in statute, in the very definition of Mental Disorder is something that must clearly be noted. It does not, therefore, bring honour to anyone to simply dismiss it as though it does not make any sense. It is simple and it would be the honourable thing to do to, at least, consider that proper changes can be brought if you are to even try to call it a modern Mental Health System.

Here, it goes on to say in the United Kingdom Legislation, in statute, in the definition, there is a caveat, and the caveat is -

“Dependence on alcohol or drugs is not considered to be a disorder or disability.”

Dependence on alcohol or drugs is not considered to be a disorder or disability of the mind for the purposes of the definition, and here, the legislator in the United Kingdom shows us what it means to be a caring society for those who are mentally disordered and not to place innocent ones in the same basket - people who have a mental disorder as opposed to those with a learning disability or those who have alcohol or drug dependency issues.

So, what I am inviting the hon. Minister to do is to keep aside for a minute, for a short moment, his inability to, at least, listen to a different opinion than his. What I am inviting him to do, is to try to be smaller, but don't make him bigger than the problem, make him smaller than the problem, and try to put his interest behind and put the interest of the patients in front of all of us today.

Learn that it is possible to improve a legislation by simply learning from what has been tried and tested in other Jurisdictions. Learn from other Jurisdictions that it is in this way that you can show yourself to be caring as a Government to the Mentally Disordered people and the definition is the very beginning of the way you treat Mental Disorder. To make a distinction between those who have learning disabilities as opposed to those who don't. To make a distinction with those who suffer from alcohol and drug dependency and to remove it specifically, expressly in the definition of Mental Disorder as has been shown to us, is being done in the United Kingdom. Because it is a known fact that, in Mauritius, when we talk about people suffering from Mental Disorder, they are treated in one and the very same place, Brown Sequard Hospital. People with alcoholic dependency or drugs, whenever they have any disorder related to drugs or related to alcohol, they are sent to the same institution. This itself should not continue. I am not saying that the Minister is personally liable and responsible for the state of affairs, but I am saying to him that he is in a position, today, since he is the Minister, I am not, no one else is. He is the Minister, so, he has the power to bring the changes, but the changes cannot be superficial, they have to be profound, fundamental in the very essence of the Bill and this is what I invite him to do.

A second issue which I would like to address, when I look at the Act in the United Kingdom, I look at the Act in the United States, I look at the Act in many other European Jurisdictions, there is one stark difference with the one that is proposed by the Minister and

defended by the Minister in Mauritius. And what is the difference? The difference is that everywhere we turn and we look in this Legislation and the main Act, the rail of the Minister to name people on commissions and committees is everywhere. What the Minister may say, well, it has always been the case as the MSM loves to do; but why is it that the previous Governments did not change it?

We must be able to embrace change and it is not a defence to your inability to bring change by saying why did you not bring it yourself? You have to be able to be better than what we were. If we did not bring the change, be better; improve it where we did not do it. But, the timidity with which you are refusing to do it astounds me. Let us look at the legislation in the United Kingdom, and let us not listen to those that will be squirming around in their feeble attempt to defend you, because those people they do not know much, and the only way that you can hear them, as an empty drum, is when they make noise. So, obviously those are the very same people who cannot even make speeches without reading what has been prepared for them, anyway. So, why should I respect to what they say?

Mr Speaker: Do not comment on hon. Members!

Mr Mohamed: Yes. Oh, you know whom I am referring to?

Mr Speaker: They are elected just like you!

Mr Mohamed: But they should not be interrupting me.

Mr Speaker: There is no superiority!

Mr Mohamed: They cannot be interrupting me!

Mr Speaker: Everybody...

Mr Mohamed: They cannot be interrupting me!

(Interruptions)

They are interrupting me! Listen!

(Interruptions)

Listen! Listen!

Mr Speaker: This is sort of comments, but I am telling you, hon. Shakeel Mohamed, you are an experienced politician, parliamentarian...

Mr Mohamed: Yes, and I have to make them learn!

Mr Speaker: You always do that!

Mr Mohamed: I will.

Mr Speaker: Don't comment on the character and conduct about those people being elected ...

Mr Mohamed: I am commenting on their wrongfully making ...

Mr Speaker: You do not have the right.

Mr Mohamed: They are interrupting me every time!

Mr Speaker: You can, on a point of order, somebody on a point of order, but, you do not have the right to insult or to threaten an elected Member of Parliament!

Mr Mohamed: I have not insulted or threatened anyone. I have not done it!

(Interruptions)

Mr Speaker: This is my final ruling!

Mr Mohamed: I have not done it!

Mr Speaker: And you take your responsibility!

Mr Mohamed: I am. And I have not done it! I have not done it!

Mr Speaker: You may continue!

Mr Mohamed: I will continue speaking as I have because I have not threatened anyone, neither have I insulted anyone. So, I am inviting again the Minister ...

(Interruptions)

... whether people like me to suggest to him changes or not. I am also an elected Member here and it is my duty, my responsibility, to draw the attention of the Minister to where he is going wrong, and I do not believe it would be right for me to be interrupted when I am carrying out my duty as an elected Member. It does not matter that I am in the Opposition, I have a voice and I have to be heard!

So, what I am inviting the hon. Minister to do is as follows: why is it that we have to continue having the interference and involvement of the Minister or the Prime Minister in all our legislations? That is the question. Why is it that in the Act in the United Kingdom, you do not have the Minister naming people on commissions and committees as we have in Mauritius? Why is it that we have to have political nominees each and every time, and in

every corner that we turn around, we have to have the power given to a Minister to make political nominations? Why? I put that into question, because the mood in the country now, Mr Speaker, is what? To do away with what was used to be done in the past and to bring changes, fundamental changes, in the way the country is governed. This is an opportunity. This is an opportunity.

(Interruptions)

Mr Speaker: Order!

Mr Mohamed: When you bring a piece of legislation, it is the tool with which a country is governed. It is the parameters within which the mental health institutions have to function and the parameters within which a Minister of Health will function side by side with those institutions, but not meddle by nominating people and having a say as to who are those who have to be named there. To try to change a way a country is governed, it is an opportunity solely missed by the hon. Minister. The hon. Minister had an opportunity of elevating it to the level of legislation that we have in other jurisdictions where you do not have Ministers who have the power of nominating left, right and centre. Yes, it was done in the past as well, but it does not mean it is good for tomorrow. Yes, it was done in the past, but you have an opportunity as Minister of Health, to change what was done and to better it. The fact that you have chosen not to, the fact that you have even forgotten to look at the very definition of mental disorder, the fact that you turn your back to what is done in other jurisdictions, and how to bring it to the modern era, but are timid in your approach, shows that the Minister does not have the support of his Prime Minister.

I have done!

(5:20 p.m.)

Dr. Mrs D. Chukowry (Second Member for GRNW & Port Louis West): Mr Speaker, Sir, hon. Members of Parliament, as a young parliamentarian, I was shocked by the attitude of the Members of the Opposition who turned their back and purposely walked out while the Mental Health Care (Amendment) Bill was being presented by the hon. ...

(Interruptions)

Mr Speaker: Hon. Member, be careful! You are in Parliament, I am reminding you!

Dr. Mrs Chukowry: ... Minister of Health and Wellness.

(Interruptions)

An hon. Member: M. le président, M. le président...

Mr Speaker: I have given my ruling. I have already reminded that hon. Member.

Hon. Shakeel Mohamed, each time...

(Interruptions)

I am on my feet!

(Interruptions)

I am on my feet!

(Interruptions)

Quiet! You continue!

Dr. Mrs Chukowry: Thank you. Mr Speaker, Sir. Hon. Dr. Jagutpal has always done his best and took the right decision to protect all of us, and if we have been able to control the outbreak of the COVID-19 pandemic as compared to other countries, where thousands of people are dying every day, it is thanks to our Dr. Jagutpal, to our Government...

(Applause)

... especially to our Prime Minister. I wish to put on record, that we have full confidence in our colleague, hon. Dr. Jagutpal, he is the right man in the right place.

Mr Speaker, Sir, it is crucial that we all come to terms with the essence of our purpose in this House: to drive forward and implement policy decisions that seeks to maintain, safeguard, promote and upgrade the social economic architecture of our fellow countrymen.

Mr Speaker, Sir, today, we find ourselves in a context where Mauritius needs, more than ever, a participatory contribution from all parliamentarians to bring the necessary vital changes that need to be brought to specific sectors of our country's very blueprint, and at such a critical juncture, it is therefore fundamental...

Mr Speaker: Hon. Ganoo!

