



**SEVENTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 05 DECEMBER 2023**

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**THE CABINET****(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
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Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change

Hon. Mahen Kumar Seeruttun	Minister of Financial Services and Good Governance
Hon. Maneesh Gobin	Attorney General, Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Jean Christophe Stephan Toussaint	Minister of Youth Empowerment, Sports and Recreation
Hon. Mahendranuth Sharma Hurreeram	Minister of National Infrastructure and Community Development
Hon. Darsanand Balgobin	Minister of Information Technology, Communication and Innovation
Hon. Soodesh Satkam Callichurn	Minister of Labour, Human Resource Development and Training
Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping
Hon. Mrs Kalpana Devi Koonjoo-Shah	Minister of Gender Equality and Family Welfare
Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
Hon. Teeruthraj Hurdoyal	Minister of Agro-industry and Food Security
Dr. the Hon. Mrs Marie Christiane Dorine Chukowry	Minister of Commerce and Consumer Protection
Dr. the Hon. Anjiv Ramdhany	Minister of Public Service, Administrative and Institutional Reforms

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**MAURITIUS**

**Seventh National Assembly**

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**FIRST SESSION**

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**Debate No. 32 of 2023**

**Sitting of Tuesday 05 December 2023**

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

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**ANNOUNCEMENT****HON. SHAKEEL MOHAMED – SIM CARDS – MOTION OF  
DISALLOWANCE**

**Mr Speaker:** Hon. Members, I have two announcements. The first one would be this.

I have to inform the House that hon. Shakeel Mohamed who had given notice of a Motion of Disallowance on Monday 27 November 2023, chose to report the matter to the Press whilst the matter was being considered by my Office.

In an article which appeared in the edition of *Le Mauricien* dated Friday 01 December 2023 under the caption – SIM Cards: Motion of Disallowance déposée, the hon. Member is reported to have stated, *inter alia*, that he deplored the fact that the Office of the Speaker did not reply to him as at Thursday afternoon.

In fact, hon. Shakeel Mohamed had given notice of the following Motion –

“This Assembly resolves that Government Notice No. 93 of 2023 more specifically with respect to Clause 4, Clause 7, Clause 8 and Clause 10 and all related Clauses that contravene the rationale in the Supreme Court judgment of Mahadhewoo v the State be disallowed.”

I wish to draw the attention of the House that section 20(3) of the Interpretation and General Clauses Act (IGCA) stipulates that a subsidiary enactment may be disallowed by the Assembly on motion made to that effect by resolution passed within 30 days after the subsidiary enactment is laid before the Assembly.

In the case at hand, I wish to point out that Government Notice No. 93 of 2023 – The Information and Communication Technologies (Registration of SIM) Regulations 2023 was laid on the Table of the National Assembly on 04 July 2023.

On 21 July 2023, the Assembly was adjourned to 17 October 2023.

For the purposes of computation of the 30 days as prescribed in section 20(3) of the IGCA, the provisions of section 38(1)(a) and (d) of the IGCA and, taking into account the fact that the Assembly was adjourned on Friday 21 July 2023, the provisions of section 122(b) of the Constitution were also resorted to in reckoning the period of 30 days.

Hon. Members, based on the above legal premise, the delay of 30 days within which Government Notice No. 93 of 2023 could be disallowed by the Assembly had expired on Monday 30 October 2023.

In the light of the aforesaid, I rule that the notice of Motion of disallowance of hon. Shakeel Mohammed is time-barred and cannot be entertained and therefore disallowed. I thank you.

With regard to the second announcement, I will make it later during the day.



## PAPERS LAID

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

**A. Prime Minister's Office**

**Ministry of Defence, Home Affairs and External Communications**

**Ministry for Rodrigues, Outer Islands and Territorial Integrity**

- (a) Certificate of Urgency in respect of the following Bills (In Original):
- (i) The Financial Crimes Commission Bill (No. XX of 2023);
  - (ii) The Local Government (Amendment No. 2) Bill (No. XXI of 2023);
  - (iii) The Supplementary Appropriation (2021-2022) (No. 2) Bill (No. XXII of 2023); and
  - (iv) The Protection and Promotion of the Rights of Persons with Disabilities Bill (No. XXIII of 2023).
- (b) The Report of the Director of Audit and Financial Statements of the National Human Rights Commission for the year ended 30 June 2021. (In Original)

**B. Ministry of Finance, Economic Planning and Development**

Estimates of Supplementary Expenditure (2021-2022) (No. 2) of 2023.

**C. Ministry of Industrial Development, SMEs and Cooperatives**

The Annual Report and Report of the Director of Audit on the Financial Statements of the Co-operative Development Fund for the year ended 30 June 2022.

**D. Ministry of Financial Services and Good Governance**

The Annual Report and Report of the Director of Audit on the Financial Statements of the Integrity Reporting Services Agency for the year ended 30 June 2022.

**E. Ministry of Health and Wellness**

The Annual Reports and Reports of the Director of Audit on the Financial Statements of the Trust Fund for Specialised Medical Care for the following years ended:

- (i) 30 June 2021; and
- (ii) 30 June 2022.

**F. Ministry of Agro-Industry and Food Security**

The Annual Report and Report of the Director of Audit on the Financial Statements of the Agricultural Marketing Board for the year ended 30 June 2022.

**ORAL ANSWERS TO QUESTIONS****2023 NATIONAL CERTIFICATE OF EXAMINATION – EXTENDED  
STREAM – RESIT CANDIDATES**

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, following the results of the 2023 National Certificate of Examination (NCE) for the Extended Stream, she will state –

- (a) if this programme will be scrapped and replaced by a more relevant curriculum to be examined at the end of three years by way of an NCE (Technical) examination and certificate, and
- (b) the number of resit candidates from the Extended Stream who had originally failed last year's NCE exams and who have now succeeded in the said examinations.

**The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun):** Mr Speaker, Sir, allow me at the very outset to thank the hon. Leader of the Opposition for this PNQ since it gives me the opportunity to clear the air about a number of misconceptions that have unfortunately clouded a sound understanding of the Extended Programme.

Mr Speaker, Sir, I will be brief in going through the root of the Extended Programme. This Programme had been clearly announced and enunciated in the Policy Document, 'Inspiring Every Child' that my Ministry came up with in the early stages of the education reform agenda.

It is inextricably linked to the Nine-Year Continuous Basic Education introduced in line with our commitment to the UN Sustainable Development Goals, more specifically, Goal 4 on Education. Indeed, we have committed ourselves to achieve the targets of Education 2030, one of which is to ensure the provision of 12 years of free, publicly funded, equitable quality primary and secondary education, of which at least nine years are compulsory, leading to relevant learning outcomes.

What does this convey as message? Simply, that all of our children must complete 9 years of quality basic education seamlessly and have the foundational skills and the right attitudes for upper secondary schooling.

Mr Speaker, Sir, I would like to insist on the foundational aspect. We all know that our learners need a solid base on which to construct their future learning. A school should

therefore be the engine room for establishing a strong foundation for today's learners to be future-ready, particularly so in a world that is increasingly seen as volatile and complex.

But there is always one reality in education that we have to contend with; not all students have the same learning pace. It is then imperative to create differentiated pathways such that the system can respond to the specific needs, talents and strengths of individual students as they progress through their learning journey.

It is this philosophy, Mr Speaker, Sir, that lies at the heart of the Extended Programme that Government introduced in 2018. As part of the Inclusion drive, a central pillar of the reform agenda along with equity and quality, it is absolutely imperative to cater for students who do not attain the required level of competencies at the PSAC assessment.

Rolling out the Programme meant that every secondary school (State and Private grant-aided) has at least one class of the Extended Programme. A new pedagogy is advocated, with small class size addressing the readiness, the learning difficulties, the ability level and the learning pace of the students.

Mr Speaker, Sir, the hon. Leader of the Opposition seems to be bent on condemning the entire Programme. To do so, he is simply looking at the percentage of results at the EP NCE Assessment but this is an erroneous scrutiny as we are dealing with learners who are not mere numbers, Mr Speaker, Sir.

Yes, 71 of the learners following EP last year, had been eligible to join the Regular Programme in Grade 10 in 2022 while, this year, 192 have met the criteria for the NCE.

What these figures do not reveal, Mr Speaker, Sir, is that we have 238 students of the Extended Programme who have met the criteria for promotion to Grade 10 next year and these students will be pursuing their studies up to Grade 11 and take the School Certificate. Some would tend to disparagingly add the word "only" to minify the achievement. I would rather say something else: these young learners have been able to create their own counter-narratives. And I see this as a major positive, Mr Speaker, Sir. Had it not been for the Extended Programme, the system would have lost them, depriving them of the possibility to pursue their schooling.

Mr Speaker, Sir, we, at the level of the Ministry, believe in these learners and in their potential and in their ability to succeed if given the right support. Thinking otherwise would be casting aspersion on Educators who have gone out of the way, who worked hard to fashion successful learners, particularly when these had previously not made the grade at PSAC level! And what about the parents who have stood by the side of their children,

believing in them, encouraging them, propping up their morale and boosting their self-esteem?

*M. le président, la confiance en soi reste primordiale.*

I, for one, believe that we should refrain from developing a negativity bias, but should rather congratulate these students along with the Educators for their efforts. Agreed, many may not have fared very well in one or more of the core subjects like English, French and Maths, but the performance has been remarkable in some other subjects. An analysis of the results subject-wise for the 2022 EP-NCE and this year's edition shows a marked and clear improvement in most of the subjects.

Mr Speaker, Sir, the performance of students in Social and Modern Studies, in ICT and Technology Studies exhibits the highest percentage of increase, suggesting notable advancements in these subjects. 75% of students have passed Art and Design. 66.8 % of the EP students have passed ICT. In subjects like English, Mathematics, Science, ICT, Business, and Modern Studies, substantial improvement in performance has been noted.

Mr Speaker, Sir, the number of students scoring 'Pass' in English has been of 25% and of 20% in Maths. But in Science, for the EP students, 36.7% have passed. 46.9% have passed in Technology Studies.

We need to remember, Mr Speaker, Sir, that building self-esteem is a gradual process, and consistent support from Educators, peers, family members and the community can make a significant difference in helping students develop the confidence in their abilities. Recognising and appreciating the efforts of students is crucial for their well-being and motivation. Undermining their efforts can indeed have a negative impact on their *confiance en soi* and confidence and this is the recipe to undermine teachers in the fulfilment of their noble tasks.

Besides, and that is the crux of the matter, their forte may not lie in their academic results, but consider for a moment the gains they have secured in terms of grooming received, the life skills and gains in terms of healthy living as well as psycho-social support. In terms of knowledge, Mr Speaker, Sir, they have gained knowledge.

I will also not make an abstraction, Mr Speaker, Sir, of the nudge provided by the Fortified Learning Environment (FLE) Programme. This programme is meant to better support learners from disadvantaged backgrounds, thereby seeking to nix, counteract and mitigate the negative impact of poverty and other adversities on educational outcomes. Pedagogically, it also works on a small group 'pull-out' system by FLE-EP Tutors who have received necessary professional development by the MIE.

Mr Speaker, Sir, I would also wish to thank the hon. Leader of the Opposition for giving me the opportunity through this PNQ to dial down another cliché that has gained currency in some quarters. *À force de marteler une idée, on finit hélas par l'intérioriser, M. le président.*

People keep on saying that these students cannot even read or write. But when we look at the results, we realise that the belief that a large majority of students of EP, in fact, do work hard and do succeed. It is a fallacy to say that they cannot read or write.

Of course, I do not deny that some students do have some literacy and numeracy issues, but if the students can score well in other subjects, why should they not be able to do equally well in Maths and languages? It is all a question of providing the right support to them.

Mr Speaker, Sir, the mode of assessment of the Extended Programme is being reviewed so as to integrate the School-based Assessment component. Allow me to briefly expatiate on this new type of assessment being introduced.

A Committee set up at the level of my Ministry to monitor the Extended Programme, has recommended that a School-based Assessment (SBA) component be introduced in the evaluation structure for EP. The National Certificate for Education Assessment for EP will thus take on board a School-based Assessment alongside the written paper as from academic year 2024.

This new assessment mode, Mr Speaker, Sir, will allow EP students to take part in school-based evaluations which will thus contribute to their grades in NCE certification. The SBA will carry a weighting of 40% with 60% for the written paper. The students of EP will undergo continuous school-based assessment which will be monitored by the Mauritius Examination Syndicate. Successful students will be awarded a certificate under the appellation NCE-EP allowing either their promotion to Grade 10 or their transition to vocational training. This measure was unanimously endorsed and lauded by Educators.

Mr Speaker, Sir, the new Assessment mode has already been approved by Government. It will be recognised that the current cohorts of EP students had not had the benefit of the Early Support Programme initiated 5 years ago in the primary sub-sector. This takes the shape of special coaching during school hours for pupils requiring additional support through differentiated pedagogies for remediation by trained Support Teachers. Certainly, the outcomes will be visible in the near future. But, in the interim, there is a host of measures being taken and resorted to, to provide EP students with adequate support in their studies –

- the Resort to the FLE Environment Tutors;
- the increase in the number of facilitators, and
- right now, Mr Speaker, Sir, the Ministry has come up with a Bright Up Programme.

My Ministry, in collaboration with the MITD, the NSIF and the Mauritius Sports Council, is introducing a Programme to students who have sat for, but have not been awarded the National Certificate of Education. This will take effect as from 2024. It will provide for life skills preparation for responsible citizenship, outdoor education and sports and it will lead to the world of work through the National Certificate 2 and will lead to a National Certificate Level 3 and the National Apprenticeship Programme. And this, Mr Speaker, Sir, will be the right time for them to join technical training.

While academic achievement is an important aspect, the true goal of education goes far beyond grades and examinations. It is about equipping children and learners with skills, knowledge, values and a mindset that will prepare them for a successful and fulfilling future. Herein lie the key elements that contribute to making children future ready.

Mr Speaker, Sir, it goes without saying that a well-rounded education goes beyond the award of the certificate. It is, in fact, about equipping our learners with tools, values and skills necessary for them to thrive and contribute positively to society. Thus, Mr Speaker, Sir, we have absolutely no intention of doing away with the present system. In fact, we firmly believe that children after their primary schooling should not be channelled to technical education or prevocational programmes at the age of 10 or 11, Mr Speaker, Sir.

They should complete their basic education, which gives the foundational skills to embark on such programmes. It is a *sine qua non* for them to complete the cycle of basic education before they move on to technical training. These learners go through the proper formal education; they have to go through the proper formal education before going for technical training, and this is very much in line with what UNESCO, the World Bank and other international agencies advocate.

Mr Speaker, Sir, may I remind the House that technical education today has significantly evolved. It is a technology-based technical education and students need to have a good grounding in literacy, numeracy and science as well as other subjects before embarking on such programmes.

Mr Speaker, Sir, coming to part (b) of the question, with respect to the number of resit candidates from Grade 9+, there were 335 students who had sat for the exams again, and I am informed that 54 candidates have succeeded the NCE.

**Mr X. L. Duval:** Only 54?

**Mrs Dookun-Luchoomun:** 54.

M. le président, ces enfants n'avaient pas pu avoir le niveau en Grade 6, mais ils ont quand même réussi en Grade 9+. Je ne doute pas de la bonne foi de l'honorable leader de l'opposition, mais il nous faut faire preuve de patience. Il faut faire de sorte à ne pas briser la confiance en soi de ces jeunes. Il faut croire en eux. Et c'est bien pour cela qu'on ne peut *scrap the Extended programme*. Nous insistons sur le contraire. Ils ont le potentiel et avec l'encadrement voulu, ils réussiront, et il nous faut leur donner le temps, M. le président.

Merci.

**Mr X. L. Duval:** Mr Speaker, Sir, if I understand well, only 138 children from the cohort 2019 have passed the 2023 examination. You said yourself there were 192...

**Mrs Dookun-Luchoomun:** 192.

**Mr X. L. Duval:** ...of which 54 are resits. So, from the 2019 cohort, – it is arithmetic – it is 138. Now, my question, Mr Speaker, Sir, is this: the basis for the Extended Programme and for the Nine-Year Schooling was “No Child Left Behind”. Now, in the 2018 and 2019 cohorts, including the resits, 6,477 children originally joined, 6,214 have failed, 260, including the resits, have passed. This is why, Mr Speaker, Sir, we are saying it is not the children who have failed, it is the system that has failed them. It is inappropriate. The system is vastly inappropriate for these children.

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, may I just underline one thing. We have just stated that our aim is to ensure that all children do get the opportunity to get the nine years of continuous basic education, that is, to get the foundation for them to build on their future learning. And, talking about figures, if you are going to tell us so many students entered the system and so many failed, I am going to say that we have given the opportunity for all these students to carry on with their schooling, to get the opportunity to sit in school for nine years and to learn, to develop their abilities, their skills, and to ensure that they get the knowledge required for them to be able to carry on with their future training. We are not simply talking about certification, Mr Speaker, Sir.

What are they proposing? That we take children of 10 or 11 years and ask them to go for technical training? And what type of technical training? I have just stated that today, when we talk about technical training, we are talking about technology-based technical training. When you send someone to study plumbing, this learner has to have a good grounding of science, should be able to figure out what pressure difference can do. So many different concepts have to be acquired before launching, before embarking on such training. We are not talking about *al fer enn ti zafer* or *al bat enn ti peu* ou *al faire un peu de jardinage*. No! We want our young students, our young learners to come out of the system, to learn about new agri-tech, to learn about new technology, to be able to act at another level. When we look at the construction industry, when we look at the various other spheres of life, things have changed.

Technology has pervaded all spheres of life and we need to ensure that all our children, all our learners do get the opportunity to enter the world of work, and we need to make them future-ready. The hon. Leader of the Opposition will be aware that the people at the OECD, the experts are saying that the jobs of tomorrow have not been created yet, that 80% of the jobs of tomorrow do not exist yet. So, how do we prepare our young people? How do we prepare our learners? We train them, we give them the skills, we give them the right knowledge for them to be able to cope later on. They have to adapt to the evolving world, and this is what we are trying to do, Mr Speaker, Sir.

We will have to give time to the Extended Programme and I have just stated, these students sitting for the Extended Programme today did not receive any additional support when they were in the primary sector. When we came in in 2014, we have recruited massively; support teachers, holistic teachers in large numbers to ensure that children in primary are properly supported, that they not only develop their academic...

**Mr X. L. Duval:** Mr Speaker, Sir, surely I can...

**Mrs Dookun-Luchoomun:** ...knowledge, they have other support.

**Mr X. L. Duval:** ...have some supplementary questions. Isn't that normal? Is the Minister just going to use it as a platform to explain her deficiencies in her system and no chance to ask a supplementary question, Mr Speaker, Sir?

*(Interruptions)*

Is that how we are going to run a PNQ?

**Mr Speaker:** Did you notice the way you asked your question?

**Mr X. L. Duval:** Hmmm!



**Mr Speaker:** There was not even a question; it was a statement. Minister, continue!

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, what I am trying to put forward is that we have a system which is trying to help and cater for all our learners, that these students who are finding it hard to complete the Extended Programme (EP) are students who had never received any support earlier. We have come up with a system, providing support, and we are hoping and we know that as the years pass on, there will be fewer students in such situation, and we are trying to ensure that each and every child, as we said, gets the right support; no one being left behind.

**Mr X. L. Duval:** Mr Speaker, Sir, are you going to give some additional time?

*(Interruptions)*

**An hon. Member:** *Aret koz boku do!*

**Mr Toussaint:** *Ala plaigne la!*

*(Interruptions)*

**Mr Speaker:** Do your work, I'll do my work!

*(Interruptions)*

**Mr X. L. Duval:** Are you going to give some additional time...

**Mr Speaker:** Do your work, I'll do my work!

**Mr X. L. Duval:** ...because the Minister has taken all the time at the moment!

**Mr Speaker:** Do your work, I'll do my work!

**Mr X. L. Duval:** Okay, let us see how you do your work!

*(Interruptions)*

The nation is watching you!