Dr. Mrs Chukowry: ...that we leave behind remonstrance and affective grievances that some may harbour and rather work together, in unison and productively, such that our people, our nation, are the ultimate beneficiaries.

Mr Speaker, Sir, there is a very sinister situation that has all the likes of becoming a future irreversible catastrophe if diligent and appropriate measures are not taken. This state of

affairs has been magnified tenfold in the wake of the COVID-19 pandemic. Mr Speaker, Sir, I am referring to the prevalence of mental related conditions and disorders globally, and which has unfortunately not spared our shores. In a cross-border survey carried out by a caucus of international health authorities, it has been revealed that during the successive sanitary lockdowns, a whopping 41% of adults reported symptoms of anxiety and/or depressive disorder. Nearly 13% of adults contemplated suicidal ideation, while 18% of individual vulnerable to the Corona virus have experienced increased levels of anxiety and depression during the pandemic.

Mr Speaker, Sir, the statistical scenario is, needless to say, even worse among workers providing essential services and frontliners. Amalgamated to this is that research from previous spells of economic downturns, tend to point out that the loss of job, income and returns is closely related to increased depression, distress and may eventually catalyse into higher rates of ...

(Interruptions)

Mr Speaker: Chief Whip!

Dr. Mrs Chukowry: ...substance abuse,...

(Interruptions)

Mr Speaker: Behave yourself!

Dr. Mrs Chukowry: ...development of mental illnesses, anti-social and short-tempered behaviour, which may endanger the lives of others and even lead to suicide.

The World Health Organisation has, in its October 2020 Survey, highlighted that COVID-19, I quote –

“has disrupted Mental Health Services in most countries.”

And hence, the need to increase resources and investments in this sector. Mr Speaker, Sir, the Organisation has further advised that, in a bid to counteract post-COVID-19 disruptions to Mental Health Services, which may, otherwise worsen neurological and mental complications such as delirium agitation and stroke and even death, countries should significantly, I quote –

“Allocate resources to mental health as an integral component of their Response and Recovery Plans”

bring about the necessary structural, infrastructural, legal and functional changes to the architectural nomenclature of the Mental Health Sector and decentralise over-saturated receptacles providing mental health care.

Mr Speaker, Sir, it is within these advisory guidelines that the Mental Health (Amendment) Bill is being tabled in a bid to strengthen and widen the operational and legal scope of the existing Mental Health Care Act. The Bill, *inter alia*, provides for the establishment of a Managerial Committee while giving leverage to the Board and Mental Health Commission, in terms of executory powers, field expertise, reporting capacity, transparency and accountability. Therefore, the amendments to the Current Mental Health Act could not come at a more opportune time and I must say that, once again, and as usual, our Government has been proactive in implementing the requisite safeguards so that the sanctity and standards of the provision of mental health care services are not only maintained, but upgraded as a whole.

The amendments accentuate on the need for sound financial management, continuous professional development of medical and paramedical staff, monitoring and auditing of every centre dispensing mental health care services, sanction professional misconduct and investigate any alleged transgression of Human Rights, decide on the mental fitness of individuals due for judicial trial and discharge of patients, including security ones.

On a final note, Mr Speaker, Sir, allow me to say that the adage of a healthy mind in a healthy body, stands as strong, and we should all, therefore, look forward to the enactment of the Bill. Last but not the least, I wish to congratulate the hon. Minister of Health and Wellness, Dr. Kailesh Kumar Singh Jagutpal for coming with such a Bill.

Mr Speaker, Sir, thank you very much.

(5.30 p.m.)

Ms J. Bérenger (First Member for Vacoas & Floréal): Mr Speaker, Sir, we do not have any objection...

Mr Ganoo: Mr Speaker, Sir, ...

Mr Speaker: Yes, is that a point of order?

Mr Ganoo: I want to make a point of order.

Mr Speaker, Sir, the Members of the Opposition have made a walkout when the hon. Minister was introducing his speech, except for hon. Shakeel Mohamed who was present.

Now, there is a rule governing the conduct of debates, and I will quote from Erskine May to the effect that a Member who has not been present in the debate cannot participate and cannot make a speech. Let me quote Erskine May –

“The Deputy Speaker,…”

An hon. Member: *Met dehors!*

Mr Ganoo: “... has reminded...”

An hon. Member: *Ecouter!*

Mr Speaker: There is a point of order, let me listen!

Mr Ganoo: I will cite Erskine May, Mr Speaker, Sir –

“The Deputy Speaker has reminded Members that the Chair is not obliged to call Members who have not been in their place for much of the debate.”

And reference is made to the House of Commons of Debate 2010, “Rules of Behaviour and Courtesies in the House”. In fact, this rule, Mr Speaker, Sir, is...

(Interruptions)

An hon. Member: *Ecouter!*

Mr Ganoo: In fact, this rule, Mr Speaker, Sir, has a wisdom. It is, in fact, to maintain the cut and the thrust of the debate and this is why, Mr Speaker, Sir, the Chair allows Members to respond to each other after having listened to the arguments of each other. This is the wisdom in this rule. So I will ask you, Mr Speaker, Sir, to give a ruling whether a Member who has not been present...

(Interruptions)

...whether a Member who has not been present, who has not listened to the speech of the hon. Minister, should be allowed to respond since she or he has not listened to the arguments and to the points made in the speech of the former Member intervening.

(Interruptions)

Mr Speaker: There is no argument; this is a point of order! No argument, this is a point of order! I’ll suspend the Sitting to consult Erskine May.

At 5.33 p.m., the Sitting was suspended.

On resuming at 6.54 p.m. with Mr Speaker in the Chair.

ANNOUNCEMENT

RULES OF BEHAVIOUR & COURTESIES

Mr Speaker: Hon. Members, I have considered the point raised by the hon. Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade, hon. Ganoo, and consulted the relevant extract quoted by the hon. Minister from the 25th Edition of Erskine May under the caption “Remaining in place for other speeches”.

This principle emanates from the “Rules of behaviour and courtesies in the House” of the UK House of Commons.

The rule referred to by the hon. Minister is to the effect that there is a set principle in the UK House of Commons that with a view to encouraging lively debate, I quote -

“a Member wishing to speak in debate should plan to be present for most of the debate and in particular should be present for the opening speeches.”

This has been set out as a guidance issued under the authority of the Speaker in the UK House of Commons.

Hon. Members who were absent when the mover of the Bill was presenting the Bill and commending same to the Assembly and wishing to speak in the debate may, in order to maintain the cut and thrust of debate, refute the arguments of the preceding orator and, out of courtesy, are not expected to refute the arguments of the mover of the Bill.

Hon. Members speaking in the debate are also expected to remain for at least the next two speeches after their own and be present for the winding-up speech.

I rule accordingly.

Hon. Ms Joanna Bérenger!

(6.56 p.m.)

Ms J. Bérenger (First Member for Vacoas & Floréal): Merci M. le président. Permettez- moi quand même de regretter cette tentative de bâillonner les membres de l’Opposition...

(Interruptions)

...surtout quand cela vient de quelqu’un qui se prétend démocrate.

Mr Speaker: Order! Order!

(Interruptions)

Order! Respect the rule of debate, courtesy and behaviour!

An hon. Member: L'arrogance !

(Interruptions)

Ms Bérenger: Mr Speaker, Sir, we do not have any objection to the amendments being brought to the Mental Health Act *per se*. Mais il est décevant de constater que le gouvernement n'est pas en train de saisir l'occasion pour reformer notre système de santé mentale, *because there is room to create more sustainable, more accessible and more effective mental health care. The Minister is talking about the importance of...*

Mr Speaker: When? What? I told you not to refute the Minister.

Ms Bérenger: In his Explanatory Memorandum.

(Interruptions)

Mr Speaker: I have already ruled.

Ms Bérenger: It's in the Bill.

Mr Speaker: Don't refute the Minister! You were not here.

(Interruptions)

Ms Bérenger: I am not refuting. It's in the Bill.

Mr Speaker: Carry on!

(Interruptions)

Ms Bérenger: May I continue?

Mr Speaker: Bien sûr!

Ms Bérenger: Thank you.

(Interruptions)

Do you find it normal to have such remarks?

Mr Speaker: Hon. Members! Hon. Members, if there is a point of order and if somebody on this side is pointed to, I will take sanctions. Be careful!