**Mr Speaker:** The nation is watching you also!

**Mr X. L. Duval:** The nation is watching you!

*(Interruptions)*

You are aware of that!

*(Interruptions)*

**Mr Speaker:** The nation is watching...

**Mr X. L. Duval:** You are aware of that!

**Mr Speaker:** Do not threaten!

*(Interruptions)*

Please, do not threaten the Speaker! You do not have the right to threaten a Speaker!

**Mr X. L. Duval:** I am telling you the nation...

**Mr Speaker:** Apologise for that!

**Mr X. L. Duval:** I am not apologising!

*(Interruptions)*

**Mr Speaker:** If you do not apologise, I will not allow you a question!

*(Interruptions)*

Apologise first!

**Mr X. L. Duval:** I will not apologise because the nation is watching you!

*(Interruptions)*

**Mr Speaker:** You do not have the right...

**Mr X. L. Duval:** You should be aware of that!

**Mr Speaker:** ...to threaten a Speaker!

*(Interruptions)*

**Mr X. L. Duval:** I am not threatening you! I am telling you!

**Mr Speaker:** You are threatening the Speaker!

**Mr X. L. Duval:** It is a fact!

**Mr Speaker:** You have to apologise!

*(Interruptions)*

You decide!

**Mr X. L. Duval:** I am not apologising! It is a fact!

**Mr Speaker:** And there is no question!

**Mr X. L. Duval:** I will continue with my question. It is a fact...

**Mr Speaker:** I will stop your mic!

**Mr X. L. Duval:** ...that the nation is ashamed of you.

**Mr Speaker:** I will stop your mic! No question if you do not apologise!

*(Interruptions)*

**Mr Toussaint:** *Maye, maye, maye!*

*(Interruptions)*

**Mr X. L. Duval:** *Li menace tout dimoune tous les jours !*

**Mrs Luchmun Roy:** The nation is watching you!

**An hon. Member:** *Aler, aler, aler!*

*(Interruptions)*

**Mr Speaker:** So, Madam Clerk, could you move to the next item? Prime Minister's Question Time!

**An hon. Member:** The nation is watching you!

**Dr. Boolell:** *La honte sa !*

**An hon. Member:** You too!

*(Interruptions)*

**Mr Speaker:** PQ B/1654 will be replied by Dr. the hon. Minister of Health and Wellness. I now call hon. Ittoo!

### **POLICE MEDICAL OFFICER - MEDICINAL CANNABINOIDS - PRESCRIPTION**

**(No. B/1643) Mr A. Ittoo (Third Member for Vacoas & Floréal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to medicinal cannabinoids, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof prescribed by the Police Medical Officer to date, indicating if there has been any follow-up thereon, giving details thereof.

**The Prime Minister:** Mr Speaker, Sir, according to a report from the Ministry of Health and Wellness, the use of cannabis as medicinal therapy has garnered much attention around the world in recent times. In light of substantial evidence validating the therapeutic virtues of medicinal cannabis, policy surrounding the provision of cannabis for medical use is rapidly evolving. A number of countries, namely the United Kingdom,

Germany, Australia, France and Canada, amongst others, have allowed the prescription of cannabis for medicinal purposes.

With a view to responding to growing interest in the use of cannabis for medical purposes worldwide and taking into account the recommendations of the Commission of Inquiry on Drug Trafficking, a comprehensive framework to regulate the use of medicinal cannabis while addressing complexities stemming from its use as a treatment has been elaborated.

In December 2020, the United Nations Office on Drugs and Crime's (UNODC's) Commission on Narcotics Drugs took a number of decisions on the international control of cannabis and cannabis substances. One of the main decisions was to agree to the World Health Organization (WHO) to delete cannabis and cannabis resin from Schedule IV of the Single Convention on Narcotic Drugs of 1961 to allow for the use of cannabis for medicinal purposes. However, it was also agreed to maintain cannabis and cannabis resin in Schedule I as it is still addictive and liable to abuse.

Mr Speaker, Sir, a Technical Committee on Medicinal Cannabis was set up at the level of the Ministry of Health and Wellness to analyse the decisions of the UNODC's Commission on Narcotics Drugs and submit its views. The committee was set up under the Chair of the Executive Director of the Mauritius Research and Innovation Council with representatives of different Ministries and Departments such as the Ministry of Agro-Industry and Food Security, the Forensic Science Laboratory, the Mauritius Police Force, University of Mauritius, amongst others.

The Report of the Technical Committee was finalised and approved in November 2021. Based on discussions and findings, recommendations were made by the Technical Committee on Medicinal Cannabis on –

- (i) indications of treatment;
- (ii) licensing of medical specialists and pharmacists;
- (iii) training of professionals;
- (iv) dispensing model;
- (v) electronic register of patients;
- (vi) pharmacovigilance;
- (vii) monitoring and evaluation, and
- (viii) regulatory framework for medical cannabis.

Mr Speaker, Sir, subsequently, a Steering Committee was set up under the Chair of the Senior Chief Executive of the Ministry of Health and Wellness, to look into the implementation of the recommendations contained in the Report in relation to the –

- i) types and formulations of drugs that would be allowed;
- ii) mechanism for referral of patients for the treatment, including those from private medical institutions;
- iii) training required by medical specialists from the public and private sectors to enable prescription of the drugs;
- iv) legal amendments required to the Dangerous Drugs Act;
- v) any risk/s of abuse of the prescribed substance, and
- vi) prescription to patients who are minors by authorised specialist and collection of drugs by responsible parties thereof.

In addition, views and comments from the public were called through notices published in dailies. Comments from members of the public were received and were considered.

Following the approval of the recommendations made by the Steering Committee, in November 2022, the Dangerous Drugs Act was amended to include Medicinal Cannabis to be prescribed therapeutically for specific medical conditions by ‘authorised’ Specialists both from the private and public sectors upon completion of a Medicinal Cannabis Course approved by the Ministry of Health and Wellness.

Mr Speaker, Sir, as at date, 3 pharmacists and 16 doctors, specialists in fields such as oncology, obstetrics, gynaecology and psychiatry, amongst others, have completed their course.

It is worth noting that Medicinal Cannabis is not used as a first line treatment. Only specific therapeutic conditions, as stipulated in the Dangerous Drugs Act will require treatment by Medicinal Cannabis.

Pursuant to the provisions made in the Dangerous Drugs Act, a Therapeutic Committee on Medicinal Cannabis has already been set up on a pilot basis at Victoria Hospital. The Committee has met on three occasions, where six potential cases for treatment by Medicinal Cannabis have been examined.

Mr Speaker, Sir, in accordance with the Dangerous Drugs Act, only an “authorised specialist” who has followed the course can make a request to the Medicinal Cannabis Therapeutic Committee for treatment with Medicinal Cannabis.

I am informed by the Commissioner of Police that as at date, no Police Medical Officer has ever prescribed the use of medicinal cannabinoids. Thank you.

**Mr Ittoo:** No further question. Thank you.

**Mr Speaker:** Next question!

### **DRUG PEDDLING FOR TRAFFICKERS - MINORS**

**(No. B/1644) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to drugs involving minors, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) if cases of sale of sweets laced with cannabis sold to school children have been reported, and
- (b) the number of children below the age of 14 years involved in drug peddling for traffickers, if any, and if so, indicate in each case, the actions taken in relation thereto.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that there have been no cases of selling sweets laced with cannabis to school children reported to the Police over the period January 2015 to 30 November 2023.

Regarding part (b) of the question, I am informed by the Commissioner of Police that in May 2019, two children below the age of 14 years were suspected to be peddlers for traffickers as they were involved in a case of importation of dangerous drugs.

The minors, who were unaccompanied brothers, arrived in Mauritius from France on Saturday 11 May 2019. As certain irregularities were observed in the luggage of one of the minors, a search of his luggage was carried out by the Customs Officers in presence of the ADSU where 39 packets each wrapped with black cello tape were found in a toy carton box containing the following –

- (i) 2,310 Buprenorphine (Subutex) 8mg tablets in their original blistered packets;
- (ii) 128 Tramadol Biogaran of 37.5mg, 50mg and 100mg tablets in their original blistered packets;
- (iii) 54 tablets of Paracetamol Codeine;

- (iv) 14 Zopiclone Zentira 7.5 mg tablets in their original blistered packets;
- (v) 6 tablets of Sildenafil;
- (vi) 20 tablets of Doliprane, and
- (vii) 20 tablets of Paracetamol.

When the elder brother was questioned, he informed that the packets were given by his grandmother, residing in France. The packets were meant to be delivered to his mother in Mauritius. The two children were placed under the care and custody of the ADSU at the airport.

On the same day, the mother and the step brother of the children, who came to pick them up at SSR International Airport, were arrested. On Monday 13 May 2019, they were provisionally charged before the District Court of Grand Port for the following offences –

- (i) Drug Dealing with Aggravating Circumstances, Causing Dangerous Drug to be imported with an averment of trafficking in breach of sections 30(1)b(i), 41(3)(4) and 47(2)(5)(a) of the Dangerous Drugs Act, and
- (ii) Drug Dealing, Causing Dangerous Drugs to be Imported in breach of sections 30(1)(b)(i) and 47(5)(a) of the Dangerous Drugs Act.

On Tuesday 14 May 2019, the two minors were referred to the Child Development Unit of the Ministry of Gender Equality and Family Welfare for their protection and welfare. They were then placed in a shelter where they were provided with psychological support.

On 16 September 2021, the mother was released on bail whilst the step brother was bailed out on 19 January 2023.

On 16 June 2023, the enquiry into the above case was completed and needful is being done by the Police to refer it to the Office of the Director of Public Prosecutions for advice.

Mr Speaker, Sir, the House would recall that on several occasions, I have enumerated the measures being taken by Police in consultation with the Ministry of Education, Tertiary Education, Science and Technology and the Ministry of Youth Empowerment, Sports and Recreation to protect our children against the drug scourge. Thank you.

**Dr. Boolell:** Thank you very much. This is a very serious matter, the gravity of which cannot be underestimated. Can I ask the hon. Prime Minister to see to it that there is a vast sensitisation campaign being waged to sensitise those youngsters at large and their parents equally?

**The Prime Minister:** I have already replied in previous PQs, Mr Speaker, Sir, and given a list of measures that have been taken, including sensitisation campaign that has been done at the level of the Ministry of Education, at the level of the Police, at the level of ADSU, and also by the Ministry of Youth Empowerment. Therefore, I do not want to repeat all these measures that have been put in place.

**Mr Speaker:** Hon. Bodha!

**Mr Bodha:** Thank you, Mr Speaker, Sir. May I ask the hon. Prime Minister whether there were any cases of possession among children or cases of complicity such as playing the role of sentinel?

**The Prime Minister:** The hon. Member must come with a specific question because this question is about drug peddling for traffickers, and now he is asking for possession. This is a different matter. Of course, I will provide all the information with regard to possession.

**Mr Speaker:** Last supplementary question!

**Dr. Gungapersad:** Thank you, Mr Speaker, Sir. Recently, there was a case in a primary school in Grand Gaube, Jean Eon R.C.A., where two kids aged 11 were involved in a case of drug. May I ask the hon. Prime Minister whether he may inform the House what has been the follow-up at the level of the Police?

**The Prime Minister:** Again, I am informed by the Police - this is not the case of Grand Gaube; I know about it, I have been given information about it - it is not a case which involves drug peddling for traffickers. I am restricting myself to the question which has been asked. Probably, if the hon. Member wants more details about it, another specific question must be asked.

**Mr Speaker:** Next question!

#### **PMO – ALCOHOLIC DRINKS – 2010-2014 – COST**

**(No. B/1645) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to alcoholic drinks procured by the Prime Minister's Office for the period 2010 to 2014, he will state the cost incurred for the purchase thereof, giving a breakdown thereof.



**The Prime Minister:** Mr Speaker, Sir, I am informed that as per records available, expenditure incurred under Prime Minister's Office vote 22900014, Hospitalities and Ceremonials, which, *inter alia*, include purchase of alcoholic drinks for the period 2010 to 2014 is as follows –

- (i) In the year 2010, detailed reports were unfortunately not available prior to December. Hence, some of the information which we have been able to retrieve are as follows, on –
- (a) 03 February – Rs3,500 in connection with bottles of Whisky;
  - (b) 06 April – Rs34,693.20 in connection with bottles of Black Label Whisky and Rs195,586.08 with respect to bottles of Red and White wine;
  - (c) 20 August – Dinner hosted by the former Prime Minister at Clarisse House serviced by *La Langouste Grisée*, which included 11 bottles of White wine, 6 bottles of Red wine, 9 drinks of Gin Bombay Sapphire and 9 double drinks of Cognac Remy Martin for a total sum of Rs78,039;
  - (d) 13 September – Rs45,770 in connection with bottles of Champagne;
  - (e) 10 December – 12 Black Label Whisky bottles and 2 Gin Tanqueray bottles for a total sum of Rs22,940.20, and
  - (f) 27 December – 6 bottles of Red wine Chateau Rene, 12 bottles of Rose wine Mateus, 9 bottles of White wine, 48 cans of beer and 12 Red Label Whisky bottles for a total sum of Rs22,144.80.

Thus, a total of Rs402,673.28 was incurred on purchase of alcoholic drinks for that year. And let me say again, there have been other purchases for that year, but, unfortunately, we have not been able to retrieve the record.

**Dr. Boolell:** *B toem ti minis des finances!*

**The Prime Minister:** *Kisann-la ti p fer orgie?*

**Dr. Boolell:** *Twa to pa ti minis des finances?*

**The Prime Minister:** *Kisann-la ti p fer orgie dan Clarisse House?*

*(Interruptions)*

**Mr Speaker:** Order! Order! Hon. Dr. Boolell! Order!

**Mr Juman:** *Li si ti bwar ensam! Li si ti bwar ensam!*

**Mrs Luchmun Roy:** *To ti laba twa?*

**Mr Juman:** *Wi, mo ti laba...*

**The Prime Minister:** So, let him hear this one!

(ii) In the year 2011...

*(Interruptions)*

**Mr Speaker:** Hon. Juman! You are obstructing! You are obstructing!

**The Prime Minister:** Listen, hon. Juman! Because you are good at talking about alcoholic drinks, *non?* Listen!

**Mr Toussaint:** *Écoutez !*

**The Prime Minister:**

(ii) In the year 2011, the Prime Minister's Office purchased, for a total of Rs1,527,101.59, as follows –

- (a) 11 January – 8 bottles of Champagne Moët & Chandon for the sum of Rs21,120;
- (b) 12 January – Dinner hosted by the former Prime Minister at Clarisse House serviced by *La Langouste Grisée*, which included 7 bottles of White wine Sancerre Cuvée prestige, 4 bottles of Red wine Gevrey Chambertin and 10 drinks of Cognac Remy Martin for a total sum of Rs57,500;
- (c) 11 February – 10 cans of beer, 3 bottles of Red wine Château de la Chaize and 3 bottles of White wine Bellingham Chenin Blanc for a total sum of Rs3,588.90;
- (d) 18 February – 4 bottles of Champagne Laurent-Perrier Rosé for the sum of Rs7,572;
- (e) 23 February – 6 bottles of Red wine, 6 bottles of White wine Gustave, 6 bottles of Champagne Laurent-Perrier Brut Rosé for a total sum of Rs28,398.24;
- (f) 10 March – 30 bottles of Black Label Whisky, 4 bottles of Tanqueray London Dry Gin, 80 bottles of Champagne Moët & Chandon, 84 bottles of White wine and 96 bottles of Red wine Mouton Cadet for a total sum of Rs423,276.18;

- (g) 19 April – 18 bottles of Red wine Nederburg Pinotage for Rs7,182.90;
- (h) 22 April – 48 bottles of Champagne Laurent-Perrier Brut for the sum of Rs90,884.16;
- (i) 03 June – 25 bottles of Black Label Whisky, 3 bottles of Tanqueray London Dry Gin...

*(Interruptions)*

...70 bottles of Champagne Moët & Chandon Rosé, 84 bottles of White wine, 108 bottles of Red wine and 40 bottles of Champagne Laurent-Perrier Brut for a total sum of Rs388,740.95;

- (j) 08 July – 19 bottles of Black Label Whisky, 84 bottles of White wine, 96 bottles of Red wine, 16 bottles of Champagne Laurent-Perrier Brut, 48 bottles of Champagne Moët & Chandon Rosé for a total sum of Rs336,690.56;

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:**

- (k) 18 November – 60 bottles of Champagne Moët & Chandon Rosé for Rs155,187.90, and
- (l) 20 December – 10 bottles of Red wine for Rs6,959.80.
- (iii) In the year 2012, the PMO purchased for a total of Rs823,198.61, on -
  - (a) 16 February – 8 bottles of Red wine, 8 bottles of White wine Maconnais and 8 bottles of Champagne Moët & Chandon Rosé for a total sum of Rs35,455.84;
  - (b) 08 March – 90 bottles of Red wine Château des Laurets, 75 bottles of White wine Les Marionnes, 80 bottles of Champagne Moët & Chandon Rosé, 18 bottles of Whisky Black Label and 1 bottle of Tanqueray London Dry Gin for a total sum of Rs370,268.70;
  - (c) 20 July – 60 bottles of Champagne Moët & Chandon for the sum of Rs158,355;
  - (d) 24 October – 2 bottles of Cognac Martell and 4 bottles of Red wine Château Malmaison for a total sum of Rs8,415.08;

- (e) 30 October – 8 bottles of Red wine Château Malmaison, 8 bottles of White wine Sansone, 12 bottles of Champagne Rosé Baron for a total sum of Rs55,602.12;
  - (f) 07 December – 36 bottles of Champagne Laurent-Perrier and 12 bottles of Whisky Black Label for a total sum of Rs101,236.86;
  - (g) 21 December – 9 bottles of Whisky Red Label and 6 bottles of wine Rosé Mateus for the total sum of Rs10,805.25;
  - (h) 26 December – 8 bottles of White wine Chablis for Rs8,294.26, and
  - (i) 31 December – 24 bottles of Champagne Moët & Chandon, 2 bottles of Gin Bombay Sapphire, 8 bottles of Red wine Mercurey for a total sum of Rs74,715.50.
- (iv) In the year 2013, the PMO purchased for a total of Rs945,084.75 as follows -
- (a) 04 February – one bottle of Black Label Whisky for Rs1,765;
  - (b) 19 February – 2 bottles of Red wine Château St Marthe and 1 bottle of Whisky Black Label for a total sum of Rs2,885;
  - (c) 21 February – 4 bottles of Red wine Château St Marthe and 1 bottle of Whisky Black Label for a total sum of Rs5,770;
  - (d) 05 March – 25 bottles of Champagne Moët & Chandon, 2 bottles of Gin Bombay Sapphire, 36 bottles of Whisky Black Label, 3 bottles of Tanqueray London Dry Gin, 18 bottles of Red wine for a total sum of Rs175,260.23;
  - (e) 06 March – 6 bottles of Whisky Black Label, 108 bottles of Red wine Châteauneuf-du-Pape, 96 bottles of White wine Sancerre, 132 bottles of Champagne Moët & Chandon for a total sum of Rs599,372.52;
  - (f) 16 March – Lunch at Trou aux Biches Resort & Spa which include 1 bottle of White wine Chablis Joseph Drouhin for a sum of Rs2,001;
  - (g) 26 April – 2 bottles of Red wine Château Marie for the sum of Rs1,008, and

- (h) 02 May – 60 bottles of Champagne Moët & Chandon for the sum of Rs157,023.
- (v) Finally, in the year 2014, the PMO purchased for a total sum of Rs507,100.43 as follows -
- (a) 03 March – 60 bottles of Champagne Moët & Chandon, 32 bottles of Red wine, 12 bottles of White wine, 6 bottles of Whisky Black Label, 2 bottles of Gin Bombay Sapphire for a total sum of Rs203,049.86;
- (b) 27 August – 1 bottle of Cognac Martell, 1 bottle of Tanqueray London Dry Gin, 12 bottles of White wine and 18 bottles of Red wine for a total sum of Rs35,999.52;
- (c) 14 October – 36 cans of Beer, 58 bottles of White wine Sauvignon, 63 bottles of Red wine Thomas Laurent and 43 bottles of Whisky Red Label for a total sum of Rs97,865.85;
- (d) 14 November – 60 bottles of Champagne Moët & Chandon Rosé for a sum of Rs158,400, and
- (e) 26 December – 12 bottles of Red Label Whisky for the sum of Rs11,785.20.

Mr Speaker, Sir, to grasp the magnitude of expenditure on alcoholic drinks during 2010 to 2014, let me inform the House that a total of some 937 Champagne bottles, 231 Whisky bottles and 1,284 Red and White wine bottles, amongst others, have been procured for a total amount of Rs4,205,158.66.

*(Interruptions)*

**Mr Toussaint:** *Larzan lepep!*

**Mrs Luchmun Roy:** *Maja karo!*

**Dr. Boolell:** *La prochaine fois...*

**The Prime Minister:** Iznogoud!

**Dr. Boolell:** 2015 à 2019!

**The Prime Minister:** Iznogoud!

**Mr Abbas Mamode:** Mr Speaker, Sir, regarding the alcoholic ...

*(Interruptions)*

**Mr Speaker:** There is a question going on!

*(Interruptions)*

Hon. Dr. Boolell!

**The Prime Minister:** *To enn Iznogoud!*

*(Interruptions)*

**Mr Abbas Mamode:** Mr Speaker, Sir,...

*(Interruptions)*

**Mr Speaker:** Question!

**The Prime Minister:** Iznogoud!

**Mr Speaker:** Order!

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

**Mr Nuckcheddy:** *Zot tou inn bwar!*

**Mr Speaker:** Question!

**Mr Abbas Mamode:** Regarding the alcoholic drinks procured by PMO during these periods, can the hon. Prime Minister inform the House of the events where these alcoholic drinks were used?

**The Prime Minister:** Mr Speaker, Sir, it is a very long list and in some cases, the events for which these alcoholic drinks were procured have not even been mentioned. But from information provided to me, I can inform the House that on a number of occasions, alcoholic drinks have been procured by PMO for dinners hosted at the Clarisse House.

One such occasion is on 16 February 2012 where eight bottles of Red wine Haut-Médoc Les Granges, eight bottles of White wine Mâconnais and eight bottles of Champagne Moët & Chandon Rosé were purchased for a total sum of Rs35,455. And the House will note that there are no further details stating whether the dinner at the Clarisse House was being organised for official or personal reasons. There are also no details on those who attended this dinner and there is also no mention on whether cigars were purchased on that occasion for this dinner.

I can recall, Mr Speaker, Sir, those days, hon. Bhagwan used to say –

“Not Clarisse House, Caress House”

*(Interruptions)*

And it all says everything!

*(Interruptions)*

**Ms J. Bérenger:** *Ala li frustré la !*

**Mr Speaker:** The Table has been advised that PQs B/1646, B/1647, B/1649, B/1652, B/1653, B/1655 have been withdrawn.

Time over!

*(Interruptions)*

Questions to other Ministers!

*(Interruptions)*

I call MP Dr. Gungapersad!

#### **NEW GOODLANDS MARKET – STALLS SIZE – ALLOCATION CRITERIA**

**(No. B/1656) Dr. M. Gungapersad (Second Member for Grand’Baie & Poudre d’Or)** asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard the new Goodlands market, he will, for the benefit of the House, obtain from the District Council of Rivière du Rempart information as to the size of the stalls thereat, indicating the criteria used for the allocation thereof.

**The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo):** Mr Speaker, Sir, I am informed by the District Council of Rivière du Rempart that the construction of the new market at Goodlands has been completed and the handing over of same is being finalised. I am also informed that the size of the floor area of each stall in the new market is as follows –

- 1) The size of a stall in the vegetable section for vegetable, grocery, fruit sellers is 2 metres by 1.4 metres;
- 2) The size of a stall for the potato, onions, garlic and ginger sellers is 2 metres by 2.8 metres, and
- 3) The size of a stall for general merchandise section is 1.94 metres by 2 metres.

I am further informed that a drawing of lot exercise was held on 16 November 2023 at the Council under the supervision of a Senior Court Usher for the allocation of stalls to the existing stall holders of the old Goodlands market fair. The mandatory criteria of eligibility for the drawing of lots exercise for the vegetable and general merchandise section is that the stall-holder should be paying stall fee regularly and should not have ceased operations.

**Dr. Gungapersad:** Thank you, Mr Speaker, Sir. Will the hon. Vice-Prime Minister concur that the reduction in the size of the stalls will significantly and adversely affect those who operate in the market as they will face the same types of problems which cropped up in the Victoria Urban Terminal?

**Dr. Husnoo:** Mr Speaker, Sir, the size of the market and all that, this had been discussed with the vegetable sellers. So, they are aware of that and they are going to arrange for site visits and everything.

**Dr. Gungapersad:** Thank you, Mr Speaker, Sir. Will the hon. Vice-Prime Minister inform the House whether the request for a proposed joint site visit by the DCRR and some members of the Northern General Traders Association was sought prior to drawing of lots for the allocation of stalls, APS while the request was turned down?

**Dr. Husnoo:** Mr Speaker, Sir, I am told that the two groups, the Northern General Traders Association and General Merchandise Association of Goodlands were invited for the drawing of lots and I think most of them, they did not come officially, Mr Speaker, Sir.

**Mr Speaker:** Next question, MP Foo Kune-Bacha!

#### **TOURISM AUTHORITY – PLEASURE CRAFT LICENCES – NUMBER ISSUED & BENEFICIARIES**

(No. B/1657) **Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière)** asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the commercial pleasure craft licences, he will, for the benefit of the House, obtain from the Mauritius Tourism Authority, information as to the current number thereof, indicating the number thereof delivered since January 2023 to date, giving the names thereof.



**The Deputy Prime Minister:** Mr Speaker, Sir, I am informed by the Tourism Authority that as at 30 November 2023, the number of valid commercial pleasure craft licences was 1,362.

As to the second part of the question, that is, the number of commercial pleasure craft licences delivered since January 2023 to date, it is assumed that the hon. Second Member for Beau Bassin and Petite Rivière is referring to new licences issued for the first time as opposed to pre-existing licences that are routinely renewed. Since January 2023 to 30 November 2023, four new commercial pleasure craft licences have been issued by the Tourism Authority and the beneficiaries are –

- (i) Bluewater Aventure Ltd;
- (ii) Indigo Divers Ltd, and
- (iii) Blue Bay Nature Park Ltd.

In the last case, two licences for Blue Bay Nature Park Ltd.

**Mrs Foo Kune-Bacha:** L'honorable ministre peut-il éclaircir la Chambre sur les critères qui ont été pris en considération pour délivrer ces permis ; surtout suite aux allégations de favoritisme en faveur d'une société proche d'un ministre et en faveur d'un fils d'un député de la majorité et au détriment de ceux qui sont dans l'attente depuis plusieurs années ?

**The Deputy Prime Minister:** The hon. Lady is voicing in this House grave allegations as concerns companies close to persons in Government. I think she should substantiate such allegations. The criteria are in no way related to such allegations. In fact, the criteria are, I believe laid down by law. I would refer the hon. Lady to section 59 of the Tourism Authority Act which states –

“(...) the Authority may, after consideration of an application under section 57, grant the application and issue a pleasure craft licence to the applicant –

- (a) where it is in presence of a favourable survey report and or counter examination report, as the case may be;
- (b) where it is satisfied that all the conditions specified in the letter of intent referred to in section 57 (6) have been complied with;
- (c) upon payment of the prescribed fee by the applicant; and

(d) on such terms and conditions as the Authority deems appropriate.

Now, I have gone through the information concerning the three beneficiaries of new licences: Bluewater Aventure Ltd, Indigo Divers Ltd, Blue Bay Nature Park Ltd, and I do not see any evidence at first hand – I am not involved in those matters – of anybody being linked to somebody in Government or having benefited from an improper procedure.

**Mr Speaker:** Next question, MP Wochit!

### **MARE CHICOSE LANDFILL – ECOLOGICAL HAZARDS – MEASURES**

**(No. B/1658) Mr R. Wochit (Third Member for Pamplemousses & Triolet)** asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the Mare Chicose landfill, he will state the urgent measures envisaged to address the ecological hazards resulting from its operation.

**The Minister of Information Technology, Communication and Innovation (Mr D. Balgobin):** Mr Speaker, Sir, I am informed by the Solid Waste Management Division of the Ministry that measures to address ecological hazards resulting from the operation of the Mare Chicose landfill site are in-built in the design and construction of the landfill as well as in the contract for its operation and management.

Mr Speaker, Sir, the Mare Chicose landfill started operation in 1997 and currently covers an area of around 50 hectares where waste has been safely disposed with an average of 500,000 tons yearly. This sanitary landfill is, in fact, an engineered landfill, constructed and operated as per international guidelines to ensure environmentally-safe disposal of solid waste. The operation and maintenance of the landfill is contracted out whereby the contractor is responsible for the construction works, operations of the facility and the environmental monitoring at the site. The contractor also has the duty of compliance with the provision of Occupational Health and Safety Act with a view protecting its employees from site hazard including sanitary measures.

Moreover, an international consultant in association with Lux Consult (Mauritius) Ltd has also been appointed to carry out supervision of the operation and maintenance works of the landfill and also to supervise the environmental monitoring task.

Mr Speaker, Sir, I wish to assure the House that a comprehensive environmental control is exercised on the landfill site, the main objective of which is to manage and minimise the impact of landfill activities on the environment. The purpose is to ensure

compliance with environmental laws and to mitigate any risk of harmful effects on the natural environment and to protect public health. Environmental monitoring includes the monitoring of landfill gas and air quality, leachate management and ground and surface water quality.

Mr Speaker, Sir, with regard to landfill gas, I am informed that it may cause explosions if not properly managed. Hence, the presence of such a gas is monitored in and around the landfill site. Landfill gas, which is generated during decomposition of organic wastes, constitutes 50% methane which is known for its high impact as a greenhouse gas.

To avoid direct emissions of this greenhouse gas into the atmosphere, I wish to enlighten the House that about 70% vertical and horizontal gas wells have been installed at the Mare Chicose Landfill for gas abstraction and generates about 2-3 MW green electricity, which is exported to the CEB Grid. Any excess gas is flared, thus preventing release of methane in the atmosphere. Moreover, the migration of landfill gas is monitored from mobile gas migrating probes at several locations.

Mr Speaker, Sir, I informed that the design adopted at the Mare Chicose landfill comprises a bottom line of soil with very low permeability and re-enforced with bentonite. This line up prevents the infiltration of leachate, which is the liquid percolating through the waste to the underlining soil down to groundwater. In addition, a geomembrane package comprising of two layers of 2mm thick, High-Density Poly Ethylene (HDPE) membrane, sandwiched in the geotextile material, have been provided to offer two more lines of defence against groundwater pollution. It is emphasised that the construction of the bottom of the landfill is subject to rigorous supervision by engineering consultants, where works are approved part by part before the contractor is authorised to continue with implementation.

The geomembrane package is then overlaid by a layer of coarse aggregates in which a reticulation of pipes is installed with the purpose of collecting leachates into four-line storage ponds within the compound of the landfill facility and having a total retention capacity of 32,500 m<sup>3</sup>. The leachate is then pumped into tankers and transported to the Wastewater Pumping Station at Roche Bois and then for treatment at Baie du Tombeau.

Mr Speaker, Sir, I am informed by the Solid Waste Management Division that the contractor operating the landfill has the obligation to monitor the level of leachate to prevent any overflow. On a daily basis, the contractor deploys an average of 12 trucks for carting away of the leachate to the Roche Bois Pumping Station. During heavy rainfall,

more trucks (around 20) are deployed to ensure no overflowing outside the landfill. Four ponds ensure adequate buffer to contain any excess generated in the site.

Moreover, regular inspections are carried out on the site by the appointed consultants for supervision, operation and maintenance of the landfill, who submit reports to the Solid Waste Management Division on a regular basis.

Mr Speaker, Sir, I am informed that peripheral cut-off drains have been constructed around the landfill to prevent ingress of surface water generated outside the landfill into waste mass which would have otherwise increased significantly the volume of the leachate.

Mr Speaker, Sir, with regard to monitoring of the quality of groundwater and surface water around the landfill, samples are taken at 24 groundwater monitoring wells and eight surface water points in the vicinity of the landfill for testing. The samples are sent to the National Environmental Laboratory and also to that of the contractors' experts on a monthly basis. The contractor has the obligation to submit to the Solid Waste Management Division reports of these tests on a quarterly basis. The analytical results obtained from these assessments have so far shown no indication of any sustained pollution of the groundwater and surface water resources.

Mr Speaker, Sir, to further protect the environment, the landfill is covered by a capping layer of liner and soil when waste reaches design level. The capping layer prevents the ingress of rainwater into the waste mass and the elimination of landfill gas into the atmosphere. This protective layer further prevents ingress of oxygen into the waste mass, thus reducing the risk of spontaneous fire.

Thermal imaging camera is used to monitor the waste temperature on the landfill twice weekly. Additionally, CCTV cameras will soon be installed and it is also planned to construct a network of pipes and overhead water jets to combat any landfill fire.

Mr Speaker, Sir, Mare Chicose Landfill remains a planned, structured and well-designed waste management facility wherein pollution to environment ranging from groundwater, surface water to air are mitigated through engineered infrastructures and operations conducted through prescribed specifications and internationally acceptable methodologies. Thank you.

**Mr Wochit:** Thank you, Mr Speaker, Sir. How is the Government planning to collaborate with the local authorities and waste management entities to ensure comprehensive coverage and effective implementation of separate waste collection,

especially in today's commitment which is directly affected by the landfill ecological challenges?

**Mr Balgobin:** Mr Speaker, Sir, the question is very specific on hazard at the landfill. The hon. Member is now asking a question on collaboration with local authorities and how to manage waste with local authorities. I think the hon. Member should come up with a specific question on this subject matter.

**Mr Speaker:** No, I gave you one question; you could not sustain it. We have so many questions. We should give the chance to other Members to ask their questions.

So, I have to announce that the Table has been advised that PQs B/1659, B/1675 and B/1693 have been withdrawn. Next question would be for hon. Quirin!

#### **SEPTIC TANKS – DESLUDGING – CONTRACT & BIDDER**

**(No. B/1659) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Minister of Energy and Public Utilities whether, in regard to the contract for the desludging of septic tanks, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to the name of the successful bidder of the last bidding exercise therefor, giving details thereof.

*(Withdrawn)*

#### **CSG DISABILITY ALLOWANCE – DISABILITIES TYPE & BENEFICIARIES – JULY TO DEC 2023**

**(No. B/1660) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the *Contribution Sociale Généralisée* Disability Allowance of Rs2,500 allocated to persons suffering from a disability between 40 and 59 per cent as announced in the 2023-2024 Budget, she will state the criteria to benefit therefrom, indicating the –

- (a) type of disabilities concerned therewith, and
- (b) number of beneficiaries thereof since July 2023 to date.

**Mrs Jeewa-Daureeawoo:** Mr Speaker, Sir, I wish to inform the House that by virtue of section 30A and the Sixth Schedule of the Social Contribution and Social Benefits Act 2021, a person is entitled to the Disability Allowance if he is below the age of 60, suffers from a disability between 40 and 59 per cent and is not in receipt of a basic pension under the National Pensions Act.

All applications have to be assessed by a medical board for determination of eligibility to the Disability Allowance. The applicant has the right to appeal to the Medical Tribunal in case his application is turned down by the Medical Board.

With regards to part (a) of the question, I am informed that part 2 of the sixth schedule of the Social Contribution and Social Benefit Act 2021 provides for a list of medical conditions for which an applicant is entitled to a Disability Allowance for a renewal period of not less than two years and they are as follows –

1. Paralysis of a whole limb with some movements;
2. Paraplegia/Hemiplegia with some movements, and
3. Grand Mal epilepsy.

I am informed that since July 2022 to date, 130 persons who have not been found eligible for the Basic Invalidity Pension have been found eligible for Disability Allowance.

**Mr Quirin:** M. le président, je suis sûr que l'honorable ministre sera d'accord avec moi qu'il y a beaucoup d'incompréhension et peut-être un manque d'information dans le public concernant cette catégorie spécifique de personnes invalides dans la catégorie de 40 à 59 %. Si j'ai bien compris la réponse du ministre, cette catégorie bénéficie à certains types d'invalidité seulement. Donc, qu'en est-il de ceux qui ont une déficience intellectuelle ou sensorielle ou physique ? Est-ce que ces personnes aussi peuvent se retrouver dans cette catégorie ?

**Mrs Jeewa-Daureeawoo:** Yes, Mr Speaker, Sir. First of all, I must say that when we announced the Disability Allowance in the Budget 2022-2023, there has been a huge sensitisation campaign carried out by the Ministry throughout the country. That's the first thing.

Secondly, the assessment is based on the doctors' clinical examination of the patients and the medical guidelines and well, you have mentioned some category of illness. So, they will be provided with the Disability Allowance or the Basic Invalidity Pension when they are being examined by the Medical Board.

Thirdly, I must say that since 2014, Mr Speaker, Sir, we have brought many changes, I must say major changes to provide support to those suffering from an incapacity. We are all aware that before 2014, only those suffering from an incapacity of 60% were deriving a Basic Invalidity Pension. So, we have introduced a Disability

Allowance as I have said in Budget 2022-2023 for those suffering from a disability between 40 and 59% and now, an individual who has been amputated of or lost his or her arm, leg or hand benefit from a Basic Invalidity Pension of Rs11,000. So, as you can see, Mr Speaker, Sir, a lot of effort has been made by our Government to improve the system to provide more support to those in need.

**Mr Quirin:** Mais qu'en est-il des personnes invalides qui, pendant certaines années, ont bénéficié de la pension, *full pension* de R 11,500 et que subitement, ils sont appelés devant le *Board* médical et qu'on se rend compte qu'ils ne sont plus invalides de façon à bénéficier du *Full Invalidity Pension*, est-ce que ces personnes, M. le président, vont se retrouver dans la catégorie inférieure de 40 à 59 % ?

**Mrs Jeewa-Daureeawoo:** Mr Speaker, Sir, first of all, I must say that it is not correct to say that the pension is not for life, the Basic Invalidity Pension is for a certain period of time. So, someone makes an application for a Basic Invalidity Pension or for a Disability Allowance, so the person is on the board, the person is being examined by the board and the pension is being given for a certain period of time. It might be one year depending on the illness – one year, two years, three years, five years or we have also permanent Basic Invalidity Pension.

Now, at the end of the said one year, two years, three years, of course, the person is aware that the pension will be disallowed because when the pension is being allowed, a letter is sent to the pensioner and as I have said, I stand guided by the Medical Board, I stand guided by the Medical Tribunal. The assessment is made on the Doctor's clinical examination of the patient and the medical guidelines. So, as I have said, a lot of effort has been done by the Ministry, by the Government to improve the system but we stand guided by the Doctors.

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

#### **STC – RATION RICE – STOCK AVAILABILITY**

**(No. B/1661) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Commerce and Consumer Protection whether, in regard to ration rice, she will, for the benefit of the House, obtain from the State Trading Corporation, information as to –

- (a) the current stock thereof;
- (b) if distribution thereof has resumed to normal level, and

(c) when future consignments thereof are expected.

**Dr. Mrs Chukowry:** Mr Speaker, Sir, with your permission, I will reply to PQs B/1661 and B/1686 together as they relate to the same subject.

Mr Speaker, Sir, ration rice, or long grain white rice, as it is technically known, is a staple food for both the Mauritian and Rodriguan population, with an annual consumption of about 24,000 metric tons, out of which about 5,000 metric tons is for Rodrigues. The ration rice sold on the local market is procured by the State Trading Corporation (STC) mainly from India and Pakistan. The monthly consumption of ration rice averages about 2,126 metric tons for the Republic of Mauritius.