Ms Bérenger: Many do not seek or receive proper mental health care due to stigma and lack of prioritisation and licensed psychologists, and the practice of forced mental institutionalisation. I will, thus, elaborate on those three points and make some suggestions. Like so many other subjects, mental illness is a taboo in Mauritius. When someone suffers from their limbs or their organs, the question of whether they really need medical help does not even arise, but when someone suffers from the condition of the mind, their suffering is hushed. Often it is not even acknowledged. With society treating their pain as negligible, the suffering persons do not seek out help and their conditions worsen. Hundreds of Mauritians therefore do not even go for treatment which they badly need, but, those who do, are faced with yet another hurdle, the stigma of being a mental health patient. Attending the main psychiatric hospital of Brown Sequare is also a taboo. The true nature of the condition of someone coming from Brown Sequare will be kept hidden by the family like a dark and shameful secret. While in truth, in this context today it is an enormously brave thing to do for someone to seek help and treatment. To these courageous and beautiful human beings, we owe the best public mental health care we can provide and also an active campaign against stigmatisation so that people are accepted for who they are. This is a human right and a human dignity issue.

Currently the taboo and the stigma lead to misleading numbers regarding demand for mental health care. If too often people do not come forward to public services for mental health issues, the rising number of consultations in the private sector is an indicator of a psychiatric mobility in our island. And because mental illness is a taboo, not enough importance is given to it in public policy.

Depression is a leading cause of disability worldwide as per World Health Organisation, and yet, we still do not actively prioritise mental health care. An example, there are only 8 psychologists at the Ministry of Health for a population of 1.2 million and only 15 psychologists at the Ministry of Gender Equality and Family Welfare to cope with so many cases of domestic violence, child abuse and more than 600 children placed in shelters.

Et pourtant nous sommes signataires de la Convention Internationale des Droits de l'Enfant, dont l'article 25 confère clairement à l'enfant qui a été placé par les autorités de recevoir des soins, une protection ou un traitement physique et mentale, le droit à un examen périodique du dit traitement. Ce qui n'est pas le cas dans les *Shelters* ou les *Rehabilitation Youth Centres* et le *Correctional Youth Centre*. Dans ces deux derniers, aucun suivi

thérapeutique n'est proposé aux jeunes par le gouvernement. Ce sont des ONG qui font des thérapies de groupe dans ces deux institutions.

L'assistance de la psychologue se fait uniquement de manière ponctuelle en cas de nécessité. Très souvent, les officiers qui y travaillent portent eux- même des préjugés sur les traitements psychologiques et confondent les traitements psychologiques avec des mesures disciplinaires, d'où l'importance d'une formation et d'une sensibilisation à la santé mentale.

Les *Probation Officers* qui décident du sort des jeunes, c'est-à-dire, s'ils sont prêts à sortir ou pas ne tiennent même pas compte de l'avis de la psychologue. Aucun accompagnement psychologique des familles. Où est la priorité qui devrait être donnée à la santé mentale de ces jeunes?

Au *Correctional Youth Centre*, pas de suivi thérapeutique non plus. Un psychologue de la prison peut être appelé de manière ponctuelle. Donc, quel est le projet de réhabilitation pour ces jeunes si l'aspect psychologique n'est pas pris en compte, comment pense-t-on que ces jeunes pourront sortir des comportements et des fléaux qui les ont justement amenés là ? Sur quoi se basent les activités au sein de ces institutions pour une réhabilitation réelle ? Pas étonnant que dans la fiche profile dédiée à notre pays dans l'analyse du système de santé mentale de l'OMS, nous soyons si mauvais élèves. Nous n'avons rapporté aucune stratégie, aucun plan de santé mentale pour les enfants et adolescents ; aucun plan de santé mentale, aucun programme pour les enfants et les adolescents, tout simplement parce qu'il n'y en a pas. Nous n'avons d'ailleurs aucun spécialiste en pédopsychiatrie dans nos services publics. C'est une honte ! Et cela, alors que l'OMS décrit le suicide comme étant la deuxième cause de décès chez les 15 à 29 ans.

Autre exemple, dans nos écoles publiques, on est loin des recommandations internationales en matière de santé mentale en milieu scolaire. Selon le *School Safety Task Force* américain de 2018, le ratio recommandé est d'un professionnel en psychologie pour 500 élèves. Nous sommes actuellement à un accompagnateur ou *Educational Psychologist* ou *Educational Social Worker* pour 3,663 enfants.

Heureusement, encore une fois, que les ONG viennent sauver les meubles dans certaines écoles. Ils viennent améliorer la situation quand ils le peuvent. Dans nos hôpitaux même constat. J'ai pu entendre le témoignage poignant de la maman de la petite Emilie, déclarée morte à la naissance puis découverte vivante une heure après sa naissance. La petite Emilie dont la vie ne tient qu'à un fil et qui se bat toujours aujourd'hui après que sa maman

ait dû se battre pour qu'on lui accorde cette chance, parce que les médecins de l'hôpital de Rose Belle avaient déclaré son bébé non viable avant même une échographie et l'avaient déclaré morte à la naissance. Cette maman qui a traversé une épreuve traumatisante ne sait même pas vue proposer les services d'une psychologue.

Mrs Koonjoo-Shah: On a point of order, Mr Speaker, Sir. I believe that ...

Mr Speaker: Point of order?

Mrs Koonjoo-Shah: Yes, I believe that the hon. Member is completely speaking out of the ambit of the current legislation being debated.

(Interruptions)

Ms Bérenger: I am talking about mental health in our institutions.

(Interruptions)

Mrs Koonjoo-Shah: Mr Speaker, Sir ...

(Interruptions)

Mr Speaker: Have you given your ruling?

Ms Bérenger: I am talking about mental health in our institutions.

(Interruptions)

Mr Speaker: Hon. Ms Bérenger, have you given your ruling?

Ms Bérenger: Yes.

Mr Speaker: There is a point of order and you give the ruling? Stick to the Bill.

Ms Bérenger: May I continue? Thank you.

So, obviously, my first suggestion is to increase the number of therapists. Un autre signe qui illustre ce manque de priorité accordé à la santé mentale.

Toujours dans notre fiche profile, analysant notre système de santé mentale sur le site web de l'Organisation Mondiale de la Santé, aucune dépense du ministère de la santé n'a été rapportée quant à l'investissement dans la santé mentale alors même que l'OMS recommande d'augmenter les dépenses dans ce domaine pour améliorer la sensibilisation, réduire la stigmatisation, améliorer la qualité de la prise en charge, l'efficacité des traitements et investir dans la recherche pour améliorer les traitements en vigueur concernant les maladies mentales.

Qu'est-ce qui est fait d'ailleurs au niveau de la recherche? Toujours dans notre fiche profile, rien n'a été rapporté à l'OMS concernant le traitement des cas de *severe mental disorder*. Il ne peut pas s'agir simplement d'oubli. Ces manquements montrent bien que l'adhésion aux *guidelines* de l'OMS et le suivi régulier qui en découle ne sont pas des priorités ici. Pourtant, aujourd'hui plus que jamais l'épanouissement et le bien-être de nos compatriotes sont clairement mises à rude épreuve *and we have to be ready to provide assistance to our citizens with regard to the impact of the lockdown on mental health*.

L'honorable Dr. Ms Chukowry a fait état des conséquences du confinement sur la santé mentale mais je regrette que ma requête faite le 22 mars dernier suggérant la mise en place d'une *hotline* par le ministère de la santé pouvant accompagner nos compatriotes en détresse à travers une écoute et un soutien psychologique n'a pas été entendu car mise à part la *hotline* du ministère de l'Égalité des Genres et du Bien-être de la Famille pour les cas de violence domestique, le gouvernement ne propose aucun soutien psychologique en ces temps particulièrement difficile de confinement.

Lors du premier confinement, la société des professionnelles en psychologie avait proposé un service ...

Mr Speaker: Point of order!

Mrs Koonjoo-Shah: On a point of order, Mr Speaker, Sir, the hon. Member is misleading the House in stating things that are not true, that the Government does not provide psychological help to victims of domestic violence. Once again, she is completely ...

Mr Speaker: Order!

Mrs Koonjoo-Shah: ... going out of the ambit of the Bill currently being debated in the House, Mr Speaker, Sir.

Mr Speaker: So, hon. Member, listen to me carefully. There is a paper circulated on which all the amendments appear.

(Interruptions)

Are you giving any ruling? So, restrict yourself to the amendments and I am allowing you sufficient time and space to broaden a little bit but you have to respect Parliamentary democracy not only in the Press but in the Chamber.

Ms Bérenger: Ce que je suis en train de dire c'est que le ministère de la santé, malheureusement, ne propose aucun accompagnement psychologique pour les citoyens qui sont dans une détresse psychologique.