Mr Speaker, Sir, with regard to part (a), I am informed that, as at the 04 December 2023, the STC has a stock of around 3,259 metric tons of ration rice in its warehouse, which represents nearly 36 days of consumption based on the current sales trend of about 90 metric tons per day.

Mr Speaker, Sir, under normal circumstances, prior to the ban introduced by the Government of India on the exportation of long grain white rice earlier this year, the average daily sales of the STC was around 60-70 metric tons. Following the ban the STC limited its daily sales to around 35-40 metric tons with a view to ensuring continuity of supply and maintaining a continuous supply on the market without scarcity of the product.

Further to successful discussions of this Government with the Government of India, the latter informed that 14,000 metric tons of ration rice would be provided to Mauritius. As soon as a good amount was obtained in early November 2023, the STC immediately increased its delivery of ration rice to around 90-100 metric tons, which is about 20 metric tons more than it was before the ban, to its wholesalers/distributors who are responsible for delivering the rice to various sales point around the island.

Mr Speaker, Sir, with regard to the frequency of delivery, I am informed that the delivery of ration rice is being effected on a weekly basis to small shops as well as supermarkets, based on their purchase orders.

Mr Speaker, Sir, I am further informed by the STC that about 2,000 metric tons of ration rice are expected to reach Mauritius over the next two weeks from India. Additionally, another 2,000 metric tons are expected to be delivered by the end of December and another 2,000 metric tons in mid-January 2024. At the rate we are receiving these consignments, let me reassure the House and the population, that we have a more than adequate amount of ration rice for everyone.



Mr Speaker, Sir, about 3,000 MT of ration rice out of the 14,000 MT quota has already been received from India. I am informed that the remaining amount is scheduled to be delivered on a regular basis over the next few months.

Additionally, with a view to avoid over reliance in sourcing ration rice from one country only, I am informed by the STC that contracts for the supply of 3,500 MT of ration rice has been awarded to two suppliers from Pakistan for delivery in January and February 2024.

Mr Speaker, Sir, let me reiterate that Government and the STC are sparing no effort to ensure an adequate supply of ration rice for 2024 and there is absolutely no need to give in to any panic-buying. There will be more than enough rice for everyone in the coming months. Thank you.

**Mr Abbas Mamode:** Can the hon. Minister inform the House whether she is aware of any cases of hoarding by retailers and actions taken by her Ministry?

**Dr. Mrs Chukowry:** Mr Speaker, Sir, I am informed that since July 2023 to date, several complaints have been received on ration rice with eight of them being on hoarding by retail outlets across the island. As at date, all eight cases have been investigated and no offence has been established.

However, I am further informed that following random checks by officers of the Consumer Affairs Unit of my Ministry, four retail outlets were caught hoarding ration rice. They were accordingly contravened in line with the Consumer Protection Act for failing to display a specimen of every good kept for sale. Despite the higher distribution of ration rice, some retailers are hoarding the stock which is being delivered to them instead of making same available to consumers. This is illegal!

Mr Speaker, Sir, the Consumer Affairs Unit of my Ministry and the STC are maintaining a constant surveillance across the island and any retailer found to be hoarding ration rice or any other product would be sanctioned. I wish to again reassure the House that there is more than enough ration rice on the market.

**Mr R. Duval:** Can we know from the hon. Minister the names of the two suppliers that she mentioned in her answer?

**Dr. Mrs Chukowry:** Mr Speaker, Sir, the list of suppliers of ration rice of the STC

- (i) The National Cooperative Export Ltd of India;
- (ii) The National Agricultural Cooperative Marketing Federation of India;
- (iii) KK Rice Mills (Pvt.) Ltd, Pakistan, and
- (iv) The Meskay & Femtee (Pvt.) Ltd, Pakistan.

Thank you.

**Mr Speaker:** Next question!

**VACOAS-PHOENIX MUNICIPAL COUNCIL – FORMER EMPLOYEE –  
WORK INCIDENT**

(No. B/1662) **Mr P. Assirvaden (Second Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the recent death of one Mr S. S., former employee of the Municipal Council of Vacoas Phoenix whilst on duty, he will, for the benefit of the House, obtain from the Council, information as to if an inquiry has been carried out thereinto and, if so, indicate the measures being taken to improve security at work for the employees.

**The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo):** Mr Speaker, Sir, I am informed by the Municipal Council of Vacoas-Phoenix that an incident occurred on Thursday 14 September 2023 at around 11 30 hours, at Cité Mapou Phase No. 1, Henrietta, whereby Mr. S.S., former Refuse Collector at the Municipal Council of Vacoas Phoenix, was injured on duty while performing scavenging duties.

The incident occurred whilst the Driver, Mr. D. B., was reversing lorry 5 Z 126, in a dead-end over a distance of around 25m to enter an off lane. Mr. S.S. along with a colleague was on the refuse box of the lorry. It appears that at a certain moment, the driver applied brake and the Refuse Collector, Mr. S. S. lost his equilibrium and fell down. He was bleeding from his head and arrangements were immediately made to take him to the hospital.

Mr. S.S. was admitted to hospital on the same day. Unfortunately, I am informed by the Municipal Council of Vacoas Phoenix that Mr. S.S. passed away on 23 November 2023 at the hospital.

Mr Speaker, Sir, I am informed by the Municipal Council of Vacoas-Phoenix that an inquiry is ongoing at the level of the Ministry of Labour, Human Resources Development and Training to determine the cause of the accident.

Furthermore, an inquiry team at the level of the Council has been constituted to investigate into the matter and also to submit a report regarding measures to be taken to prevent any such incident to recur.

Mr Speaker, Sir, my Ministry is working in close collaboration with Ministry of Labour, Human Resource Development and Training on how to improve the safety and health issues of employees of waste carrier operators/employees of the minor grade cadre. A meeting was held on 22 November 2023 in connection to the waste carrier operators/employees working in the Refuse Collection field wherein it has been proposed to amend the Local Government (Dumping and Waste Carriers) Regulations 2003 so that all scavenging service providers (local authorities and private scavenging service contractors) would compulsorily have to provide for electrically-driven tarpaulin cover for the garbage box so as to prevent the Refuse Collector to walk on the garbage box in order to roll out the tarpaulin cover prior to carting away the waste to the transfer station or landfill. This measure has been introduced recently by a few local authorities and the Government is planning to make it compulsory for all stakeholders involved in scavenging service.

Another measure taken by my Ministry since the year 2013 is the provision of a crew cabin so as to enable the Refuse Collectors to have secured seating facilities.

Mr Speaker, Sir, other measures are being proposed by the Ministry of Labour, Human Resource Development and Training which are still at consultation stage such as –

- (i) conduct of risk assessment;
- (ii) implementation of a health surveillance programme, and
- (iii) all vehicles to be equipped with a travelling First-Aid-Kit.

Once all the measures would be finalised, the Ministry of Labour, Human Resource Development and Training would come up with a new set of regulations to improve the occupational safety and health measures for the Scavenging Service.

Mr Speaker, Sir, I wish to reassure the House that the Government is committed to the safety and health of the employees of both public and private sectors.

**Mr Assirvaden:** M. le ministre, l'accident s'est produit le 14 septembre de cette année-ci. L'ex-employé de la municipalité de Vacoas-Phoenix est décédé depuis presque trois mois. Vous avez dit qu'on a constitué une équipe pour une enquête, *for an inquiry*. Est-ce que je peux savoir du ministre si une enquête a débuté parce que depuis l'accident du 14 septembre, il y a eu deux accidents, mineur certes, mais deux accidents impliquant les employés de la municipalité. Trois mois déjà, est-ce qu'on peut savoir si l'équipe qui a été constituée par la municipalité de Vacoas-Phoenix a commencé son travail pour savoir si c'est le camion qui est responsable ? Où est le problème concernant les accidents ?

**Dr. Husnoo:** As I have just mentioned, the Council has set up an inquiry and I have been told they have met. I don't know on what date, but they have met, to be fair. It is not just about trying to find whether it is the lorry which is at fault or whatever, *c'est un concours de circonstances*. Because when the driver was reversing and he braked, the accident happened. So, I think it is not wise to blame the lorry or whatever. I think we have to wait to get all the facts. As I mentioned, we have two inquiries ongoing, one at the level of the Council and one at the level of the Ministry of Labour. I think we will have to wait for inquiry to be completed and then we will have a better idea.

**Mr Speaker:** Hon. Members, I suspend the Sitting for one and a half hour.

*At 1.10 p.m., the Sitting was suspended.*

*On resuming at 2.40 p.m. with Mr Speaker in the Chair.*

**Mr Speaker:** Please be seated! I now call Dr. Aumeer!

#### **INDIRA IVF HOSPITAL INDIA – TRAINING IN FERTILITY –**

#### **SCHOLARSHIPS BENEFICIARIES**

**(No. B/1663) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Health and Wellness whether, in regard to scholarships awarded for training in Fertility (O&G) at Indira IVF Hospital India to Specialists in the Public service in 2022, he will state the –

- (a) number of applications received therefor, and
- (b) names of the selected beneficiaries thereof.

**Dr. Jagutpal:** Mr Speaker, Sir, an Expression of Interest was issued on 5 July 2022 among Consultant-in-Charge (Obstetrics and Gynaecology), Specialists/Senior

Specialists (Obstetrics and Gynaecology), known as Consultant and Specialists/Senior Specialists (Obstetrics and Gynaecology), holding a substantive appointment and who wished to follow a three months training in fertility at Indira IVF Hospital, India from 6 March to 5 June 2023.

As at 12 July 2022, the closing date, ten doctors had expressed their interest to follow the said training. A Selection Board was accordingly set up on 25 July 2022 to carry out interviews. Nine candidates attended the interview in-person and one candidate was interviewed via WhatsApp as he was on training abroad.

Following the interview, two Specialists/Senior Specialists were recommended, on the basis of qualifications, knowledge of work/experience and motivation, and in the given order by the Selection Board. The two officers are Dr. (Miss) S.G, Specialist/Senior Specialist (Obstetrics & Gynaecology) and Dr. V.K.L, Specialist/Senior Specialist (Obstetrics & Gynaecology).

Moreover, the Selection Board had recommended a waiting list of four candidates. Approval of the Public Service Commission, established and financial clearances were sought and obtained in respect of these two Doctors and their letters of nomination were issued accordingly. The courses were sponsored by MERCK Foundation.

**Dr. Aumeer:** Thank you. Can the hon. Minister confirm whether the Board of Selection did not comprise of a gynaecologist or consultant gynaecologist despite the fact that the scholarship was aimed at a sub-speciality of gynaecology, particularly fertility?

**Dr. Jagutpal:** Yes, Mr Speaker, Sir, normally all the interviews conducted at the Ministry of Health involve the Senior Officer, that is, the Director Health Services. It has always been the case and that has been the case, the selection was carried out by the Directors Health Service and the officials of the Ministry.

**Dr. Aumeer:** I note your answer, Minister. Don't you think it would have been fairer for Senior Doctors in gynaecology who want to specialise in a sub-speciality like fertility to be questioned and assessed by somebody who is versatile in Obstetrics, namely a consultant, which there are plenty in the public sector? Thank you.

**Dr. Jagutpal:** Mr Speaker, Sir, the answer to this question is by question. Do you think it is appropriate to have colleagues of gynaecologists interviewing their colleagues?

**Mr Speaker:** Next question, MP Ms Bérenger!

**BUDGET 2022- 2023 –ELECTRIC BUSES – ACQUISITION**

(No. B/1664) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Land Transport and Light Rail whether, in regard to electric buses to be acquired by the National Transport Corporation as announced in Budget Speech 2022-2023, he will state where matters stand.

**Mr Ganoo:** Mr Speaker, Sir, the decarbonisation of the land transport sector is high on the agenda of this Government. With this in mind, several measures have been introduced through the successive budgets to promote e-mobility and induce an uptake in electric vehicles. Accordingly, bus operators can now avail under the Bus Modernisation Scheme, a subsidy amounting to 30% of the cost of an electric bus subject to a maximum Rs3.5 million per bus.

In addition, in order to reduce the finance costs linked with the acquisition of an electric bus, the leasing rates provided by the Industrial Finance Corporation of Mauritius which is Government-owned was reduced from 3% to 2%. A Fleet Renewal Plan was devised by the National Transport Corporation for the replacement of its ageing diesel buses with new electric propelled buses. In fact, as the largest bus operator with a fleet of over 500 buses, the NTC is aiming to progressively renew its fleet with electric run buses. A feasibility study was conducted to this effect, and revealed that the operation of electric buses would be beneficial to the NTC in terms of minimising its carbon footprint whilst also reducing its operational cost in terms of diesel consumption and repairs over the useful lifecycle of these buses.

As regards the acquisition of electric buses for the NTC, I have to inform the House that my Ministry is liaising with the Indian authorities for the sourcing of 200 such buses. It has been agreed in principle that 100 out of the 200 e-electric buses would be in the form of a grant component while the other 100 buses will be financed under a concessionary line of credit. In this context, the technical specifications for those buses have been worked out and are being finalised in consultation with the Indian authorities. To this end, my Ministry is regularly interacting with the Indian authorities in order to agree on the technical components for the electric buses. Once same are finalised, needful would be done to formalise the above arrangement. However, as this entails a Government to Government approach, there is need to secure all relevant clearances and follow all the established process in connection with the above.

Mr Speaker, Sir, in addition to the procurement of the buses, there is need to cater for the charging infrastructure for these buses. I am informed that a preliminary technical

concept design for the depot of the NTC has been prepared in order to set out the electrical and civil infrastructure work required therefor. My Ministry is therefore liaising with the Ministry of Finance, Economic Planning and Development on the matter.

Mr Speaker, Sir, I need to point out that electric bus technology is quite nascent in Mauritius as there are very few such buses operating locally, including one which is being run by the NTC since February 2022. It is also to be pointed out that electric buses have an ecosystem of their own as we need to cater for the associated charging infrastructure besides such buses having specific maintenance requirements. Similarly, we have to take into account the specificities of the local routes in terms of length, terrain and topography thereof in order to determine the range and technical components of the buses. This requires a thorough understanding of the operational and maintenance requirements of such types of vessel prior to replicating their operation on a bigger scale. This is why my Ministry is laying much emphasis on the technical requirements so that we avail buses best suited to the Mauritian context.

Thank you.

**Ms J. Bérenger:** Le ministre est-il au courant que des employés de la Compagnie Nationale de Transport ont publiquement regretté la lenteur administrative pour le décaissement des fonds permettant l'électrification des dépôts et s'il a été mis au courant, qu'est-ce qu'il compte faire pour remédier la situation ?

**Mr Ganoo:** Mr Speaker, Sir, officially the Ministry or any other Government authority has not received any complaints with regard to the delay in procuring these buses but the hon. Member should know, Mr Speaker, Sir, that we are as I just explained, on another level when we are talking of electric buses because we must assess, the most suitable types of buses adapted for Mauritius as there is no one size fits all with regard to electric buses.

Electric bus technology, Mr Speaker, Sir, is much more complex than the normal acquisition of diesel propelled buses. I say so, Mr Speaker, Sir, because when we are talking of electrical buses we must understand that firstly it is a new technology in Mauritius as I just said. We have hardly any buses in Mauritius but the "delay" is also due, Mr Speaker, Sir. Since the consultations and discussions started with Indian authority in the beginning of this year, several consultations have taken place between both authorities, Mr Speaker, Sir. We have had several virtual meetings with the Indian authorities.

Both parties have been discussing regularly. There have been 36 specifications which were the subject of discussions, debate, consultations, and 33 of them have been cleared. We were left with three more complex specifications. With regard to these three specifications, we are nearly home, and now, we are therefore finalising the technical aspect of the deal. Once this is finalised, then the agreement will be signed. After the agreement is signed, I must inform the hon. Member and the House also that a tender will be floated and this exercise will be conducted by the Indian authorities. They will decide which supplier is most apt and best to supply the buses for which we have prescribed the necessary specifications.

So, this is why this has taken such a long time, Mr Speaker, Sir. Although we are going to be granted hundred buses and we are going to acquire another hundred buses, Mr Speaker, Sir, we must be sure that the quality and the level of these buses that will be shipped to Mauritius are buses that will last in terms of the life battery, corrosion, seating capacity and in terms of other specifications. Thank you.

**Mr Speaker:** Okay, the question has been sufficiently canvassed. I move to the other question. I will now call hon. Ms Tour.

#### **GOVERNMENT SCHOOLS – CONSTITUENCY NO. 4 – RENOVATION WORKS**

**(No. B/1665) Ms J. Tour (Third Member for Port Louis North & Montagne Longue)** asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the renovation works undertaken in government schools in Constituency No. 4, Port Louis North and Montagne Longue, she will give a list thereof since 2020 to, indicating in each case the –

- (a) scope of works, and
- (b) related costs.

**The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun):** Allow me, Mr Speaker, Sir, in the first place, to thank the hon. Member for this question which gives me the opportunity to elaborate on the works having been undertaken in the government schools in the Port Louis North and Montagne Longue region.

Surveys and several visits were carried out by officers of the Infrastructure Management Unit of my Ministry into schools in this region. The hon. Member along with two other MPs of the Constituency No. 4 have been regularly following works being carried out thereat.



Mr Speaker, Sir, I am informed that since January 2020 till date, renovation works carried out in government Primary Schools and State Secondary Schools found in Constituency No. 4, Port Louis North and Montagne Longue, have been carried out. The renovation works pertain to, inter alia, waterproofing, repairs to spoiling concrete, painting, replacement of CIS roofs in classrooms, replacement of electrical wiring, provision of air conditioners in ICT rooms and libraries, provision of metal canopy and shed, provision of high-rise fencing, toilet blocks, kitchenette and stores.

The schools involved are –

- Mohabeer Foogooa Government School;
- Crève-Coeur Government School;
- Morcellement Raffray Government School;
- Ramnarain Government School;
- Pandit Jagdish Sharma Radhay Government School;
- Vallée Des Prêtres Government School ;
- La Briqueterie Government School ;
- Elsie Prele, Nicolay and Marcel Cabon Government Schools, and
- Port North SSS Boys.

I am tabling the details of works undertaken in those schools and their respective costs.

Mr Speaker, Sir, I am further informed that other renovation works are in the pipeline at Notre Dame Government School, Crève-Coeur Government School, Morcellement Raffray Government School and Port Louis North SSS, and same will be completed before the end of this financial year.

**Ms Tour:** Thank you, Mr Speaker, Sir. In her reply, the hon. Vice-Prime Minister mentioned about renovation in Mohabeer Foogooa Government School. The building of this school is a very old one, nearly 70 years old. Can the hon. Vice-Prime Minister inform the House whether consideration will be given for the building of a new school in the future?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, will have to be guided by the engineers at the MNI. We will ask them to carry out a survey and in case they recommend that the building be pulled down and a new one constructed, we will move in that sense, Mr Speaker, Sir.

**Ms Tour:** Thank you, Mr Speaker, Sir. Can the hon. Vice-Prime Minister give us an indication of the total cost of renovation works carried out in government schools in Constituency No. 4?

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I can give the value for part of the work that has already been completed. It is to the tune of some Rs78 m.

**Mr Speaker:** I now call hon. Ramful.

#### **FOREIGN WORKERS – WORK PERMITS – APPLICATIONS**

**(No. B/1666) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Labour, Human Resource Development and Training whether, in regard to work permits delivered to foreign workers, he will state the number of applications received therefor since 2019 to date, indicating –

- (a) in each case the country of origin;
- (b) the number thereof under process, and
- (c) the average processing time therefor.

**Mr Callichurn:** Mr Speaker, Sir, the number of work permit applications received by my Ministry for foreign workers for the period January 2019 up to 30 November 2023 is as follows –

	<b>TOTAL NUMBER OF APPLICATIONS RECEIVED</b>	
<b>YEAR</b>	<b>NEW</b>	<b>RENEWAL</b>
2019	18,754	18,223
2020	5,920	7,779
2021	7,297	26,404
2022	20,585	20,171
2023 (as at 30.11.23)	18,868	15,037
<b>TOTAL</b>	71,424	

Mr Speaker, Sir, as regard to the country of origin of these workers, the information is being compiled and will be tabled soon.