La ministre fait référence à la *hotline* qui existe dans son ministère mais je parle d'une hotline en générale pour les citoyens en détresse psychologique. Lors du premier confinement, la société des professionnelles en psychologie avait proposé un service d'accompagnement et d'écoute et a pu noter une recrudescence des comportements dépressifs et suicidaires. Un service d'écoute et d'accompagnement est donc absolument nécessaire. Ce service d'écoute est encore une fois proposé cette année mais le gouvernement ne peut systématiquement se reposer sur les ONGs. Il est du devoir et de la responsabilité de l'État de venir en aide à ces citoyens en détresse psychologique et bien évidemment, ce service ne devrait pas s'arrêter au confinement et devrait faire partie intégrante des services proposés par le ministère.

Si l'on veut même aller plus loin, l'exemple ...

(Interruptions)

Mr Speaker: Excuse me, may I ask you which Ministry you are referring to?

Ms Bérenger: Ministry of Health.

Mr Speaker: Ministry of Health, that is good. Thank you.

To the Ministry of Health, you could say it, okay. Go ahead!

Ms Bérenger: Si l'on veut même aller plus loin, l'exemple de la Norvège est très instructif en ce qu'il s'agit de la prise en charge des patients ayant des maladies mentales mettant même à leurs dispositions des cliniques d'urgences psychiatriques avec des *emergency rooms*. *Norway even announced in 2017 a ground-breaking medication-free treatment initiative that provides psychiatric wards for people with mental illness who do not want to take psychiatric medication.* Mais pour pourvoir prodiguer des soins aussi pointus encore nous faut-il investir dans la quantité mais surtout dans la qualité de nos professionnelles.

Ce qui m'emmène à mon deuxième point, souvent nos compatriotes ne reçoivent pas un traitement approprié à leur maladie mentale dû au manque de qualifications où de formations des personnes traitantes. Pour commencer, au-delà des allégations que des protégés politiques siègent sur le *Mental Health Board*, il n'est pas concevable que ce *Board*

qui est amené à prendre des décisions importantes avec de lourdes conséquences pour les patients puissent inclure des professionnels n'ayant pas les qualifications requises. Et comme le recommande la société des professionnels en psychologie, la section 3(ii)(g) concernant les membres du *Board* et qui se lit comme suit –

« *A person qualified in the field of clinical psychology or occupational therapy* »

devrait être amendé pour ne garder que la qualification de *clinical psychology* afin qu'en aucun cas un ergothérapeute, par exemple, ne peut se substituer à un psychologue clinicien en ce qu'il s'agit de la santé mentale. Cela devrait pourtant aller de soi. Par ailleurs, la recherche en santé mentale est très dynamique et évolue constamment. C'est pourquoi la formation continue est nécessaire afin d'être à jour avec les nouvelles avancées.

En ce qu'il s'agit de la section 5.4(1)(g) du *Mental Health Act* devrait également être inclus dans la formation continue, les médecins, les psychiatres et plus généralement tous les membres des équipes impliqués dans les soins. En ce qu'il s'agit de l'examen, de l'admission et du suivi des patients, plus précisément la partie 3 du *Mental Health Act*. Il est écrit à la section 7 sous-section (i) qu'un médecin ou psychiatre devrait examiner le patient. *We should not forget that people with mental health issues are always vulnerable to basic rights' violations and that each illness has its specificity.*

Dans cette optique, il serait beaucoup plus juste et approprié de favoriser les équipes pluridisciplinaires avec plusieurs spécialités incluant pédopsychiatres et psychiatres pour examiner les patients. Je suggère donc qu'un médecin et un psychiatre soient mandatés pour examiner un patient voire d'autres professionnels mais pas un médecin ou un psychiatre. Aussi l'erreur est humaine et il est moins risqué, plus sage et plus juste d'avoir différentes opinions plutôt qu'une seule pour un meilleur examen et une délibération plus juste. Le souci de justice dans l'examen du patient implique également son consentement lorsqu'il en a la capacité, bien sûr, en cas d'admission ou pour un traitement éventuel. Si le ou la patiente a la lucidité nécessaire, il est essentiel qu'il ou elle comprenne l'importance du traitement en question afin que celui-ci puisse être efficace. Ainsi à la définition de *voluntary patient* à la section 13(iv) du *Mental Health Act* devrait être ajouté la nécessité que le patient ou la patiente ait compris en quoi consiste le traitement et en quoi il s'avère pertinent dans son cas. Le personnel médical doit pouvoir prendre ce temps de dialogue et d'explication pour une meilleure efficacité du traitement.

Mais aussi pour que le consentement puisse être réel. On ne peut donner son consentement sans avoir conscience du contenu, de ce à quoi nous sommes en train de consentir. Le consentement ne peut pas non plus exister s'il est donné sous la pression. Le choix de suivre un traitement doit être libre et éclairé.

J'accorde une attention particulière à cette section car au-delà de l'aspect médical, c'est notre pays en entier qui en bénéficierait si nous choissions de cultiver la culture du consentement libre et éclairé.

Voilà pourquoi j'estime qu'avec les amendements que nous considérons aujourd'hui, nous sommes passés à côté des trois grandes priorités de réforme du traitement de santé mentale à Maurice. Je déplore cette occasion ratée et j'espère que le gouvernement s'attaquera vite à ce chantier délaissé aujourd'hui. En attendant, je crains que les amendements proposés soient bien loin d'améliorer la situation, même pour le groupe visé, c'est-à-dire pour les personnes en détention ou emprisonnées.

La Commission et le *Managerial Committee*, selon les explications, dans le Bill, permettront de mieux gérer les plaintes et canaliser les patients potentiels. Mais le vrai problème n'est pas là pour ces personnes emprisonnées. Il est dans le fait qu'aujourd'hui les personnes, dites *criminally insane*, sont toutes enfermées dans le même compartiment à Brown Sequard. D'abord, il n'y a pas d'institution propre à eux, avec toute la logistique spécialisée et appropriée et c'est le même staff, les mêmes médecins et les mêmes infirmiers qui s'occupent des personnes dites *criminally insane* et des autres patients dits *mentally impaired*.

Ensuite, l'exiguïté et la promiscuité des lieux qui leur sont dévolues, entraînent des conditions peu propices à leur établissement où même à leur sécurité élémentaire. C'est ainsi qu'il a eu dans le passé un crime à cet endroit, toujours pas résolu. Encore une fois, on vient avec une loi mécanique pour donner l'impression de faire les choses mais les véritables problèmes restent entiers.

Pour finir, j'aimerais exprimer ma gratitude envers le personnel soignant, en général, sans qui, on ne saurait traverser la crise sanitaire actuelle. À l'heure où l'on parle de santé mentale, ils font eux-mêmes face à énormément de pression et il faut les protéger du mieux possible. C'est dans cette optique que j'avais proposé que leur soit accordé à eux aussi un soutien psychologique afin qu'ils puissent par la suite s'occuper et prendre soin de nos

compatriotes malades. Qu'il s'agisse du personnel soignant ou des patients, il est primordial que nous mettions l'humain au cœur de chaque action.

Merci.

Mr Speaker: Hon. Mrs Diolle!

(7.18 p.m.)

Mrs T. Diolle (Fourth Member for Belle Rose & Quatre Bornes): M. le président, pour commencer, cela est très injuste de dire qu'il y a eu une tentative de bâillonner l'opposition. L'opposition a fait un *'walk-out'* à l'exception de l'honorable Shakeel Mohamed. Je me dois répondre, justement, aux arguments avancés par l'honorable Ms Joanna Bérenger puisqu'elle les a avancés, même si en dehors du Bill.

M. le président, l'honorable Dr. Jagutpal est le *'frontliner'* des *'frontliners'*. C'est lui qui a géré deux crises de confinement de COVID et aujourd'hui on voit une opposition qui a utilisé, justement, un instrument parlementaire pour s'exprimer par rapport à ce qu'ils pensent de lui. On appelle cet instrument le *Motion of No-Confidence* mais, bien sûr, comme à son habitude, l'opposition se prend pour le juge et le parti sans même que cette motion soit débattue dans la Chambre, dans cette auguste Assemblée, ils décident de sortir et de ne pas écouter l'honorable Dr. Jagutpal. Mais comment est-ce que vous voulez qu'on vous respecte si vous ne nous respectez pas? L'honorable Dr. Jagutpal reste le *'frontliner'*...

(Interruptions)

... la personne qui a été au-devant de la crise. Il a tous les mérites puisqu'il a pu nous justement faire sortir de cette crise et vos *Motions de No-Confidence*, vos manques de respect vis-à-vis de notre collègue de la majorité ne marcheront pas. Votre motion sera rejetée avec le dédain qu'elle mérite.

(Interruptions)

Ensuite, pour en venir aux arguments par rapport au *Bill* qui est débattu, M. le président, si vous me permettez, avant de répondre aux arguments avancés par l'honorable Bérenger, je voudrais répondre à l'honorable Shakeel Mohamed qui a fait un appel, M. le président...

(Interruptions)

Mr Speaker: Order!

Mrs Diolle: Il nous a demandé de faire mieux que le gouvernement dans lequel il était. Je veux le rassurer. On fait mieux que le gouvernement dans lequel il était. Puisqu'en période de deux crises, M. le président, deux crises économiques, on prend celle de l'année dernière pendant le *lockdown* et cette année-ci, où est-ce qu'en est les droits des travailleurs ? Qu'a fait le gouvernement et le ministère de l'honorable Shakeel Mohamed pendant la période de crise économique de 2008?

Mr Speaker: Come to the debate!

Mrs Diolle: Rien que sur ce point, M. le président...

(Interruptions)

Mr Speaker: Come to the debate!

Mrs Diolle: Rien que sur ce point, je veux le rassurer. Nous faisons mieux que le gouvernement dans lequel il a fait partie. Beaucoup de choses ont avancé. Nous gérons les crises différemment et mieux.

(Interruptions)

Donc, M. le président, pour venir sur le *Bill* en lui-même.

(Interruptions)

Donc, pour répondre à l'honorable Ms Bérenger, qui a fait un plaidoyer justement pour inclure plus de psychologues, il est très difficile de lui répondre puisque c'est complètement *out of subject* du *Bill*. Parce que ce que l'honorable Dr. Jagutpal nous a expliqué, c'est qu'il a amené un amendement par rapport justement à la gestion de la Commission qui revoit les abus, les cas d'abus qui sont pratiqués contre les patients qui souffrent de maladies mentales ou les *security patients*, ceux qui sont condamnés, qui ont commis des crimes et qui ne peuvent pas être condamnés de par leur santé mentale.

L'amendement de cette loi n'est pas générique. Elle n'est pas une revue complète de la loi. On ne revoit pas le *Mental Health Care Act*, et c'est stipulé dans l'explication de la loi. C'est stipulé, M. le président.

Donc, maintenant pour aller répondre à cette démagogie sentimentale, cette exploitation des sentiments...

(Interruptions)

Mr Speaker: Order!

Mrs Diolle: ... c'est ridicule. Quoi avancer comme point pour expliquer qu'il n'y a pas des psychologues dans les *RYC*, et sur le nombre de psychologues dans les institutions, alors que ce genre de proposition peut être fait dans le cadre des consultations budgétaires. Le ministre des Finances a consulté la société civile qui peut amener des propositions et d'ailleurs même toutes les recommandations que l'honorable Ms Bérenger a faites, nous les avons tous reçues de la Société des Psychologues. Nous avons, tous les parlementaires de cette Chambre, reçu exactement les mêmes recommandations qu'elle a faites par rapport au *Bill* et ces recommandations ont été amenées justement à l'honorable Dr. Jagutpal qui, à aucun moment, n'a rejeté ces recommandations. C'est juste qu'elles ne sont pas...

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Respect the House!

Mrs Diolle: C'est juste...

(Interruptions)

... que ces recommandations n'ont rien à voir avec ce projet de loi, M. le président. Il faut savoir rester dans le débat parce qu'on perd le temps de la Chambre et ça devient difficile d'aller réfuter des points qui n'ont pas de sens, et je m'excuse pour cela.

(Interruptions)

Mr Speaker: Order, hon. Ms Bérenger!

(Interruptions)

Hon. Ms Bérenger, you should learn to behave in the House!

(Interruptions)

Learn to behave in the House!

(Interruptions)

Mrs Diolle: Un point qui a été soulevé, M. le président...

(Interruptions)

Mr Speaker: Learn to behave in the House! You do not have the floor!

(Interruptions)

Mrs Diolle: M. le président, un point a été soulevé par l'honorable Ms Bérenger qui nous dit, qui nous informe, que les professionnels qui travaillent dans le domaine de la santé ne sont pas qualifiés. M. le président, l'*Allied Professional Health Bill* est passé en 2017. L'honorable Paul Bérenger félicite même le ministre Husnoo, ministre de la Santé d'alors et dit le projet a été bien accueilli parmi les professionnels de la santé, qui inclut un *cluster* pour les Psychologues, M. le président. Et pourquoi ça a été bien accueilli ? Parce que dorénavant ils auront une licence pour pratiquer. Ce gouvernement a régularisé le secteur justement, M. le président. Comment venir dire que les professionnels de la santé ne sont pas qualifiés ? Mais quelle arrogance ! C'est ça qu'on appelle l'arrogance, M. le président. Parler des choses qu'on ne connaît pas avec dédain et mépris. Et c'est justement ce qui - je vous le dis franchement, M. le président, ce qui me met hors de moi, c'est le traitement qu'on inflige à l'honorable Dr. Jagutpal qui travaille nuit et jour. Ce dédain et ce mépris, c'est ça qu'on appelle l'arrogance, parce que l'honorable Dr. Jagutpal est un homme humble que nous côtoyons tous les jours et c'est quelqu'un qui travaille très dur.

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order!

(Interruptions)

Mrs Diolle : M. le président, il est vrai que pour mes collègues de l'autre côté de la Chambre, il est difficile d'envisager que ce que j'ai dit, c'est quelque chose que je constate puisqu'ils voient la vie en noir. Donc ils ne peuvent pas penser que je ne fais pas ça, sans aucun besoin de *reward*, de médaille, puisque eux, ils ne flattent pas sans arrière-pensée, j'imagine, sans agenda. Et, moi, je ne fais que reconnaître les mérites d'un homme parce que la méritocratie, c'est ici, de ce côté de la Chambre. Donc, pour revenir au *Bill*, vous savez la situation des personnes qui souffrent de maladies mentales, a eu une reconnaissance en 2015. C'est en 2015 que les maladies mentales sont venues sur l'agenda, de ce qu'on appelle le *Sustainable Development Goals*. L'introduction des maladies mentales comme un but qui doit être atteint ...

(Interruptions)

Mr Speaker: Order!

Mrs Diolle: ...par tous les États membres des Nations Unies...

Mr Speaker: Order! Hon. Mohamed!

Mrs Diolle: ...a amené une nouvelle tournure justement à tout ce qu'on appelle les politiques publiques. Et si je vous dis, M. le président, que depuis 2015, l'État mauricien a fait très bien puisqu'il a amené le *Allied Health Professional Act* et aussi a amendé, en 2019, le *Mental Health Care Act* pour pouvoir améliorer les droits des patients qui souffrent des maladies mentales. Cependant, qui niera que si les Nations Unies ont dû inclure les maladies mentales dans le *Sustainable Development Goals*, ça implique, M. le président, qu'à travers le monde, il y a un problème de stigmatisation. Si on lit le rapport du *Lancet Commission on Global Mental Health*, qui a été publié en 2018, c'est que les pays qui sont en voie de développement, et ceux qui ont les moyens, ce qu'on appelle les *high-income country*, n'ont aucune différence dans le traitement des maladies mentales. Aucun pays ne fait mieux que son ami. C'est très rare que vous ayez même les bons élèves en termes de santé publique qui font très mal en ce qu'il s'agit des maladies mentales.

Donc, maintenant pour venir dire qu'à Maurice il y a un délaissement, que c'est fait exprès, tout ça, M. le président, démontre qu'on ne connaît pas la réalité des choses et on ne réalise pas que ce n'est qu'en 2015 que les maladies mentales ont été mises sur l'agenda pour l'avancement de l'humanité. C'est en 2015 qu'il y a eu sa reconnaissance par rapport aux SDGs des Nations Unies.

En ce qu'il s'agit de Maurice, quand on parle des maladies mentales, on parle de 3,139 cas qui sont admis à Brown Sequard, et là, on parle de 2019. Ces 3,139 cas sont ceux qui sont admis, M. le président, mais cependant, il y a à-peu-près 5,267 cas en globalité à Maurice qui sont traités, que ce soit dans des institutions publiques et des institutions privées. C'est pour ça qu'il fallait à tout prix que cette loi soit amendée, M. le président, parce que quand on parle de stigmatisation de ceux qui souffrent des maladies mentales, c'est parce qu'il y a une tendance à bafouer le droit de ces personnes qui sont des personnes extrêmement vulnérables. Et, ce gouvernement, M. le président, amende la loi pour s'assurer que le droit de ces personnes soit respecté. Mais comment venir nous dire que ça aurait dû être mieux, ça aurait dû être ceci, ça aurait dû être cela ? Vous voulez amener un nouveau *Mental Health Care Act*, venez avec une Pétition, venez avec une *Private Motion* ; venez avec un *Private Bill* à l'Assemblée si vous avez des propositions, si vous pensez faire mieux

que l'honorable Dr. Jagutpal ! Amenez votre projet de loi ! Amenez-le, débattrez-le, ici, si vous avez une autre vision des choses ! M. le président, on juge le cadre de loi par rapport à l'implémentation.