Mr Speaker, Sir, as at 30 November 2023, there were 2,407 applications still under process.

With regard to the processing time, as per Section 4(5) of the Non-Citizens (Employment Restrictions) Act 1973, as amended in July 2023, all applications for work permit need to be completed within a period of 30 working days. This time-frame is being strictly followed by my Ministry, except for a few applications where extensive investigation and consultation have to be made.

**Mr Speaker:** I call hon. Bodha!

### **BETTING OUTLETS – BETTING TAXES COLLECTED**

(No. B/1667) **Mr N. Bodha (Second Member for Vacoas & Floréal)** asked the Minister of Finance, Economic Planning and Development whether, in regard to the betting outlets, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the amount of betting taxes collected therefrom by the Mauritius Revenue Authority since 2019 to date.

**Dr. Padayachy:** M. le président, j'ai été informé par la *Mauritius Revenue Authority* que les taxes sur les paris collectés auprès des points de vente de paris depuis l'exercice 2018-2019 jusqu'à ce jour s'élèvent à 4,8 milliards de roupies. Merci, M. le président.

**Mr Bodha:** Ma question était par rapport au nombre total d'*outlets*. La semaine dernière, le ministre avait confirmé qu'il y avait à partir de 2019...

**Dr. Padayachy:** Oui, c'est ça. Auprès des points de vente. C'est auprès des points de vente.

**Mr Bodha:** Je dis le nombre total dans le pays. Est-ce que je peux demander au ministre le nombre total de *betting outlets* dans le pays ?

**Dr. Padayachy:** M. le président, j'ai des renseignements auprès de la MRA qui me dit que les taxes sur les paris collectés auprès des points de vente - c'est ce que l'honorable membre a demandé - donc, depuis l'exercice 2018-2019 jusqu'à ce jour s'élèvent à 4,8 milliards de roupies. C'est ce que j'ai eu comme renseignement.

**Mr Bodha:** Est-ce que je peux demander au ministre quel est le nombre de *betting outlets* dans le pays ? Le nombre total ? La semaine dernière, il a précisé qu'il y avait, depuis 2019, 83 nouveaux permis. Là, je demande combien d'*outlets* il y a dans le pays sur le plan national.

**Dr. Padayachy:** Une seconde, M. le président. La semaine dernière, je crois que j'avais parlé du nombre d'*outlets*....

**Mr Speaker:** Maybe you can circulate the reply?

**Dr. Padayachy:** Je vais circuler. Je n'ai pas le nombre exact avec moi.

**Mr Speaker:** You circulate the reply.

**Dr. Padayachy:** I will circulate it.

**Mr Speaker:** So, next question. Hon. Doolub!

#### **POINTE D'ESNY LAGOON – CORAL NURSERY PROJECT – IMPLEMENTATION**

(No. B/1668) **Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to the coral nursery project in the lagoon of Pointe d'Esny, he will state where matters stand as to the implementation thereof.

**Mr Maudhoo:** Mr Speaker, Sir, allow me to thank the hon. Member with regard to coral restoration projects.

Mr Speaker, Sir, coral farming, also known as coral aquaculture or coral propagation, involves cultivating and growing corals in controlled environments, with the aim of restoring or replenishing coral reef ecosystems.

These initiatives are crucial to allow us to face the challenges of climate change; coral bleaching events due to fluctuation of sea temperature, overfishing and pollution that have severely impacted coral reefs worldwide.

The Coral Nursery Project at Pointe d'Esny is being implemented under the restoring marine eco-system services by rehabilitating coral reefs to meet a changing climate future project which was approved by the adaptation fund of the UNDP in October 2018. This project is a regional project involving Mauritius, Rodrigues and Seychelles. The Government of Mauritius is co-funding the project for the upgrading of the land based

coral nursery at the Albion Fisheries Research Centre, the construction of a land-based coral nursery and installation of a sea-water pump at the Mauritius Oceanography Institute.

Mr Speaker, Sir, initiated since November 2020, this 6-year project aims at reducing the impact of climate change on local communities and coral reefs dependent economic sectors in Mauritius, Rodrigues and Seychelles by implementing coral reef restoration with thermal tolerant coral as adaptation to climate change.

Mr Speaker, Sir, following a procurement exercise conducted by UNDP, three non-governmental organisations have been retained namely –

1. Eco-Sud, and
2. Reef Conservation for implementation of the project in Mauritius, and
3. Shoals Rodrigues for Rodrigues.

As at date, a total of 123 multi-layered rope nurseries and 278 table nurseries have been set up by Eco-Sud and Reef Conservation in the Grand Port Fishing Reserve which includes Pointe d'Esny. The two NGOs have already cultured around 30,000 coral fragments in those coral nurseries and the aim is to culture 80,000 coral fragments in Mauritius and 11,000 in Rodrigues by the end of the project in November 2026.

Mr Speaker, Sir, it is a fact that over the years, our corals have been destroyed mainly through anthropogenic impacts out of ignorance due to lack of sensitisation on the importance of corals for the marine eco-system. The vision of my Ministry is to enhance fisheries by fostering robust bio-diverse eco-systems like marine protected areas and the propagation of corals to actively facilitate recovery through coral restoration projects.

Mr Speaker, Sir, the marine eco-system demands collective action and cooperation. They said like a delicate masterpiece crafted over years by nature's patient hands, coral reefs embody resilience and beauty. Yet, in mere seconds, we human beings, can destroy what took nature centuries to create. Right now, world leaders and experts are gathered at the COP28 Conference in Dubai where one of the major concern is climate change's multifaceted impact among which degrading coral reefs and the urgent need for protection and restoration. Even if coral reefs account for less than 0.1% of the ocean floor that support over 25% of the Marine Biodiversity yet they are a life-line follower of 850 million people worldwide. Coral reefs act as ecological power houses and protect approximately 71,000 km of coast line worldwide and help to mitigate natural disasters. Therefore I take this opportunity to call upon each and every citizen of our country to

become an ambassador to preserve what nature has gifted us by supporting the protection of our corals for the future of our oceans.

**Mr Doolub:** Thank you, Mr Speaker, Sir. The hon. Minister, in his reply, just made a call for collective action. May we know from the Minister how are the fishermen and the local community involved in coral restoration programmes currently being implemented?

**Mr Maudhoo:** Mr Speaker, Sir, all the coral farming projects in Mauritius being implemented by my Ministry have a training component for the training of fishers and the local communities. Similarly, the project which is being implemented in Pointe d'Esny provides for training of fishers and other members of the local community in the targeted coastal regions, including the youth and even hotel personnel. The project involves the training of registered fishers and applicants also into technics of coral farming and the project is jointly implemented by the Albion Fisheries Research Centre and the Mauritius Oceanography Institute. As at date, some 300 registered fishers have been trained under this scheme.

**Mr Doolub:** Thank you, Mr Speaker, Sir. Can the Minister clarify if there has been any recent occurrence of coral spawning in the region of Pointe d'Esny and Mahebourg?

**Mr Maudhoo:** Yes, Mr Speaker, Sir. In fact, coral spawning is a natural reproductive phenomenon in which corals release their eggs and sperm into the water simultaneously. It is good for all people to know this synchronised release often occurring a specific times of the year allows for fertilisation to take place in the surrounding ocean. Very recently we noted that in the region of Mahebourg, despite Wakashio oil spill, there was a massive coral spawning which shows the good health of the mother colonies in that region. So, I want to draw the attention of everybody that there is an unpleasant odour emanating from coral spawning which is entirely natural and harmless. Very often, people think that it is pollution. So let me assure the House that this scent may be perceive as unpleasant but it does not pose any harm or danger to human.

**Mr Speaker:** Next question! MP Dr. Boolell!

#### **COP 28 CLIMATE TALKS – MAURITIUS PARTICIPATION**

**(No. B/1669) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes)** asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the Cop 28 Climate Talks being held from 30 November 2023 to 12 December 2023 in the United Arab Emirates, he will state if Mauritius is participating thereinto.

**The Minister of Information Technology, Communication and Innovation (Mr D. Balgobin):** Mr Speaker, Sir, the answer is yes.

**Dr. Boolell:** The hon. Minister will attend to? Does the hon. Prime Minister intend to attend the COP?

**Mr Balgobin:** Mr Speaker, Sir, for the question if Mauritius is participating, the answer is yes. Now for the supplementary question, I shall give the details.

Mauritius is signatory to the UN Framework Convention on Climate Change since 1992 and since then, participation of Mauritius is solicited in the Conference of the Parties commonly known as COP. The Mauritian delegation is led by the hon. Minister of Environment, Solid Waste Management and Climate Change and comprises the Ambassador Extraordinary and Plenipotentiary of the Republic of Mauritius to the Kingdom of Saudi Arabia, UAE and Bahrain, officers of the Ministry of Environment and Climate Change Division, the Ministry of Foreign Affairs, Regional Integration and International Trade, the Attorney General's Office and the Mauritius Meteorological Services.

**Dr. Boolell:** There are many Heads of States who are attending this meeting. Will the Prime Minister of Mauritius attend? Yes or no? It's as simple as that.

**Mr Balgobin:** Mr Speaker, Sir, I have already mentioned the names of the delegation headed by my colleague, the hon. Minister and it answers the question of the hon. Member.

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

#### **MUNICIPAL COUNCIL OF VACOAS PHOENIX - FLOOD PRONE AREAS - RECOMMENDATIONS**

**(No. B/1670) Mr K. Lobine (First Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the flood prone areas found within the jurisdiction of the Municipal Council of Vacoas Phoenix, he will, for the benefit of the House, obtain information as to if a report on the survey conducted to assess the capacity of the drains in those regions to sustain and contain rainwater during the forthcoming heavy rain period has been drawn and, if so, table a copy thereof, indicating the main recommendations and findings thereof.

**The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo):** Mr Speaker, Sir, I am informed by the Land Drainage Authority (LDA) that the flood prone areas identified within the jurisdiction of Vacoas Phoenix are as follows –

- Quinze Cantons (Zinnia and Appali);
- Allyman Lane, La Cavernes;
- Pont Sinfah, La Cavernes;
- Stevenson Road, near ENT Hospital;
- Morcellement Noel, Phoenix;
- Nadess and Phael Roads, Highlands;
- Junction Terre Rouge Street, Camp Fouquereaux;
- Tout Court Lane, Highlands;
- Cote D’or Road;
- Malakoff Avenue;
- Ramotar Lane;
- Camp Belin;
- La Ligne Berthaud, Vacoas;
- Accacia No. 5, La Marie;
- Forest Lane;
- La Vanille Road;
- Impasse Ramjaun;
- Seebaluck Lane;
- Desverges Lane, and
- Ramputh Lane.

Mr Speaker, Sir, I am informed by the Municipal Council of Vacoas-Phoenix that there has been no survey which has been conducted by it with regard to the assessment of the capacity of drains. Instead, within the framework of the National Flood Management Programme, the Municipal Council of Vacoas-Phoenix has appointed a consultant on the 08 of September 2023, namely, GIBB (Mauritius) Ltd, for the design of drain projects in the flood prone areas, in view of their complexity.



The consultant has submitted a site visit report in October 2023, which has been reviewed by the LDA. The consultant is presently working on the recommendations of the LDA and a final design report will be submitted by the consultant in a fortnight so as to enable the Municipal Council of Vacoas-Phoenix to seek the clearance of the LDA prior to seeking financial clearance and invitation of bids.

Moreover, a cumulative stretch of 25.57 km of drains has already been cleaned by the Municipal Council of Vacoas-Phoenix as at end of October 2023 and this is an ongoing activity as we all know. I wish to highlight that the maintenance plan of drains, rivers and canals is drawn by the LDA.

Mr Speaker, Sir, I am further informed by the LDA that with a view to attenuating the flooding issues in other vulnerable areas within the jurisdiction of Vacoas-Phoenix, a series of other measures are being implemented as follows –

- 65 drain projects by the National Development Unit;
- 59 drain projects by the Municipal Council of Vacoas-Phoenix;
- 1 drain project by Drain Infrastructure Construction Ltd (cut off drain upstream of Malakoff to capture overland flows), and
- 9 drain projects, including reconstruction and upgrading of bridges along classified roads, by the Road Development Authority.

**Mr Lobine:** Thank you, Mr Speaker, Sir. May I ask the Vice-Prime Minister whether the report from GIBB will be tabled before this House or it will be kept at the Municipal Council for later designs of those drains?

**Dr. Husnoo:** I think we will have to wait and see what the report says. We have to get it from LDA as well and then we will decide on that.

**Mr Speaker:** Next question! I move to hon. David!

#### **CONSTITUENCY NO. 1 – ELECTRICITY CUTS & OUTSTANDING BILLS – VULNERABLE FAMILIES**

**(No. B/1671) Mr F. David (First Member for GRNW & Port Louis West)** asked the Minister of Energy and Public Utilities whether, in regard to electricity supply

disconnection at domestic households in Constituency No. 1, Grand River North West and Port Louis West as a result of outstanding balance, he will state the –

- (a) total number thereof since January 2022 to date, indicating the number thereof having outstanding electricity bills –
  - (i) amounting to less than Rs20,000;
  - (ii) ranging between Rs20,000 and Rs50,000, and
  - (iii) exceeding Rs50,000, and
- (b) measures being envisaged, if any, to alleviate hardship cases.

**Mr Lesjongard:** Mr Speaker, Sir, at the outset, I would like to inform the House that electricity supply services at the Central Electricity Board are organised in terms of areas, namely Area-North, Area-South and Area-Centre. Constituency No. 1 falls within Area North.

Mr Speaker, Sir, I am informed that metering and billing of electricity consumption is governed by the Electricity (Metering, Billing and Collection) Regulations made under the Electricity Act 2022. In accordance with the said regulations, a subscriber is provided a delay of 30 days to settle his current month consumption charges to the Central Electricity Board. After expiry of this delay, a reminder is sent to the customer and in addition, a surcharge of 5 per cent is applied. The customer has another 30 days to settle the amount due including the surcharge.

The regulations also stipulate that any customer who fails to settle his electricity bill is liable to have his electricity supply disconnected. After 60 days, the customer is verbally informed of outstanding payment through the Central Electricity Board Contact Centre. Prior to initiating the disconnection of electricity supply, the Central Electricity Board issues a written disconnection notice informing the customers of the overdue amount and that electricity will be disconnected if payment is not received within 7 days from the date of the letter. In the event that payment is still not effected, the Central Electricity Board proceeds with the physical disconnection of the supply, on the basis of amount due, number of bills outstanding and the Meter Reading Unit.

Mr Speaker, Sir, with regard to part (a) of the question, as I have already informed the House, electricity supply services are not organised by Constituency at the level of the Central Electricity Board.

Mr Speaker Sir, the Central Electricity Board has in place a media and communication plan to keep the public informed of settlement of outstanding balances and the occurrence of disconnection in case of non-payment of bills. These are regularly carried out through the press, personal calls to the subscribers through the Central Electricity Board Contact Centre, reminders and displays on electricity bills.

Mr Speaker, Sir, with respect to part (b) of the question, I am informed that with a view to assist vulnerable households, the Central Electricity Board has introduced since December 2015, a Concessionary Social Tariff which is classified under Tariff 110A. Mr Speaker, Sir, this tariff is applicable to some 70,500 vulnerable households whereby a lower rate, which is 31% less as compared to other domestic customers, is charged for the first 75 kWh of electricity consumption. The savings is equivalent to around Rs94.50 monthly. It may be noted that an average monthly bill under the concessionary social tariff is around Rs980.

Furthermore, the Central Electricity Board has launched the Home Solar Project in 2018 where some 850 customers in the vulnerable group have been provided a free solar PV installation for the generation of electricity. They will benefit up to 75 kWh free electricity equivalent to Rs307 per month. A second phase of the Home Solar Project is underway targeting some 2,000 additional customers in the vulnerable category.

Additionally, I am informed that payment facilities are granted by the Central Electricity Board on a case to case basis to assist customers having difficulty to settle their outstanding payment. Old age pensioners are furthermore granted an additional period of 14 days to settle their electricity bills without the application of the statutory late payment surcharge. Thank you, Mr Speaker, Sir.

**Mr David:** M. le président, ma question était axée spécifiquement sur les déconnexions d'électricité au sein des foyers. Plusieurs familles vulnérables malgré le tarif social se voient souvent couper leur électricité, parfois pour des montants relativement faibles, parfois même à moins de R 1000 et se voient quand même de payer un *reconnection fee* de R 450 en plus du montant dû. Puis-je demander au ministre quelles sont les dispositions ou les aides qui sont prévues dans ces cas d'extrême nécessité ?

**Mr Lesjongard :** Mr Speaker, Sir, I have stated in my reply with regard to those families falling under the vulnerable group. There is, first of all, a special tariff which is Tariff 110A where you are charged with a lower rate, that is, a rate which is 31% less as compared to other domestic consumers.

Then, I have also stated that for the same category of customers, we have introduced the home solar project since 2018 where some 850 families have been provided with free solar PV installations. So, there are a series of measures, Mr Speaker, Sir.

Let me also add that we have given special attention to the most vulnerable members of our society. We have addressed numerous challenges, Mr Speaker, Sir, ranging during economic crisis or public health emergencies whereby we have taken a series of measures to help those vulnerable families.

For example during the period of the COVID-19 pandemic, we gave a special discounted tariff of 20% to the vulnerable customers, Mr Speaker, Sir, and we had a COVID Relief Discount which was provided to eligible customers on 2-months electricity bills. And, if you see the figures, Mr Speaker, Sir, as compared to 2013 and 2014, the number of disconnections has decreased, Mr Speaker, Sir.

**Mr David:** M. le président, un peu comme au temps de la guerre, car croyez-moi pour certains payer leur facture d'électricité est un combat. Puis-je demander au ministre s'il peut considérer une trêve de Noël afin qu'aucun compteur CEB ne soit déconnecté en cette période festive et ce jusqu'à fin janvier et pas seulement dans la circonscription no. 1 ?

**Mr Lesjongard:** Mr Speaker, Sir, I have enumerated the number of facilities given. We have been Father Christmas before Christmas, Mr Speaker, Sir.

*(Interruptions)*

**Mr Speaker:** Next question, MP Navarre-Marie!

**REUNION MAUREL, PETIT RAFFRAY – NATIONAL ARTS CENTRE –  
SETTING UP**

**(No. B/1672) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West)** asked the Minister of Arts and Cultural Heritage whether, in regard to the proposed setting up of a National Arts Centre at Reunion Maurel, Petit Raffray as announced in the 2022- 2023 Budget Speech, he will state where matters stand.

**Mr Teeluck:** Mr Speaker, Sir, the setting up of a National Arts Centre at Reunion Maurel, Petit Raffray is a measure which was announced in the Budget Speech 2022-2023. This project is a priority project of my Ministry and aims at, *inter alia* –

- (i) offering an artistic space for artists to network, collaborate with their peers and create new works;
- (ii) making cultural and artistic events more accessible to people residing in that region;
- (iii) providing a platform to artists for the organisation of workshops, training programs, educational outreach initiatives thus contributing in nurturing local talents and providing them with opportunities to develop their skills, and also
- (iv) reducing pressure on existing theatres for the holding of artistic events.

Mr Speaker, Sir, with regard to this question, I am informed that for the Design and Construction of the National Arts Centre at Reunion Maurel, Petit Raffray, tender was launched through Open National Bidding by my Ministry on 23 September 2022 on the e-Procurement System. At the time of the opening of the bids on 30 November 2023, three bids were received, and following an evaluation of the bids by the Bid Evaluation Committee set up by my Ministry, one bid was found to be technically and financially responsive, and a letter of Notification of Award was thus issued to the successful bidder.

Since one of the unsuccessful bidders lodged a challenge at the Independent Review Panel, my Ministry could not proceed with the award of the contract to the selected bidder. Following the hearing of the challenge, my Ministry was requested to proceed with a fresh evaluation of the bids. A new Bid Evaluation Committee was thus constituted and following this exercise, none of the bids were found to be responsive.