J'ai écouté attentivement l'honorable Ms Bérenger, peut-être qu'elle a tort ou peut-être pas quand elle dit que le traitement dans ces institutions laisse à désirer.

(Interruptions)

Et après, elle félicite le personnel de santé, hypocritement. Le traitement laisse à désirer, mais c'est l'honorable Dr. Jagutpal qui est à blâmer parce que c'est lui qui s'assure que chaque patient soit bien soigné, mais le personnel de la santé, il faut l'épargner ! On appelle ça de l'hypocrisie, M. le président. L'hypocrisie!

(Interruptions)

Mr Speaker: Order!

Mrs Diolle: M. le président, pour terminer, je remercie l'honorable Dr. Jagutpal, qui, en période de confinement, a continué justement de gérer le COVID. Vous savez, ce n'est pas évident d'être à sa place, devoir gérer le COVID, devoir gérer tous ces institutions de santé et avoir un si gros budget qui doit être alloué aux ressources, en termes de vaccination, qui doit être alloué à la gestion du COVID. Mais toujours penser aux personnes qui souffrent de maladies mentales, M. le président, ça démontre qu'il croit dans ce qu'il fait et qu'il a à cœur le bien-être de la population. Aujourd'hui, si on a cet amendement et que ça passe en priorité, ça démontre qu'à aucun moment ce gouvernement met de côté ceux qui souffrent des maladies mentales.

M. le président, pour conclure, je voudrais dire que, dorénavant, étant donné que Maurice ambitionne à devenir un *Regional Medical Hub*, il y a encore plusieurs avancées qu'il faut faire. Cela concerne tout l'aspect psychosociale de ceux qui souffrent des maladies mentales, puisque ça été reconnu que le simple traitement psychiatrique ne suffit pas.

C'est avec plaisir que je vois que dans le *Board* il y a un *social worker*, mais peut-être pour l'avenir, M. le président, quand on sort de cette période de crise, et j'en ai parlé à l'honorable Dr. Jagutpal, qui est très ouvert et qui a comme vocation la santé mentale, puisque lui-même étant psychiatre, il faudrait peut-être commencer à envisager, le traitement différemment et prendre tout cet aspect de psychosocial. Donc, c'est ça ma suggestion.

Merci, M. le président.

Mr Speaker: I will ask that the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

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

Hon. Eshan Juman, please!

(7.32 p.m.)

Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir, for allowing me to intervene on the Mental Health Care (Amendment) Bill (No. II of 2021).

Mr Deputy Speaker, Sir, recently, as a Member of the Public Accounts Committee, along with other colleague Members of the House, we got the opportunity to work on the situation of our Mental Health Care Services. We even got the chance to visit the Criminal Mental Patients Ward, among other wards of the Brown Sequard Hospital. I can tell you, Mr Deputy, Speaker, Sir, the expectations from all parties to bring appropriate changes to our healthcare system was very high.

Unfortunately, it is a missed opportunity by the hon. Minister today to come up with some cosmetic changes. I listened to what hon. Tania Diolle said.

M. le président, je tiens à rassurer l'honorable Tania Diolle qu'on n'est pas là pour discuter du traitement qu'on va réserver à l'honorable Dr. Jagutpal ; on aura amplement le temps pour discuter de ce qu'on va devenir et de ce qu'on va faire avec l'honorable Dr. Jagutpal, ensemble avec les membres de l'autre côté de la Chambre.

Mr Deputy Speaker, Sir, coming to the amendment proposed, first of all, I wish to put in the limelight the reviewing of mental patients, who are suspected of having committed a criminal offence or who are under Police custody or who are detained in a Reform Institution, as per the Reforms Institution Act, which will now be performed by the Managerial Committee instead of the Mental Health Commission. The Managerial Committee, as proposed, will be composed of two mental health professionals and a nurse having wide working experience in general nursing.

Mr Deputy Speaker, Sir, though I believe it is a medical duty, but it cannot be done only by two mental health professionals and a nurse. A mental disorder, which is also known as a mental illness or psychiatric disorder, it is a behavioural or mental illness, which causes significant distress or impairment of personal functioning. It greatly disturbs the individual's

thinking, moods, behaviours, seriously increases the risk of disability and can even cause death. The said mental health professional may diagnose the mental illness as persistent, relapsing and remitting and occur as a single episode.

Mr Deputy Speaker, Sir, the specific duty of the two mental health professionals in the Managerial Committee is focused on giving a prognosis to help the criminal law process while considering the nature and the degree of the mental illness. In this context of the Mental Health Care (Amendment) Bill, I wish to lay emphasis, Mr Deputy Speaker, Sir, on adding new features to section 6 (a) Managerial Committee of the Mental Health Care (Amendment) Act. I suggest that the Managerial Committee should consist of a person with, at least five years working experience in the field of Psychiatric Nursing, instead of having a wide working experience in General Nursing. This will help the said committee understand the specific nursing care required at ward level by all security patients, who were previously known as criminal mental patients.

Furthermore, the said Managerial Committee should also consist of a licensed psychologist, one medical social worker, a probation officer and a forensic attorney-at-law. The psychologist would be required to carry out a specific psychological test to gauge as to whether the impairment of the personal functioning of the individual has improved or worsened, to do a psychological evaluation of the security patient, and provide a psychological assessment through an informative psychological report. The appointment of the medical social worker, with at least five years working experience, would enable the committee to understand better the causative precipitating factors and also, the appointment of a forensic attorney-at-law, with wide experience in handling cases, where an individual with mental illness had committed a criminal offence would give a bird's eye view on handling such cases, from a legal point of view, of course, taking into account the welfare of the said individual.

As far as the appointment of a Probation Officer, also a Law Enforcement Officer with working experience in submitting psychosocial inquiry report to the Magistrate would act as a facilitator in tandem with the medical social worker to make the Courts understand clearly the causative factor, precipitating factors which led the said individual with psychiatric illness to commit a criminal offence, which include violence and others.

Mr Deputy Speaker, Sir, I strongly believe that, when the said Managerial Committee is fully amended, any patient, who is suspected to have committed a criminal offence, would get access to a proper, unbiased hearing before the said Committee.

Mr Deputy Speaker, Sir, the functions of a Mental Health Commission should never become an enforcement body to carry out any disciplinary enquiries and thus, waste of time, energy and other resources in doing the same job. As the PSC and other existing councils, the Medical Council, etc., whether for doctors, nurses, or any public officers, since the PSC and other councils provide for any disciplinary committee, if so required. The Mental Health Commission should instead be complementary to the Managerial Committee in case there are any ethical issues which arise while handling cases.

Mr Deputy Speaker, Sir, I wish to lay emphasis that the part requiring to make provisions for certain criminal offences, such as failure to attend commission when required to do so, also giving false misleading evidence before the Commission, should be jointly dealt within the presence of a Barrister, representing the said offender. The commission should co-opt for a Law Enforcement Officer, Mental Health Care Probation Officer to provide Psychosocial Enquiry Report in tandem with the medical social worker.

Furthermore, the said Bill should provide for a more specific subsection on the provision of Police assistance where the Police does not make any fuss to take any person suffering from a mental illness to a Psychiatric Healthcare Center for treatment.

I thank you for your attention.

The Deputy Speaker: Thank you very much. Hon. Mrs Luchmun Roy!

Mrs Luchmun Roy: Thank you, Mr Deputy Speaker, Sir. I move that the debate be now adjourned.

Mrs Koonjoo-Shah seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 11 May at 11.30 a.m.

The Deputy Prime Minister seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned. Specific matters, hon. David!

(7.42 p.m.)

MATTER RAISED

AIR MAURITIUS LTD & AIRMATE LTD – EMPLOYEES – FINANCIAL ASSISTANCE

Mr F. David (First Member for GRNW & Port Louis West) Merci, M. le président. Je tiens tout d’abord à remercier notre Assemblée nationale pour le droit qui m’a été accordé de soulever ce soir un sujet qui échappe souvent, j’en suis bien conscient, au radar de notre Parlement, car *Air Mauritius Limited* est une entreprise publique cotée en bourse.