A fresh bidding exercise with revised specifications and estimated cost was consequently launched by my Ministry again through Open National Bidding on 14 July 2023 on the e-Procurement System. However, due to some technical problems on the e-Procurement System at the time of opening of the bids on 12 September 2023, the procurement exercise had to be cancelled in line with Section 39(1)(f) of the Public Procurement Act 2006, following advice from the Procurement Policy Office.

A new bidding exercise was again launched for the third time on 21 September 2023. At the time of the opening of the bids on 27 October 2023, three bids were received. In line with procurement procedures, the Bid Evaluation Committee was set up to evaluate the bids and the technical evaluation report was submitted on 18 November 2023 where all the bids were found to be technically non-responsive. The bidders who participated in the

bidding exercise have been informed of the outcome of the exercise on the e-Procurement system on 1 December 2023.

Mr Speaker, Sir, since this project is a priority not just for the Ministry but also for the artists' community in general, my Ministry is currently reviewing again the bidding document for relaunching. I am informed that the bidding exercise will be relaunched through open national bidding on the e-Procurement system by the end of this week.

**Mrs Navarre-Marie:** L'honorable ministre peut-il nous donner des explications sur les raisons pour lesquelles c'est compliqué pour les *bidders* de venir ? Quels sont les problèmes exactement?

**Mr Teeluck:** Mr Speaker, Sir, I never said it was complex or there is any issue. What I have said is the first bid was launched, we received three bids. One was technically and financially responsive and a Notification of Award was also issued but one unsuccessful bidder challenged that award at the level of the Independent Review Panel. So, it was reassessed and unfortunately it did not go through.

The second exercise that was launched, there was a technical issue on the e-Procurement system. So, nothing to do with the bidding document or the bidding exercise per se, and the third exercise unfortunately because each and every time we launched bid, I am informed that there are certain modifications to be made to the bidding document. The last one was non-responsive, so, Mr Speaker, Sir, we are having to relaunch it fourth time.

**Mr Speaker:** Sufficiently canvassed, we move to the next question. MP Osman Mahomed!

#### **PALMAR, STATE LANDS – CALL FOR EXPRESSION OF INTEREST**

**(No. B/1673) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central)** asked the Minister of Finance, Economic Planning and Development whether, in regard to the Call for Expression of Interest-Development of a mixed-use precinct at Palmar involving 238 acres of state lands, he will, for the benefit of the House, obtain from the Economic Development Board, information as to –

- (a) the number of applications received therefor as at the closing date, indicating the names of the applicants, and
- (b) if the proposed development has been the subject of a Strategic Environment Assessment.

**Dr. Padayachy:** M. le président, le 10 août 2023, l'*EDB* a reçu une demande du ministère du Logement et de l'aménagement du territoire pour lancer un appel à manifestation d'intérêt pour le projet Palmar. Le plan directeur du projet Palmar élaboré par le ministère du Logement et de l'aménagement du territoire sur une superficie de 310 arpents et 40 perches a été reçu par l'*Economic Development Board* le 9 septembre 2023. Il comprend une zone aménageable de 238 arpents et 10 perches qui prévoit le développement d'hôtels, de projets liés à l'écotourisme, de résidence pour personnes âgées ainsi que d'installations commerciales et de loisir comme suit –

- (i) trois sites hôteliers d'une superficie totale de 80 arpents avec un accès directe à la route côtière en face de la plage publique ;
- (ii) sept sites pour des projets liés au tourisme d'une superficie de six à sept arpents chacun ;
- (iii) un site pour un projet d'écotourisme d'environ 45 arpents et 64 perches ;
- (iv) deux complexes commerciaux sur des terrains de 23 arpents et 66 perches, et 15 arpents et 76 perches respectivement ;
- (v) un site pour un restaurant d'une superficie de deux arpents ;
- (vi) un site pour une maison de retraite d'une superficie de 17 arpents et 41 perches ;
- (vii) un site pour un marché artisanal d'une superficie de quatre arpents et 80 perches, et
- (viii) des zones pour des espaces verts et une usine de dessalement.

M. le président, en ce qui concerne la partie (a) de la question, je suis informé que l'*Economic Development Board* a lancé le 7 octobre 2023, un appel à manifestation d'intérêt pour les développements d'une zone à usage mixte à Palmar et qu'à la date de clôture du 24 novembre 2023, 12 demandes ont été reçues. Les noms des demandeurs sont les suivant –

- i. United Docks Ltd ;
- ii. Travel Bridge Ltd ;
- iii. AWL Trading and Contracting Co Ltd ;
- iv. Stratmont Coal and Commodity Private Ltd ;

- v. Simplex Coke & Refractory Ltd ;
- vi. Nextera Global Private Ltd ;
- vii. Lateral Holdings Ltd ;
- viii. Karats Hospitality Ltd ;
- ix. Stratmont Industries Ltd ;
- x. Sotravic Limitée ;
- xi. Gleneagles Two Co Ltd, et
- xii. Safety Construction Co Ltd ;

En ce qui concerne la partie (b) de la question, *EDB* a été informé par le ministère de l'Environnement que les dispositions actuelles de l'*Environment Protection Act* ne font pas mention d'une évaluation stratégique de l'environnement. Toutefois, le développement de la zone à usage mixte de Palmar sera soumis aux dispositions des parties (a) et (b) de la 5<sup>ème</sup> annexe de l'*Environment Protection Act* 2002, c'est-à-dire que ce développement fera l'objet d'un rapport environnemental préliminaire ou d'une autorisation d'*EIA* selon le cas. Merci.

**Mr Speaker:** Do you have any interest to declare in this question?

**Mr Osman Mahomed:** What kind of question is that?

**Mr Speaker:** This is Standing Order.

**Mr Osman Mahomed:** Okay, thank you.

**Mr Speaker:** You laugh as if you don't know that.

**Mr Osman Mahomed:** I know...

**Mr Speaker:** No, no, I am teaching you.

**Mr Osman Mahomed:** If I had, I would have told you myself.

**Mr Speaker:** It is my duty.

**Mr Osman Mahomed:** Thank you. Can I ask the hon. Minister whether he is aware that the sites comprised 70 acres of wetland, especially where the hotel site and the other eco-tourism projects are, the EDB has specified 30 metres of setback only with these



wetlands? Being given that he, himself, has said that the site will not be subject to a strategic environment assessment, whether the Republic of Mauritius will not be against the provision of the Ramsar Convention for which the Republic is a signatory?

**Dr. Padayachy:** M. le président, je prends note de la question de l'honorable membre par rapport au respect des *wetlands* et je vais la transmettre à l'EDB. Moi, j'ai eu les informations de l'EDB par rapport à ceux qui ont fait des demandes pour ce projet. L'honorable membre vient de nous informer qu'il y a des *wetlands* et que l'EDB est en train de demander que 30 mètres, je vais demander les informations et les transmettre à la Chambre.

**Mr Osman Mahomed:** The hon. Minister has made mention of a desalination plant. Can I ask him which entity is going to invest in this desalination plant and whether this desalination plant will make it to the 238 acres? Will it be auto sufficient in water provision, being given that the region of Palmar, Belle Mare and Trou d'Eau Douce are water-stretch areas?

**Dr. Padayachy:** Encore une fois, M. le président, je remercie l'honorable membre pour cette question. J'ai des informations par rapport à ce qu'il a demandé, concernant le nombre de demandes, etc. Mais vous savez bien que ce genre de projet, c'est un document de plusieurs centaines de pages. Je vais voir par rapport à la question qu'il a demandée et je vais fournir à la Chambre les renseignements qu'il a demandés.

**Mr Speaker:** Hon. Richard Duval!

#### **REGIONAL HOSPITALS – FOOD SAFETY – MONITORING MECHANISM**

**(No. B/1674) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Wellness whether, in regard to food safety in regional hospitals, he will –

- (a) state the monitoring mechanism that has been put in place to ensure that food safety hazards are controlled to prevent unsafe food from reaching patients and,
- (b) table copy of the latest report thereof, if any, and, if not, why not.

**Dr. Jagutpal:** Mr Speaker, Sir, in reply to part (a) of the question, I am informed that as it has been the case for many years, a monitoring mechanism is in place at the level of all regional hospitals to ensure overall food safety procedures at each stage of operation.

At the delivery stage, fresh provisions are checked by the catering supervisory staff to ensure that same are fresh and of good quality.

At the level of storage, all vegetables and fruits received from suppliers are placed into separate clean plastic crates in cold rooms. Frozen foods are stored in separate crates in dedicated freezers to avoid cross contamination. The monitoring in the Storage Section of the Catering Unit is done by the officer of the Catering Unit.

As far as preparation of food is concerned, the basic food safety fundamentals are observed and applied while handling food items in the catering department, namely wearing of protective equipment, hand hygiene and cooking at right temperature. Cooked food is delivered to patients in pre heated trolleys and afterwards, all catering facilities are cleaned up and left-overs are properly labelled for disposal.

Moreover, the following measures are taken to ensure a safe and hygienic environment with regards to food safety –

- (i) Rodent control is carried out on a weekly basis in the Catering Unit, including stores;
- (ii) Regular disinsectisation and checks are carried out by the Public Health and Food Safety Inspectorate in the Catering Unit and Stores;
- (iii) The Catering Unit is fitted with wire netting in all openings to prevent the entry of insects;
- (iv) UV lights are available inside the cooking areas;
- (v) Internal Audit Control Unit of my Ministry carries out regular inspections in the Catering Unit,
- (vi) Samples are collected for micro biological and chemical analysis at Government Analyst Division and Central Health Laboratory at regular intervals.

Mr Speaker, Sir, there are also controls at each level to avoid any food safety hazard such as visual inspections of food items, tasting and verifying of expiry dates. This exercise is carried out on a daily basis at delivery and reception points of Catering Unit and before sending meals to patients.

Mr Speaker, Sir, in reply to part (b) of the question, I wish to inform the House that daily monitoring is carried out at the catering unit at hospital levels, as previously elaborated, to ensure that food is safe.

I also wish to point out that there is no adverse report or complaints from patients as such on the quality of food prepared in the Catering Unit and served to patients.

**Mr R. Duval:** Thank you. Can the hon. Minister state whether all the staff involved in food handling in public hospitals, be it those in the kitchen and those in the store, have followed courses in regard to food safety and food handling?

**Dr. Jagutpal:** Mr Speaker, Sir, as far as those staff working in the kitchen, you can rest assured that they have followed courses by the MIH and the Ecole Hôtelière for the handling of food items. This, I can assure you.

#### **SARAKO CO. LTD, DIRECTOR – RS50 MILLION DUE – ACTIONS**

(No. B/1675) **Mr A. Ittoo (Third Member for Vacoas & Floréal)** asked the Minister of Finance, Economic Planning and Development whether, in regard to Mr S. S., Director of Sarako Co. Ltd., he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the actions being undertaken to recoup the amount of around Rs50 million owed to the Authority, giving details thereof.

*(Withdrawn)*

**Mr Speaker:** We move to the next question! We move to hon. Ms Anquetil!

#### **BAIE DU TOMBEAU CHILD DAY CARE CENTRE – VANDALISM**

(No. B/1676) **Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Minister of Gender Equality and Family Welfare whether, in regard to the recent acts of vandalism at the Baie du Tombeau Child Day Care Centre, she will state if an inquiry has been initiated thereinto and, if so, indicate the actions taken in relation thereto.

**Mrs Koonjoo-Shah:** Mr Speaker, Sir, I wish to inform the House, that the Baie du Tombeau Child Day Care Centre was indeed unfortunately subject to acts of vandalism during night time after closure of the Centre.

The damages incurred involved broken window panes and same has already been repaired. There is a police investigation that is ongoing to identify the perpetrators. Thank you.

**Ms Anquetil:** Je vous remercie, M. le président. M. le président, la sécurité des enfants dans les garderies est une priorité absolue. Sachant que la garderie a été vandalisée à quatre reprises : le 8, le 9, le 13 et le 30 novembre. La ministre, trouve-t-elle acceptable et sérieux qu'il ait fallu attendre le 1<sup>er</sup> décembre, autant de jours, avant que son ministère ne déploie un agent de sécurité alors qu'il n'y a pas de caméras de surveillance dans la cour de cette garderie ? Merci.

**Mrs Koonjoo-Shah:** Mr Speaker, Sir, the hon. Member should note that this Day Care Centre has been operational since the year 2006 and the parent Ministry, which is my Ministry, has always tendered private security services to date. However, we have been made aware that for a certain period of time, the contract of the security services had lapsed. The National Children's Council has informed the parent Ministry that we should be going ahead to hire the security services again and arrangements to that effect have been made. But let me reiterate, Mr Speaker, Sir, that the Day Care Centre has never been without security services since its operation in 2006.

**Ms Anquetil:** Selon mes informations, il n'y a pas d'agent de sécurité.

**Mr Speaker:** Question!

**Ms Anquetil:** Est-ce que la ministre pourrait nous expliquer comment son ministère a autorisé l'installation d'une garderie au rez-de-chaussée et d'un centre de femmes à l'étage du même bâtiment alors que cette configuration est inadaptée du point de vue de sécurité ? Est-ce que la ministre pourrait nous indiquer si elle envisage de demander à ses officiers de délocaliser le centre pour femmes afin de garantir le maximum de sécurité aux enfants de la garderie ? Je vous remercie, M. le président.

**Mrs Koonjoo-Shah:** Mr Speaker, Sir, first of all, the hon. Member has mixed her apples as usual. She is asking about the Women Empowerment Centre and the Child Day Care Centre. When the Women Centre was closed, the PQ was about why is it not open. Now that it is opened, the PQ is about the children downstairs.

Mr Speaker, Sir, my Ministry has always and will carry on working in the best interest of the child and for the empowerment of woman but within whatever means allocated in terms of budgetary measures. Thank you, Mr Speaker, Sir.

**Mr Speaker:** MP Léopold!

## **RODRIGUES - NEW HOSPITAL - CONSTRUCTION**

(No. B/1677) **Mr J. B. Léopold (Second Member for Rodrigues)** asked the Minister of Health and Wellness whether, in regards to health care in Rodrigues, he will state if consideration will be given for the construction of a new hospital thereat, indicating where matters stand.

**Dr. Jagutpal:** Mr Speaker, Sir, I would like to update the Members of the House on the progress concerning construction of a new hospital in Rodrigues. In May 2019, my predecessor, hon. Husnoo, former Minister of Health, visited Rodrigues and pledged to support for the implementation of a Master Plan for Health Services in the region.

As part of the broader Health Sector Strategic Plan 2020-2024 for the Republic of Mauritius, adopted by the Government in 2020, a dedicated component focuses on Rodrigues. Strategic Goal 3.2 specifically underscores the development of hospital infrastructure for improved and specialised services in Rodrigues.

In March 2023, the Commission for Health in Rodrigues communicated to my Ministry about consultations held with United Nations Representatives and the World Health Organisation (WHO), in principle, expressed agreement to participate in various projects in the health sector for Rodrigues, including the feasibility study for the construction of a modern hospital in Rodrigues.

Mr Speaker, Sir, my Ministry received the Terms of Reference for Consultancy Services related to the construction of a modern hospital in Rodrigues.

The overarching objectives of this Consultancy area –

1. improve the quality of healthcare services, specifically for patients attending health services;
2. increase bed capacity for the admission and treatment of patients;
3. enhancing efficiency in managing medical and non-medical stock;
4. improving the effectiveness of support services with greater responsiveness and increased capacity, and
5. providing a safer and improved working environment for staff, ensuring efficient delivery of quality services to the population.

Mr Speaker, Sir, a project of such magnitude demands careful planning, considering Rodrigues' needs for at least next 50 years. Therefore, seizing the in-principle offer from the WHO, my Ministry has submitted the Terms of Reference for their positive consideration.

**Mr Léopold:** Thank you, Mr Speaker, Sir. Could the hon. Minister inform the House whether he will allow other people to give their input in terms of planning so we can have a good hospital?

**Dr. Jagutpal:** Yes, Mr Speaker, Sir. In fact, MPs are invited to give their inputs through the WHO so that the hospital that will come up in coming years take all stakeholders and MP' inputs into consideration and you are welcome to make this project happen in the coming years.

**Mr Speaker:** MP Dr. Boolell!

#### **ISRAEL & HAMAS - ONGOING CONFLICT - CEASEFIRE**

**(No. B/1678) Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes)** asked the Attorney-General, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the ongoing armed conflict between Israel and Hamas, he will state if Government proposes to call for an immediate total and unconditional ceasefire.

**The Minister of Land Transport and Light Rail (Mr A. Ganoo):** Mr Speaker, Sir, following the launch of the attack by Hamas on Israel on 17 October 2023, I would like to inform that on 24 October 2023, my colleague, the hon. Maneesh Gobin made a statement to the House informing that the Ministry of Foreign Affairs, Regional Integration and International Trade has promptly that is, on 08 October 2023 issued a communiqué expressing our deep concerns about the situation and calling upon all parties concerned to refrain from taking actions that will spiral into more violence.

Mauritius reaffirms its long standing support to the two states solutions with Israel and Palestine, existing side by side for an enduring peace. Mr Speaker, Sir, subsequently, following the attack on the Al-Ahli hospital in Gaza causing the loss of numerous lives on 17 October 2023, on the next day, the Ministry of Foreign Affairs, Regional Integration and International Trade issued another communiqué, expressing our concern on the deteriorating situation and reiterating our solidarity with the families of all victims of this conflict. Mauritius also called on all parties to implement an immediate ceasefire and

encourage an ongoing regional and international initiative for a peaceful resolution of this conflict.

My colleague, the hon. Maneesh Gobin, further informed the House on 24 October 2023 that Mauritius commended Egypt for its initiative to host a conference on the Middle East on the 21 October 2023 and while reiterating our support for all ongoing efforts aimed at diffusing the crisis. In another statement on 31 October 2023, he informed that Mauritius had voted in favour of the United Nations General Assembly Resolution A/PS10/L.25, tabled by Jordan which was overwhelmingly adopted by 120 votes in favour, 14 against and 45 abstaining, expressing strong support for all regional and international efforts aimed at achieving an immediate cessation of hostilities, ensuring the protection of civilians and providing humanitarian aid. The resolution also called for an immediate, durable and sustained humanitarian truce leading to a cessation of hostilities.

I have to mention that the adoption of UNGA Resolution by a wide majority of States did sensitise the international community on the issue, thus paving the way for a collective effort towards obtaining a ceasefire. As matters stand, Mauritius was hoping that the announcement of a temporary truce between Hamas and Israel, beginning on 24 November 2023 and the release of hostages by both parties would pave the way for a permanent ceasefire. Unfortunately, Mr Speaker, Sir, this ceasefire does not last and Israel has resumed its attack in Gaza causing a continued humanitarian catastrophe. We support all initiatives for a cessation of all hostilities, a *sine qua non* condition for the resumption of peace talks.

Mr Speaker, Sir, moreover during the first Saudi Africa Summit held in Riyadh on 10 November of this year, chaired by his Royal Highness, Mohammed bin Salman Al Saud, Crowned Prince and Prime Minister of the Kingdom of Saudi Arabia, the Mauritius delegation led by Dr. the hon. Anwar Husnoo, Vice-Prime Minister and Minister of Local Government and Disaster Risk Management, *inter alia*, reiterated the commitment of Mauritius to the primacy of international law and the adherence to humanitarian and peace instruments in view of the ongoing conflict in Gaza. My colleague, Dr. the hon. Anwar Husnoo, also highlighted the consistent support of Mauritius for the legitimate aspiration of the Palestinian people to statehood in accordance with the two-state solution and calling upon the international community to support an immediate ceasefire as well as an early resolution of the conflict.

Mr Speaker, Sir, the House would also be aware that the International Day of Solidarity with the Palestinian people is observed by the United Nations on the 29th of

November each year. In that context, in a message addressed to His Excellency Mr Mahmoud Abbas, the President of the Palestinian National Authority, the hon. Prime Minister reaffirmed the unflinching support and solidarity of Mauritius with a legitimate struggle of the Palestinian people and their inalienable rights for sub-determination on the basis of the two-state solution in accordance with all relevant United Nations Resolutions. The hon. Prime Minister also reiterated the support of Mauritius on all initiatives for an immediate and permanent ceasefire. Mauritius also expresses its support to international calls for an early resumption of negotiations between Palestinians and Israeli without any pre-conditions. Thank you.

**Mr Osman Mahomed:** Thank you. Can I ask the hon. Minister since he mentioned about humanitarian aid, whether consideration can be given for the Republic of Mauritius to make a donation to the Palestinian people, just like it has been made to Madagascar, Haiti, Mozambique and Tonga for which we are being asked to vote next week in the Estimates of Supplementary Expenditure?

**Mr Ganoo:** Perhaps, Mr Speaker, Sir, I should raise, in answer to the question, firstly, that Mauritius contributes to the United Nations Relief Fund. Secondly, we have not prohibited any initiative in the country at grassroots level for the mobilisation of resources to be shipped or sent to the victims of the Israel-Palestine conflict.

**Mr Speaker:** Next question! Hon. Mrs Foo Kune-Bacha!

#### **CHILD SEX OFFENDERS – CHEMICAL CASTRATION INTRODUCTION**

**(No. B/1679) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière)** asked the Minister of Gender Equality and Family Welfare whether, in regard to the proposed introduction of chemical castration for child sex offenders, she will state where matters stand.

**Mrs Koonjoo-Shah:** Mr Speaker Sir, I refer to the statement which I made during the parliamentary debates on the Child Sex Offenders Register Act 2020, in November 2020, where I stated that I would consider introducing chemical castration as a sentence for offenders falling under the Class 3 offences of the Child Sex Offenders Register.

Mr Speaker, Sir, chemical castration is commonly known as the administration of hormonal drugs to reduce testosterone levels in male sexual offenders with a view to preventing cases of reoffending. It applies to perpetrators of sexual offences, such as rape or attempt upon chastity, irrespective whether the victim is a child or an adult.



I wish to inform the House that initial internal consultations on this matter have already been made at the level of my Ministry. Yet, it can also not be denied that the subject is much more complex and requires wider consultations with the Judiciary, Attorney General's Office, Ministry of Health and Wellness, Human Rights Commission and Human Rights Activists, only to name a few, so that we can examine the different aspects pertaining to chemical castration and to explore the possibility of introducing this form of treatment in Mauritius.

Mr Speaker, Sir, I wish to refer the House also to the December 2022 Issue Paper on 'Chemical Castration treatment for sex offenders' published by the Law Reform Commission which contains an analysis of the various aspects on the subject. It is viewed that the treatment constitutes an important transgression of the integrity of the person and has biological bearings on his libido. The report also refers to Section 7(1) of the Constitution which provides protection for every citizen against torture, inhuman or degrading punishment or other such treatment. Hence, Mr Speaker, Sir, the Commission viewed that if such treatment shall not be mandatory, it is unlikely that it would fail the test of constitutionality.

Mr Speaker, Sir, as very rightly concluded by the Law Reform Commission that there is need to contemplate various essential aspects, for instance, whether the treatment would be ordered at the discretion of the Court or would it be mandatory, whether Judges need to be assisted by a court-appointed medical experts and the duration of the treatment, the cost implications of such a treatment. More importantly, there is also the need to consider which treatment to introduce because there are reversible ones and there are irreversible castration treatments, which one is less controversial and also taking into account everything to do with the legal and constitutional implications.

Hence, Mr Speaker, Sir, in view of the complexity of the matter, like I said, much deeper and wider consultations need to be considered. Meanwhile, we have in place a deterrent mechanism since 2022, with the implementation of the Child Sex Offender Register by the Commissioner of Police, in a view to monitoring and tracking perpetrators who have been found guilty of committing sexual offences against our children. Thank you.

**Mr Speaker:** I move to hon. Quirin!

**PROFESSIONAL BOXING EVENTS – ORGANISER, AUTHORISATIONS & CONDITIONS**

(No. B/1680) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to boxing, he will state if his Ministry has issued any authorisation for the organisation of professional boxing events in Mauritius and, if so, indicate –

- (a) the name of organiser thereof;
- (b) the conditions attached thereto, and
- (c) if the approval of the Mauritius Boxing Association has been obtained therefor and, if not, why not.

**Mr Toussaint:** Mr Speaker, Sir, the question of my Ministry having granted authorisation for the organisation of professional boxing events in Mauritius does not arise. Moreover, I am informed by the *Association mauricienne de boxe* that it has not granted permission for the organisation of professional boxing events in Mauritius. Thank you.

**Mr Quirin:** Si ni le ministère des Sports, ni l'Association mauricienne de boxe n'a donné l'autorisation au promoteur, le ministre est-il en train de nous dire que ces combats professionnels ont été organisés au complexe sportive de Côte d'Or sans que son ministère en soit informé ?

**Mr Toussaint:** M. le président, être informé et donner la permission, c'est autre chose. Mon ministère ne donne aucune permission pour l'organisation d'activités sportives. Nous avons les fédérations qui sont dûment enregistrées avec le *Registrar of Association* et ces fédérations bénéficient d'un budget. À aucun moment, ces fédérations doivent avoir – ce n'est pas comme un permis que l'on retire pour l'organisation de tel ou tel évènement. Une fédération sportive peut organiser une activité sportive sans même informer, sans même demander la permission. Et, bien sûr, sans demander l'aide financière.

Donc, ce n'est pas à mon ministère de retirer; *we are not a licensing authority.*

**Mr Quirin:** M. le président...

**Mr Toussaint:** ...dans la marine...

**Mr Quirin:** ...La réponse du ministre, je ne saurais comment la qualifier. Je n'ai jamais dit...

**Mr Toussaint:** Mr Speaker, Sir, on a point of order. The hon. Member...

**Mr Quirin:** Je retire ce que j'ai dit. Je retire.

**Mr Toussaint:** Wait, wait! The hon. Member is not here to comment on my answer!

**Mrs Navarre-Marie:** He has withdrawn!

**Mr Toussaint:** *Non, non! Pa rent ladan ! Pa rent ladan! Pa rent ladan!*

**Mr Quirin:** ...withdrawn...

**Mr Speaker:** Put your question straightforward!

**Mr Quirin:** *Yes.* À aucun moment, je n'ai affirmé...

**Mr Speaker:** No! Don't debate! Put your question directly!

**Mr Quirin:** ... que c'est l'Association mauricienne de boxe qui a octroyé le permis. Ma question est simple : comment peut-on organiser une activité de cette envergure au complexe sportive de Côte d'Or sans que le ministère – il vient de dire son ministère ne donne pas d'autorisation, je comprends parfaitement bien. Mais j'affirme que l'Association mauricienne de boxe non plus n'a pas autorisé la tenue de cet évènement au complexe sportive de Côte d'Or. Donc, comment cette...

**Mr Speaker:** Let the Minister reply!

**Mr Quirin:** ... compétition peut-elle se tenir sans autorisation de quelconque autorité ?

**Mr Toussaint:** M. le président, l'équipe qui a organisé la compétition a fait une demande de location à payer le complexe sportive. Il n'y a aucune loi, je le redis, il n'y a aucune loi qui interdise un groupe, une compagnie, *a business entity*...

**Mr Quirin:** C'est la fédération qui a l'habilité à...

**An hon. Member:** *Ey assez do! Pe rakont zistwar !*

**Mr Nuckcheddy:** *Lesli reponn!*

**Mr Toussaint:** M. le président, je reprends pour que ce soit clair pour la population...

*(Interruptions)*

Please, let me reply!

**Mr Quirin:** ... la fédération...

**Mr Speaker:** What is happening? What is happening?

**Mr Toussaint:** *30 ans dan la marine, pa kompren zafer la !*

**Mr Speaker:** He is a minister! You are a backbencher, he is the Minister! He is replying! Listen to the reply!

**Mr Toussaint:** *Keep cool!* Je le redis, il n'y a aucune loi dans le pays qui interdise une entité d'organiser un évènement sportif, culturel, etc. Je le redis, il y a un groupe qui a organisé une compétition de boxe professionnelle, il n'est écrit à aucun moment quelque part dans une loi ni dans le *Sports Act* que les gens, les organisations doivent avoir l'autorisation écrite du ministère. C'est une...

**Mr Quirin:** La fédération...

**Mr Toussaint:** C'est une initiative privée et commerciale. Je l'ai dit, la fédération aussi n'a pas donné... Moi, je ne sais pas si l'entité a écrit ou a demandé la permission à la fédération. Ça, ce n'est pas le travail de mon ministère, je suis désolé. L'honorable membre est assez longtemps dans l'opposition pour avoir posé des questions sur le sport...

*(Interruptions)*

*Li ti bizin kone. Enkor pe apran !*

**Mr Speaker:** You want to stay in the House?

Hon. Ms Tour!

#### **BOULINGRIN, LONG MOUNTAIN – ACCESS ROAD – CONSTRUCTION**

**(No. B/1681) Ms J. Tour (Third Member for Port Louis North & Montagne Longue)** asked the Minister of National Infrastructure and Community Development whether, in regard to the construction of an access road to Boulingrin at Long Mountain,

he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

**Mr Hurreeram:** Mr Speaker, Sir, I am informed that the NDU has undertaken site visits and initiated consultations with the different stakeholders concerned, including the Ministry of Housing and Land Use Planning, the Forestry Services and the Road Development Authority with regard to the construction of an access road to Boulingrin, Long Mountain.

It has been found that the project is very complex and includes the construction of a new access road which involves excavation works, ground levelling, preparation of sub-base and base course layers and the laying of the asphaltic wearing course which would involve high cost as well as warranting acquisition of private owned land.

Mr Speaker, Sir, however, in view of the complexity of the project, it has been entrusted to the Road Development Authority for implementation.

**Mr Speaker:** MP Assirvaden!

#### **PUBLIC OFFICERS – UNUTILISED SICK LEAVE – 2020 – REFUND**

**(No. B/1682) Mr P. Assirvaden (Second Member for La Caverne & Phoenix)** asked the Minister of Public Service, Administrative and Institutional Reforms whether, in regard to the unutilised sick leave by Public Officers for the year 2020, he will state if consideration will now be given for the refund thereof as recommended at paragraph 1.47 in Volume 1 of the 2021 Report of the Pay Research Bureau and, if so, when.

**The Minister of Youth Empowerment, Sports and Recreation (Mr S. Toussaint):** Mr Speaker, Sir, with your permission I will reply to this Parliamentary Question.

Mr Speaker, Sir, following the outbreak of the COVID-19 pandemic in the country, Government in the 2020-2021 Budget Speech announced that there was need for tighter control on recurrent expenditure, and therefore decided that there would be no cash refund exceptionally for unutilised sick leaves for the year 2020. Based on the above announcement, the PRB in its 2021 report has recommended that the monetary value of the untaken sick leaves for the year 2020 should be kept in a separate account and refunded to the beneficiary at the time of retirement or when the Government so deems fit, bearing in mind the financial soundness of the economy and the amount kept in the

separate account may be used by officers for medical expenses, treatment, for themselves or immediate members of their family.

Mr Speaker, Sir, it is to be noted that for officers proceeding on retirement, they are not being penalised as their unutilised sick leaves for the year 2020 are being paid in full in line with the provisions of the 2021 PRB Report. As for serving officers, their unutilised sick leaves for the year 2020 have been kept in a separate bank of sick leaves as per the 2021 PRB Report. As such, no provision has been made in the 2023-2024 Budget for the refund of the unutilised 2020 sick leaves.

Thank you.

**Mr Speaker:** The Table has been advised that PQs B/1688, B/1691, B/1692, B/1695 have withdrawn. Time over!

### **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.*

### **STATEMENT BY MINISTER**

#### **ISRAEL-PALESTINE CONFLICT – MAURITIUS – STANCE**

**The Prime Minister:** Mr Speaker, Sir, I have just listened to the answer of the Ag. Minister for Foreign Affairs who answered a question on the ongoing armed conflict between Israel and Hamas, well, I think it is important that I make a statement on the stance of Mauritius on the Israel-Palestine conflict.

Mr Speaker, Sir, I am moved and shocked by the gravity of this issue which despite being on the international agenda for decades, has not so far fully addressed the plight of the Palestinian people.

Mauritius, as a peaceful and pluricultural society, is committed to upholding the rule of law and the peaceful resolution of conflicts. My Government has consistently

demonstrated our unwavering support for Palestine, advocating for a just and enduring resolution of this longstanding conflict.

As a firm believer in the rule of law and respect for international law, Mauritius condemned the attack on Israel by Hamas on 07 October 2023 and equally condemned the disproportionate and indiscriminate attack by Israel on innocent Palestinians during which women, children, infants as well as international officials continue to be brutally killed.

Since 07 October 2023, following the launch of the attack by Hamas on Israel, we have witnessed immense suffering and loss of lives of innocent civilians on both the Palestinian and Israel sides.

According to the latest reports from the United Nation agencies, as at 30 November 2023, since the start of hostilities, more than 15,000 Palestinians have been killed in Gaza, including about 6,150 children and 4,000 women. Around 80 per cent of the population in Gaza, that is up to 1.8 million people, are estimated to be internally displaced.

Mr Speaker, Sir, the question of Palestine was first brought to the United Nations General Assembly in 1947. In 1974 the question of Palestine was re-introduced on the agenda of the General Assembly which adopted a resolution reaffirming the inalienable rights of the Palestinian people to self-determination, national independence and sovereignty and the right of the Palestinians to return to their homes.

The question of Palestine has subsequently been the subject of numerous resolutions and decisions adopted by the United Nations General Assembly, be it at regular, special or emergency sessions.

At the United Nations and in other international fora such as the African Union, the Non-Aligned Movement and the Group of 77, Mauritius has consistently supported the right of the Palestinians to have their own State. That will remain the position of Mauritius.

That is why Mauritius has called for an urgent resolution of the Israeli-Palestinian conflict through the establishment of an independent, viable and prosperous Palestinian State within secure and recognised borders living in peace alongside the State of Israel, under the Two-State Solution framework.

Mauritius has also called for an end to the Israeli occupation that first began in June 1967 with Israel's policies of land confiscation, illegal settlement and dispossession.

In line with our affirmed and declared position, Mauritius has been voting in favour of United Nations resolutions on the question of Palestine.

On 26 October 2023, following the failure of the United Nations Security Council to stop the indiscriminate killings of Palestinians, an Emergency Special Session of the General Assembly was convened under the “uniting for peace” initiative on the “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory”. Mauritius participated in the debates and called for the immediate cessation of hostilities and urged all States to come to the negotiating table and revive peace talks in good faith. Mauritius voted in favour of the resolution which called for an immediate, durable and sustained humanitarian truce leading to a cessation of hostilities and demanding the immediate, continuous, sufficient and unhindered provision of essential goods and services to civilians in Gaza.

The resolution also expresses deep concern at the escalation of violence since 07 October 2023 and severe deterioration of the situation in the region in particular in the Gaza strip. It condemns all acts of violence aimed at the Palestinian and Israeli civilians, including all acts of terrorism and indiscriminate attacks as well as acts of provocation, incitement and destruction. It emphasises that civilians must be protected in accordance with international humanitarian law and international human rights law, and deplores in this regard the heavy civilian casualties and widespread destruction.

In my annual statements at the United Nations General Assembly, I have consistently expressed the unwavering support of Mauritius for the Palestinian cause. In the statement which I delivered this September, I emphatically declared, and I quote –

“We reaffirm our solidarity with the Palestinian people and reiterate our unwavering support for the two-state solution as we recognise its potential to bring lasting peace and stability to the region.”

Mr Speaker, Sir, on 30 December 2022, the General Assembly of the United Nations adopted a resolution, requesting the International Court of Justice to give an Advisory Opinion on the ongoing violation by Israel of the rights of the Palestinian people, and Mauritius voted in favour of that resolution.

I wish to emphasise that my Government has taken a very proactive stand and Mauritius is among the 57 States which made a written submission to the International Court of Justice.



Mauritius looks forward to a clear and unequivocal Advisory Opinion which can lead to the acceleration of the process to find a long-term and sustainable solution for the Palestinian people.

Mr Speaker, Sir, Mauritius commends all parties involved in the negotiations leading to the temporary truce between Israel and Hamas-led Palestinian militant groups in Gaza which prevailed from 24 to 30 November 2023.

Indeed, the temporary ceasefire allowed the release of about 100 Israeli women and children and foreigners held hostage, in exchange for about 240 Palestinians freed from Israeli jails. This humanitarian pause also enabled the conveyance of lifesaving aid to civilians trapped inside Gaza.

Mr Speaker, Sir, I wish to further inform the House that, in the context of the International Day of Solidarity with the Palestinian People on 29 November 2023, I addressed a message to His Excellency Mr Mahmoud Abbas, President of the State of Palestine, reaffirming that Mauritius supports all initiatives for an immediate and permanent ceasefire and calls on the international community to collectively address the crisis expeditiously and resolutely safeguard the just cause of the Palestinian people.

I also reaffirmed, with great resolve, our unflinching support for and solidarity with the legitimate struggle of the Palestinian People and their inalienable right to self-determination on the basis of the Two-State Solution, in accordance with all relevant UN Resolutions.

Mr Speaker, Sir, like other countries, Mauritius was hopeful that the recent humanitarian pause would have led to a lasting ceasefire. Unfortunately, hostilities in Gaza resumed on Friday 01 December 2023 with intensified Israeli attacks across the north and south of Gaza, including in the southern city of Khan Younis, with the loss of more Palestinian lives.

We urge the United Nations Security Council to assume its responsibilities to maintain international peace and security and to do what is needed to ensure that peace is restored in the Middle East and the senseless killing of innocent people stops.

We firmly believe that this conflict can only end through peaceful negotiations and a permanent ceasefire, in accordance with international law, with the United Nations playing a pivotal role.

As such, Mauritius continues to monitor the situation and will maintain its commitment to support all initiatives that will bring both parties around the negotiating table with a view to ending this conflict and promote the Israeli-Palestinian peace process.

Mr Speaker, Sir, it is worth noting that Members from both sides of the House have expressed their concern about the situation in Gaza. I have now unveiled in detail the position adopted by my Government all along.

The House may rest assured that my Government will continue to support the Palestinian cause and renew its calls for a permanent ceasefire in the region, thus putting an end to all kinds of atrocities.

Mr Speaker, Sir, at this stage, there is no need for any further debate at the level of the National Assembly.

Thank you.

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded, the following Bills were read a first time –*

- (a) *The Financial Crimes Commission Bill (No. XX of 2023)*
- (b) *The Local Government (Amendment No. 2) Bill (No. XXI of 2023)*
- (c) *The Supplementary Appropriation (2021-2022) (No. 2) Bill (No. XXII of 2023)*
- (d) *The Protection and Promotion of the Rights of Persons with Disabilities Bill (No. XXIII of 2023)*

**Mr Speaker:** Hon. Vice-Prime Minister, Dr. Husnoo!

### *Second Reading*

## **THE LOCAL GOVERNMENT (AMENDMENT NO. 2) BILL (NO. XXI OF 2023)**

*Order for Second Reading read.*

(4.18 p.m.)

**The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo):** Mr Speaker, Sir, I move that the Local Government (Amendment No. 2) Bill (No. XXI of 2023) be read a second time.

The purpose of introducing this legislation is to amend the Local Government Act to provide that the office of the Municipal City Councillor, Municipal Town Councillor and Village Councillor shall become vacant on the date of publication of such vacancy in the Gazette, and to provide for matters connected and related thereto.

Mr Speaker, Sir, Local Government plays a fundamental role in the country as it is a direct line between local communities, their elected Councillors and the Central Government. The Municipal and District Councils are directly responsible for the provision of several important public facilities such as street lighting, scavenging services and development works. The proper functioning of these Councils is essential in order to ensure that the communities have access to such facilities in the most efficient and effective manner.

On the other hand, Councillors play a vital role as they represent the needs of the residents in their local communities and play a central role in community engagement. In addition, since Councillors are elected by and are accountable to the local people, the interests of the citizens are protected as Councillors serve as a conduit between their communities and the Local Authorities.