Je précise que mon propos ici et aujourd’hui a pour principale vocation d’attirer l’attention du gouvernement et du Parlement sur la zone d’extrême turbulence que traversent depuis plus d’un an, les employés d’*Air Mauritius Limited* et de sa filiale *Airmate Limited*, moins connue du grand public.

Le dernier rapport financier pour MK concerne l’année 2018-2019 et fait apparaître un total de 2929 employés au 31 mars 2019, incluant le personnel externalisé d’*Airmate*. Deux ans après la publication de ce rapport et un an après la mise sous administration volontaire d’*Air Mauritius*, le nombre exact de personnes actuellement employées chez MK n’est pas précisément connu car il existe un certain brouillard autour de notre paille-en-queue. Par contre, le signal de détresse lancé par le personnel est, lui, clairement visible et audible dans ce ciel teinté par la pandémie et l’administration. Et, je souhaiterais commencer par ces hommes et ces femmes à qui on a imposé un départ à la retraite l’année dernière. Il s’agit de celles et de ceux qui avaient passé 33 ans et un tiers au sein de MK, autrement dit 400 mois de bons et loyaux services et selon mes informations, sur 140 personnes concernées, trois d’entre elles approchaient l’âge de 65 ans soit le *normal retirement age* alors que parmi les 137 autres salariés, plusieurs avaient moins de 55 ans et projetaient de travailler encore une dizaine d’années.

Ces personnes se sont alors retrouvées dans l’obligation de stopper brusquement leur carrière tout en ayant le choix apparent entre une pension complète et une pension réduite accompagnée d’une indemnité de départ à la retraite, le fameux *lump sum*. Et, la grande majorité a opté pour la deuxième formule, sauf qu’on avait visiblement oublié de leur dire

que ce montant ne leur serait pas versé avant que le traitement des créances d'*Air Mauritius* ne soit finalisé par les administrateurs. Résultats des courses, une centaine d'employés MK se sont retrouvés à la retraite forcée et anticipée sans l'indemnité promise depuis une année mais avec leurs dettes à rembourser et leurs dépenses à assumer. Et pour amplifier ce sentiment d'injustice, quelques rares privilégiés qui avaient cumulé les 400 mois d'ancienneté au sein de l'entreprise et qui étaient partis à la retraite ont été, m'a-t-on dit, réembauchés sur contrat, cumulant ainsi leur retraite et un nouveau salaire.

En ce qui concerne les 385 membres du personnel de cabine et également membres du syndicat d'*Air Mauritius Cabin Crew Association* (AMCA), j'ai pu constater chez nombreux d'entre eux une grande détresse, et je dirais même un profond désespoir.

Je précise ici qu'il y a eu pour des raisons qui m'échappent la démarche des administrateurs d'opposer deux groupes. Un premier groupe de 160 employés qui sont restés sur leur ancien contrat d'embauche mais sur la base d'un travail à temps partiel équivalent à une moitié de salaire de base. Et un deuxième groupe de 225 *Cabin Crew* qui se sont retrouvés avec un nouveau contrat de travail en juillet 2020, présentant des conditions de travail défavorables couplées d'un ultimatum de 5 jours pour accepter ou refuser cette unique proposition faite par les administrateurs. Et le coup de massue de ce nouveau contrat de travail pour le personnel navigant commercial tient en une phrase et, je cite –

«The employee shall during the next 24 months, where called upon to do so by the company, go on leave without pay for a maximum aggregate period of 12 months ».

Jusqu'à une année de congé sans solde. Jusqu'à une année possible sans salaire. Les administrateurs auraient, ai-je appris, encourager les employés MK concernés par ce nouveau contrat de travail à chercher du travail ailleurs. Était-ce une proposition sérieuse ? Trouver un nouveau travail en plein pandémie et en plus en devant dire à son nouvel employeur qu'on a toujours un pied chez *Air Mauritius*, sans salaire et, qu'à tout moment selon le planning de vol, l'entreprise est susceptible d'appeler, par exemple, pour effectuer un vol à l'étranger et avec par la suite l'obligation d'aller en quarantaine. Honnêtement, j'ai connu de meilleurs arguments pour décrocher un emploi.

La conséquence désastreuse c'est qu'entre novembre 2020 et avril 2021, certains membres du personnel de cabine n'ont perçu qu'un seul mois de salaire sur les 6 mois écoulés. Et je rajoute ici une réalité, plus de la moitié du personnel navigant commercial sont des femmes, des mères de famille, parfois des mères célibataires et plusieurs d'entre-elles ont

crié leur détresse financière et psychologique dans les médias, dans la presse et sur les réseaux sociaux. Je pense, par exemple, à la page publique d'une plate-forme en ligne qui porte le nom de *Muvman Proteksyon Fam* et sur laquelle ont témoigné plusieurs femmes et, j'invite les membres de notre Assemblée Nationale à lire notamment ce poignant témoignage qui s'intitule « *Paille en queue, dir mwa kot mone foté.* » Et qui relate l'expérience d'une hôtesse de l'air, mère célibataire d'une fille de 6 ans et qui a travaillé, dit-elle fièrement, pour *Air Mauritius* pendant 25 ans. Je cite une seule phrase de ce témoignage qui résume la situation et la souffrance que cette personne. Je cite –

« *The last 12 months have been the worst nightmare of my life; morally, financially, a pure torture* ».

Ce qui m'a frappé, interpellé et bouleversé, M. le président, c'est la constance que j'ai pu retrouver en lisant ou en écoutant les témoignages de ces nombreux *Cabin Crew*. Toutes et tous ont eu la fierté de porter l'uniforme d'*Air Mauritius* pendant de longues années. Toutes et tous ont aujourd'hui le sentiment qu'on leur a coupé les ailes. Toutes et tous ont l'impression d'être les oubliés des différents plans de soutien financier liés à la COVID-19. Alors que toutes et tous sont des *frontliners* qui ont bravé la pandémie pour rapatrier les Mauriciens de l'étranger, pour ramener du matériel de santé et pour ramener notamment les vaccins pour notre protection nationale.

Un autre corps de métier qui fait la fierté de notre fleuron national et qui se retrouve aujourd'hui en difficulté, est celui des pilotes. Alors oui certains s'empressent à dire que les pilotes ont des revenus généralement élevés. Mais ce qui se vit actuellement m'importe plus que ce qui se dit. Et selon mes informations à ce jour, 96 pilotes mauriciens sont regroupés au sein de la *Mauritian Airline Pilots Association (MALPA)* qui s'est vu offrir en juillet 2020 une variation de leur *collective agreement* de 2018 avec la suppression ou la réduction drastique de leurs allocations et notamment celle du *Flight Duty Allowance* qui a été diminué quasiment de moitié. Et là encore, les administrateurs ont segmenté en créant deux catégories de pilotes. 30% des pilotes qualifiés sur les avions A319 et A340, prévus à la vente, qui tout en restant sur leur ancien contrat de travail, se sont vus imposer une baisse de salaire de l'ordre de 65%. Et les 70 autres pourcents des pilotes ce sont eux vu offrir un nouveau contrat de travail introduisant une très lourde clause de congé sans solde pouvant aller jusqu'à un maximum *aggregate period of 18 months* sur une durée de trois ans. En conséquences de ce dispositif de *leave without pay* couplé des coupures financières prévues par le nouvel accord collectif, les pilotes mauriciens ont connu une baisse d'environ 70% de leurs revenus depuis

la mise sous administration volontaire. Et cela sans compter le dommage collatéral sur le renouvellement des licences des pilotes qui se fait normalement tous les six mois avec l'obligation pour un pilote de faire au minimum trois atterrissages et trois décollages sur une période ne dépassant pas 90 jours. Résultat, en raison de longues périodes de congé sans solde des pilotes, MK a dû déboursier des millions de roupies pour envoyer ces mêmes pilotes sur un simulateur à Paris ou pour effectuer des tours de piste dans un avion accompagné d'un instructeur. Alors que de l'autre côté, on a refusé d'importants contrats de fret valant des millions d'euros. Je me suis dit que j'aurais certainement fait un mauvais administrateur car certaines logiques me dépassent.

Permettez-moi, M. le président, d'avoir un mot pour le personnel au sol d'*Air Mauritius*, regroupé au sein du plus grand syndicat chez MK, l'*AMSA, Air Mauritius Staff Association*, où environ 600 salariés ont également connu une variation moins avantageuse de leur accord collectif en juillet dernier ainsi que la mise au travail partiel pendant cette année écoulée.

Nombreux parmi le *ground staff* ne travaillent plus que 11 jours sur 22 par mois avec une rémunération réduite d'autant. Et pour terminer ce tour d'horizon des employés qui travaillent chez *Air Mauritius*, j'aborde le cas de ces 800 personnes qui travaillent pour *Air Mauritius* tout en ayant un contrat de travail chez *Airmate*. Il s'agit plus précisément d'employés qui effectuent un travail de nature permanente alors qu'ils ont été embauchés sur la base d'un contrat à durée déterminée, ce qui est une infraction directe de la section 13 (4) du *Workers' Rights Act* de 2019. Or, il y a quelques jours, 21 membres de cabine recrutés par *Airmate* en juin 2017, se sont retrouvés face au non-renouvellement de leur contrat de travail arrivé à terme vendredi dernier 30 avril, veille de la fête du travail, avec la demande explicite de rembourser l'avance du *Overseas Duty Allowance* alors même que leur brutal arrêt de travail s'apparente à un licenciement qui ne respecte absolument pas notre loi du travail.

M. le président, mon intervention de ce soir, au cours de laquelle j'interpelle plus précisément le Premier ministre, fait écho à un courrier en date du 08 avril dernier que je lui ai adressé concernant le même sujet, et j'ai d'ailleurs bien reçu un accusé de réception du PMO. Je renouvelle donc ce soir, au sein de notre Assemblée Nationale, mon appel du 08 avril pour qu'un plan de soutien financier spécialement dédié à MK soit urgemment établi par le gouvernement pour soulager la détresse économique et sociale du personnel d'*Air Mauritius Ltd* et d'*Airmate Ltd*, accompagné d'un suivi médical et psychologique spécifique pour celles et ceux qui en expriment le besoin. Et par ailleurs, j'y ajoute une requête spéciale

pour que le droit du travail soit scrupuleusement respecté pour les salariés d'*Airmate*. En parallèle de ma demande et pour terminer, je soumetts au Premier ministre et avec votre autorisation, M. le président, les interrogations suivantes qui accompagnent naturellement ma réflexion. Pourquoi les employés d'*Air Mauritius Ltd* et d'*Airmate Ltd* ne bénéficient-ils pas du *Government Wage Assistance Scheme* mis en place pour soutenir notamment les opérateurs du secteur touristique alors que MK est un pilier central de ce secteur ?

Je rappelle au passage qu'*Air Mauritius* transporte plus de 40 % des touristes qui visitent la destination Maurice et que les employés MK contribuent tous les mois au *Tourism Employees Welfare Fund*. J'essaie de comprendre la cohérence. Pourquoi la *Mauritius Investment Corporation*, filiale de la Banque de Maurice avec un *War Chest* de R 80 milliards, qui soutient massivement le secteur de l'hôtellerie, ne vient-elle pas en aide à notre transporteur national, sans lequel nous ne remplirons pas nos hôtels à la réouverture des frontières ?

Est-ce que le *WaterShed Meeting* initialement prévu en décembre 2020 et qui a été reprogrammé en juin 2021 sera cette fois bien maintenue, avec un plan de redressement défendable devant les créanciers et acceptable par les employés ?

The Deputy Speaker: Hon. David, I will ask you to be careful of the time...

Mr David: Je termine bientôt, M. le président.

The Deputy Speaker: Go quick.

Mr David: Une somme affolante de R 72 millions circule, M. le président, dans le public et dans la presse pour les honoraires qui auraient été payés aux administrateurs. Le Premier ministre peut-il confirmer ou infirmer ?

Last but not least, qu'en est-il des R 9 milliards annoncées dans les *Budget Estimates 2020-2021*, allouées au titre du *National Resilience Fund* pour notre compagnie d'aviation nationale et qui devaient prendre, selon les propos du ministre des Finances lors de son intervention du 23 juin 2020, je cite -

« *La forme d'une injection de capital dans la société.* »

Je termine bientôt, M. le président. Se pourrait-il que ce montant ait été soigneusement libellé comme *Support to the National Air Carrier* et non pas comme *Support to Air Mauritius Ltd* au cas où le *Rescue Plan* des administrateurs...

The Deputy Speaker: Hon...

Mr David: ...ne recommande la création d'une nouvelle société, comme par exemple *Mauritian Airways*.

The Deputy Speaker: Hon. David...

Mr David: Je termine, une dernière phrase.

The Deputy Speaker: No...

(Interruptions)

An hon. Member: You said you were ending! 15 minutes is 15 minutes!

The Deputy Speaker: Please, hon. David...

Mr David: Il faut sauver le soldat MK !

The Deputy Speaker: Hon. David, you have 15 minutes and half of the time goes to the Prime Minister. You passed 15 minutes. Hon. Prime Minister!

The Prime Minister: Mr Deputy Speaker, Sir, as the House is aware, since its inception in 1967, Air Mauritius has played a key role as the national airline of Mauritius, providing air connectivity that has been crucial for the development of Mauritius. However, in view of its deteriorating financial situation, Air Mauritius was put in voluntary administration on 22 April 2020, by virtue of a resolution of the Board of Directors. The Administrators were appointed with the objective of salvaging the Company's business in the interest of creditors, employees and shareholders.

The primary issues around the operations of the Company turn on its running costs which have, over a significant period of time, been far too high. In addition, the advent of travel restrictions as a result of the COVID-19 pandemic has significantly reduced the income of the Company in comparison with its running costs.

The COVID-19 pandemic has severely impacted on the airline industry around the world. Travel restrictions have been imposed and borders closed practically overnight. Airline companies, which have extremely high running costs, have found themselves without revenue. This has driven the airline industry into an unprecedented crisis, all over the world.

Consequently, Air Mauritius, which was already in a precarious financial situation for some time, became insolvent. The impact of COVID-19 on the Company was felt in a noticeably short span of time.

Mr Deputy Speaker, Sir, on 15 March 2021, the Air Mauritius Cabin Crew Association (AMCCA) wrote to the Minister of Finance, Economic Planning and Development, requesting the setting up of a special financial support scheme for the cabin crew so as to help to relieve their economic distress.

I wish to inform the House that Air Mauritius Ltd and Airmate Ltd have both been receiving monthly financial assistance from Government under the Wage Assistance Scheme to pay salaries of their eligible employees, including cabin crew, since March 2020.

Concerning the request by the Air Mauritius Cabin Crew Association for the setting up of a special financial support scheme, I must point out that Government has already decided to provide special consideration to Air Mauritius Ltd and Airmate Ltd, in that the employees of these two companies, including eligible members of the cabin crew, are benefiting from the same treatment as employees in the Tourism sector, that is, they are receiving monthly financial support even after the end of the first confinement. Such support was discontinued after May 2020 for all sectors, with the exception of the Tourism sector. So far, employees of Air Mauritius Ltd and Airmate Ltd have benefited support for thirteen and a half months, costing Government a total amount of Rs557.8 m. under the Wage Assistance Scheme.

Mr Deputy Speaker, Sir, moreover, I am informed that employees of the Air Mauritius Ltd and Airmate Ltd have also benefitted from disbursement made under the different schemes operated by the Tourism Employees Welfare Fund. As the House is aware, the Tourism Employees Welfare Fund operates different schemes providing an array of social, educational, financial and welfare schemes for employees and their families based on defined eligibility criteria.

I am informed that for Financial Year 2019/2020, 33 employees of Air Mauritius Ltd were paid an amount of Rs165,500 under the Educational and Social Schemes.

For the period 01 July 2020 to 30 April 2021, 143 employees of Air Mauritius Ltd have been paid a sum of Rs713,500 under the Educational and Social Schemes.

Mr Deputy Speaker, Sir, in regard to Airmate Ltd, I am informed that 37 employees were paid Rs134,000 for Financial Year 2019/2020 and 28 employees have been paid a sum of Rs92,000 for the period 01 July 2020 to 30 April 2021.

In regard to the proposal for employees of Air Mauritius to be provided with medical and psychological support, I am informed that Air Mauritius has put in place a Pilot

Assistance Support Program since May 2020 with the assistance of an aviation psychologist. I am also informed that a counselling support for the enlistment of four psychologists has been provided to all employees as from October 2020.

Concerning the issue of medical assistance, I am informed that there is a regulatory requirement for pilots and cabin crew to undergo medical test as follows –

(a) For Pilots

Below 60 years of age, once every year, and for those over 60 years, once every six months.

(b) For Cabin Crew

Under 40 years of age, once in every 3 years, and for those above 40 years, once in every 18 months.

Mr Speaker, Sir, I am also informed that no complaint regarding medical/psychological issues has been reported to the Ministry of Labour, Human Resources Development and Training.

Thank you.

The Deputy Speaker: Thank you very much.

At 8.06 p.m., the Assembly was, on its rising, adjourned to Tuesday 11 May 2021 at 11.30 a.m.