As I had already informed the House on 23 May 2023, I wish to reiterate that Government has always been clear that there is a need for electoral reform in Mauritius and this also entails the reform of the Local Authorities.

In line with proposed electoral reform, Government has decided that a Ministerial Committee be set up, supported by a Technical Committee and make recommendations on

- a) The local Government Reform in Mauritius;
- b) The advisability of creating additional Municipal Councils;
- c) The need to redefine the local Government boundaries, and
- d) The advisability of holding local council election concurrently with or with the wake of General Elections amongst others.

Both the Ministerial Committee and the Technical Committee have met on several occasions and are presently working on this proposed reform.

However, my Ministry has observed an anomaly in the present system which needs to be addressed immediately in view of the fact that the stability of the group party at the Council's level and the seats of elected Councilors are now being threatened by an unfortunate and unexpected turn of events.

The Supreme Court of Mauritius has delivered three judgments on 19 May 2023, which gave a ruling with regard to Section (37) of the Local Government Act, which deals with cases of vacancy in the office of a Councilor by resignation and Section (39) of the same legislation, which deals with the procedural aspects of Declaration of Vacancy. These cases are as follows –

- a) Mungapen A.H v/s The Chief Executive of the Municipal Council of Curepipe 2023 SCJ 191;
- b) Bhinda v/s Chief Executive of Municipal Council of Curepipe 2023 SCJ 192, and
- c) Maynanda R. v/s The Chief Executive of the Municipal Council of Vacoas Phoenix 2023 SCJ 193.

Mr Speaker, Sir, according to these Judgements, once the Chief Executive of a Local Authority has been informed by the person in charge of the individual group (the president or leader) or alliance that a Councillor no longer belongs to that group under which he has been nominated and elected for having resigned, be it expressly or impliedly, the said Councillor shall be deemed to have also resigned his office as Councillor. Hence, he becomes automatically disqualified from holding office as a Councillor under Section 39(1)(b) of the Local Government Act and the Chief Executive is under a duty to forthwith declare his office to be vacant. There is no obligation placed on the Chief Executive to question the accuracy of the letter nor is he statutorily mandated to carry out an enquiry or hearing.

Mr Speaker, Sir, subsequently, my Ministry has requested all the Local Authorities to stand guided by these Judgments when receiving requests to declare seats of Councillors vacant.

However, my Ministry has observed an emergence of a chaotic situation at the level of Local Authorities, with an increasing number of seats of Councillors being declared vacant, based on an implied resignation mainly at the level of District Councils where we have a large number of different groups. In certain cases, the reasons put forward by the Leader of the Group for requesting the seat of a Councillor to be declared vacant are frivolous and in other cases, no reasons are given. However, as per the existing legislation

and as per the Supreme Court Judgements, the Chief Executive has the obligation to declare the seat of the Councillor concerned vacant. This situation is severely hampering the smooth running of the Councils.

Mr Speaker, Sir, I wish to remind the House that Councillors are also elected representatives of the Citizens of this country and greatly contribute to the democratic structure of the nation. As a responsible Government, we cannot allow for such a situation to prevail where based on a simple letter from only one person of the group, for reasons known to himself, suddenly the seat of a Councillor has to be declared vacant and the running of the Council is hampered.

Following the interpretation of the existing legislation by the Supreme Court, the position of Councillors has become unstable and at risk, as their seats may become vacant at any time. This situation is against the basic principles of democracy and it gives an absolute power to the Group Leader, who can decide the fate of any elected Councillor, without any need for a notice or consultation with other group members. The structure of the Local Authorities is at risk as seats are being declared vacant in an undemocratic manner, thus affecting the smooth running of operations.

Mr Speaker, Sir, this Bill therefore provides for –

- (a) a person who has been elected as a Municipal City Councillor, Municipal Town Councillor or Village Councillor shall be deemed to have resigned from his group where he gives notice in writing to the appropriate Chief Executive or his group gives notice in writing to the appropriate Chief Executive that the Councillor no longer forms part of the group;
- (b) where a group gives notice in writing, the notice shall be duly signed by the leader, the president, secretary and 2 other members of the group certifying that the Councillor no longer forms part of the group and the notice should be accompanied by a certified extract of the minutes of proceedings of the meeting at which the decision was taken that the Councillor no longer forms part of the group, and
- (c) the vacancy of the seat of a Councillor shall take effect on the date of the publication of the notification of vacancy in the Gazette.

A central role of Parliament is to make new laws as well as making changes to existing legislation. Therefore, I make an appeal to Members of this House to look at this Bill as a necessary measure to consolidate democracy in the Local Government.

We, on this side of the House, firmly believe that this amendment is vital as it has made provision for an additional layer of check and balances and will –

- (a) protect the right of Councillors to represent their respective communities without the threat of their seat being declared vacant in an arbitrary, irrational and unreasonable manner;
- (b) protect the rights of citizens of this country by preventing the seats of the Councillors that they have elected to be declared vacant in such a manner, and
- (c) preserving the stability of the Local Authorities and their respective Councils.

I wish to reassure the House and the population at large that this initiative of the Government to bring about amendments to these specific provisions of the Local Government Act has not been prompted by any political motive whatsoever. These amendments are purely and exclusively motivated to safeguard the interests of the citizens.

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

**The Deputy Prime Minister seconded.**

**Mr Speaker:** I call the next orator! MP Ramful!

(4.27 p.m.)

**Mr D. Ramful (First Member for Mahebourg & Plaine Magnien):** M. le président, en 2015 le ministre Husnoo lui-même avait proposé des amendements au Local Government Act de 2011, connu comme la loi Aimée afin d’empêcher qu’un conseiller soit arbitrairement expulsé par d’autres membres de son groupe.

Aujourd’hui, M. le président, le même ministre nous propose des amendements pour réintroduire des éléments qu’il avait lui-même retirés en 2015 et qu’il avait lui-même qualifiés comme étant arbitraires, antidémocratiques et injustes. Je me demande si le ministre n’a pas cédé aux pressions de certains qui veulent à tout prix contrôler les conseils régionaux. Permettez-moi, M. le président, de citer un des objectifs du Local Government (Amendment) Bill No. V de 2015 pour vous montrer ce virage à 180°, je dirais même 160° que l’actuel ministre lui-même avait présenté et que ce gouvernement avait voté en 2015. et regardez ce qu’il avait proposé comme objectif, je cite –

“The Bill also provides that a Councillor shall not lose his seat where he ceases to belong to a group otherwise than by resignation.”

Alors, l’objectif des amendements de 2015 était très clair, M. le ministre, qu’un conseiller n’allait pas perdre son siège s’il décide de ne pas appartenir à un groupe. Et après ces

amendements, la loi ne prévoyait que deux scénarios dans lesquels un conseiller pouvait perdre son siège –

- (i) either when he expressly resigns from his group. When he expressly resigns from his group, he has to give a notice in writing to the Chief Executive, or
- (ii) when he voluntarily resigns from his group.

En ce qui concerne ce deuxième scénario *where the Councillor resigns from his group*, on avait tout compris, M. le ministre, qu’il fallait y avoir une démission volontaire du conseiller. Ne venez pas parler *d’implied resignation or when the group thinks that by his conduct, the Councillor has impliedly resigned from the group. It was clear from your own intervention en 2015 that there must have been an express, voluntary resignation by the Councillor from this group. Only then, his seat is deemed to be vacant.*

Je vais, de ce fait, M. le président, citer un extrait du discours de l’honorable Dr. Husnoo qui disait lui-même comment c’était anti-démocratique de permettre à un groupe d’expulser un membre et en se faisant de lui faire perdre son siège comme conseiller puisque le conseiller, comme l’avait bien dit le ministre à l’époque, est élu par les électeurs de son village. Il représente les électeurs, non pas le leader d’un groupe ou quelques membres de son groupe. Let me quote, Mr Speaker, Sir, what the Minister said –

“Madam Speaker, the Local Government Act [*il cite la loi Aimé*] provides that whenever a Councillor resigns from his group, he shall lose his seat as Councillor. The Act also provides that where a group no longer believes that a Councillor belongs to the group, it may by notice, request the Chief Executive of the Council to declare the seat of the Councillor vacant.

The House may wish to note that since the last Village Council Election held in 2012, more than 10 cases has been entered by the then elected village Councillors at the Supreme Court contesting the procedures followed for the declaration of their seats vacant.”

This is what the Minister said –

“They aver that they have been unfairly expelled from their groups and have undemocratically lost their seats with a view to ensuring that democratically elected Councillors do not lose their seats in an unfair manner. Amendments are being brought to section 38 of the Act to repeal the provision that renders the seat of a Councillor vacant when he is expelled from his group.

However, if a Councillor chooses [*C'est pour cela que je dis qu'il faut qu'il y ait une démission volontaire*] to resign from his group, he would lose his seat as Councillor."

Now let us see what the hon. Minister is proposing with the present amendment. Section 37A(1), this is what the Minister is now proposing –

- “(1) For the purpose of section 37(3), a person who has been elected as a Municipal City Councillor, Municipal Town Councillor or Village Councillor shall be deemed to have resigned from his group where –
- (a) he gives notice in writing to the appropriate Chief Executive [*cela a été maintenu*]; or
  - (b) his group gives notice in writing to the appropriate Chief Executive that the Councillor no longer forms part of the group.”

*So, the Minister who in 2015 trouvait que la loi Aimé en ce qui concerne l'expulsion d'un conseiller par son groupe anti-démocratique, injuste et arbitraire, aujourd'hui, il fait un virage de 180 degrés et retourne sur les mêmes provisions de la loi Aimé qu'il avait lui-même retiré en 2015 ! Extraordiner sa ! Zame monn truve sa !*

**Dr. Boolell:** U-turn!

**Mr Ramful:** Je demande au ministre de ne pas utiliser comme prétexte les trois jugements de la Cour suprême rendus qu'il avait lui-même cités avant moi pour justifier ces amendements. Parce que ces trois jugements ne font même pas mention de l'objectif des amendements passés en 2015 dont j'ai cité en haut : *to do away with the provision allowing for the expulsion of a Councillor by the group*. Le jugement ne fait même pas mention du discours *of the mover of the Bill at that time*. Je le dis avec respect au juge: *had they been aware of the true intention of the Minister, the judgment would definitely have been in favour of the Councillors who were unjustly expelled despite the amendments to the law*.

Maintenant, au lieu de clarifier la situation et de set the record straight dans l'intérêt de la démocratie dans les conseils régionaux, the Minister instead is not only making a U-turn by reintroducing expulsion by the group, but is going even further to transfer the decision to declare a poste vacant from that of the Chief Executive to the Minister, himself. The date that the vacancy takes effect is on the day the vacancy is gazetted by the Minister and without any time frame being specified whereas under the existing law, there was a mandatory obligation on the Chief Executive to declare forthwith the seat vacant.



So, what will happen in the future, Mr Speaker, Sir? If the ousted Councillor swears allegiance to the government of the day, the Minister may delay the publication of the vacancy until the election or if he is from the Opposition, his seat would be declared vacant forthwith by the Minister. This is the situation that we are going to be in in the future.

Even worse, Mr Speaker, Sir, I don't know if this was an omission by the drafters of the Bill, but as per the proposed amendments, *la loi de l'honorable Dr. Husnoo*, even though the decision to declare the seat of a Councillor has been shifted from the Chief Executive to that of the Minister, they forgot to amend section 29(3) to allow for a right of appeal against the decision of the Minister to declare the seat vacant. Section 39(3) allows for a right of appeal against the decision of the Chief Executive, but now that the final decision rests on the Minister, that provision has become obsolete and the proposed amendment does not even allow the Councillor to even challenge the decision of the Minister before the Supreme Court.

What is even more *rétrograde*, Mr Speaker, Sir, *les amendements que le ministre, Dr. Husnoo propose vont permettre à une minorité du Conseil de décider du destin de la majorité*. As per the existing law, a group contains at least nine members running for elections and six members on the reserve list making a total of 15 members. Under *la loi Aimé*, you needed the consent of at least a majority of the group to be able to expel a member. Under *la loi de l'honorable Dr. Husnoo*, a notice signed by the leader, president, secretary and two members only, therefore, five members out of 15 would be enough to expel any other remaining members of the group and also for whatever reason! There is no need to specify any reason!

We are in a situation where a Councillor is elected by hundreds and thousands of electors from his village, but he may lose his seat by a decision of five members of his group. This is the situation that they are providing, Mr Speaker, Sir.

*Alors, les vraies raisons de ces amendements, c'est parce qu'on est en train de témoigner une hémorragie des conseils régionaux en faveur de l'opposition* both at the level of the Municipal Councils and Village Councils! Councillors are fed up with the way some Councils are being administered and are bringing up motions of no confidence against the president or district Councillors of their respective groups.

At the Municipal Council of Vacoas, at the Municipal Council of Curepipe, in Mare d'Albert, in my Constituency, where there is a pending case before the Supreme Court, with respect to the Court I will not talk about the facts of the case, and more recently, in the Village Council of Poste de Flacq, Brisée Verdière, Camp de Masque,

Trou d'Eau Douce to prevent the Members from voting against Presidents and District Councillors close to the Government. The present amendments are being brought as *une épée de Damoclès sur leur tête*, preventing them from going against their group at the risk of them losing their seats as Councillors. This is the true reason for these amendments, Mr Speaker, Sir.

I am done, thank you very much.

**Hon. Members:** Bravo! Bravo!

*(Interruptions)*

**Mr Speaker:** I now call hon. Hurdoyal!

(4.40 p.m.)

**The Minister of Agro-Industry and Food Security (Mr T. Hurdoyal):** Mr Speaker, Sir, I am privileged of the opportunity to debate and provide my insights on the Local Government Amendment Bill, which is being brought by my colleague, the hon. Vice-Prime Minister and Minister of Local Government and Disaster Risk Management, Dr. Anwar Husnoo.

The proposed amendments to the Local Government Act, Mr Speaker, Sir, marks a significant step towards strengthening our Local Government system and ensuring the effective functioning of our Municipalities, District Councils and Village Councils. As a former Village Councillor and District Councillor and having served two mandates as Chairperson of the District Council of Flacq, I am acutely aware of the critical importance of these amendments. Yes, I can tell you that the hon. Ritesh Ramful just mentioned that there was a moment where Councillors were the ones who work for the betterment of the Village Council, and still they are doing their part of jobs and today, if I am sitting here in this Parliament, I am a product of the Village Council at that time.

Mr Speaker, Sir, Mauritius, despite being a small island, has a long-standing reputation as a democratic country, where free and fair elections have been a consistent feature since gaining independence. This commitment to democracy is evident at various levels of governments, including Village Council Elections, Municipal Elections, and National Elections.

Mr Speaker, Sir, the Village Council and Municipal Council Elections are crucial for the functioning of local governance and democracy. These elections play a vital role in ensuring that the voices and interests of the local community are represented and addressed.

The Village Council Elections are crucial because they allow residents of villages to elect their representatives who will make decisions on local issues. The elected Village Councillors are responsible for managing and maintaining the affairs of the village, ensuring that the needs and concerns of the residents are taken into consideration. Similarly, Municipal Council Elections are significant as they determine the representatives who will govern and oversee the administration of cities or towns.

By participating in Village Council and Municipal Council Elections, individuals have the opportunity to choose representatives who will work towards the betterment of their local villages and towns. These elections enable community members to have a say in decision-making processes that affect their day-to-day lives.

Mr Speaker, Sir, there is therefore a need for robust and appropriate legislation to ensure clarity, transparency, effective governance, and the protection of public interests within the Local Government system.

Mr Speaker, Sir, I will now comment on the proposed amendments to the Local Government Act. But, one point that the hon. Member, Ritesh Ramful just mentioned that 16 Members are allowed to take decisions in a Village Council. It is not true. Only nine Village Councillors decide about any decisions that are taken at the Village Council level, not 15 as mentioned. There is a reserve list but the reserve list does not form part of the decision making at the Village Council.

*(Interruptions)*

This Bill, Mr Speaker, Sir, proposes to amend Section 37. I am just setting the record straight as you mentioned, hon. Ritesh Ramful. This Bill, Mr Speaker, Sir, proposes to amend Section 37 of the current Act, which relates to the vacation of office by resignation. The current legislation makes provision for a Councillor to resign – you rightly mentioned – from his office by giving notice in writing to the appropriate Chief Executive and resignation shall take effect on receipt of the Notice of Resignation by the Chief Executive.

It is worth highlighting, Mr Speaker, Sir, that as at now, there is no statutory obligation on the Chief Executive to question the veracity or accuracy of the letter informing him on the resignation of a Councillor before declaring the post vacant.

Mr Speaker, Sir, section 37 of the current legislation also provides that when a person who has been elected as a Municipal City Councillor, Municipal Town Councillor or Village Councillor resigns from his group, he shall be deemed to have also resigned his office as Councillor and when a person who has been elected as a District Councillor

resigns from his office, he shall be deemed to have also resigned from his office as a Village Councillor. This is what the hon. Member just said.

Mr Speaker, Sir, as a responsible Government, we are addressing this issue through the amendments being proposed. We are working for the betterment and welfare of the population. We cannot allow some group leaders in Village Councils to constantly create instability and disrupt the proper functioning of the Village Councils and Municipal Councils. In a democracy, we cannot accept that the post of an elected village Councillor is declared vacant just by a letter sent by a group leader to the Chief Executive.

Can you imagine, Mr Speaker, Sir, a group leader who was not even candidate in Village Council elections - listen to it carefully, who was not even candidate in Village Council elections - has the right to declare the post of a Councillor vacant, based on his own opinion and conclusion, when the latter, you just mentioned, has been democratically elected by the villagers.

How is it possible, Mr Speaker, Sir, that some group leaders, who participated in Village Council elections but were not even elected, today has the right to decide the fate of a Village Councillor, when the latter has been democratically elected?

Can you imagine how difficult it will be for Village Councils, District Councils and Municipal Councils to function if group leaders change councillors every now and then? Whether the candidate is part of the group or is no more part of the group, he is still an elected candidate, elected through a democratic process. This is why the proposed amendments are important. We need to ensure that justice and fairness prevail at all cost!

The proposed amendment involves the repealing subsection 2 of the Section 37, which states that the resignation shall take effect on receipt of the notice of resignation by the Chief Executive and the insertion of a new section (37A) in the Local Government Act.

The new section, that is, 37A, addresses the issue of resignation from a group. According to the proposed amendments, a person elected as a Municipal City Councillor, Municipal Town Councillor, or Village Councillor shall be deemed to have resigned from their group if they give written notice to the appropriate Chief Executive or if their group has written notice that the Councillor no longer belongs to the group.

The notice from the group must be signed by the leader, president, secretary, and two other members of the group, and accompanied by a certified extract of the Minutes of Proceedings where the decision was taken. This is what you just mentioned, hon. Ritish Ramful as regards to the majority. This will ensure that the decision is properly

documented and supported by a majority of members in the group, which is not the case actually.

These proposed amendments will provide for a clearer process for resignations and will promote fairness, greater transparency and accountability as well as prevent any disruption in the system.

Mr Speaker, Sir, the Bill also proposes to amend Section 39, Sub section 1 and 2 of the current legislation which will bring important changes to the process of declaring a vacancy in office.

Instead of the Chief Executive declaring the office vacant, the amendment states that the Chief Executive shall notify the Minister in writing of the vacancy. The Minister will then cause the vacancy to be published in the Gazette. The vacancy will take effect on the date of publication.

The proposed amendment to Section 39 of the legislation will promote further transparency by requiring the vacancy to be published in the Gazette, and with the vacancy taking effect on the date of publication, there is a clear and defined timeline as to when the vacancy officially begins, facilitating a smooth transition and timely appointment of a replacement.

Mr Speaker, Sir, another important amendment being proposed relates to the date of vacancy. The proposed amendment in Section 40 of the current legislation suggests a change in the process of declaring a seat vacant. Instead of the Chief Executive being responsible for this declaration, the amendment proposes that the Minister has the authority to declare a seat vacant.

Furthermore, the proposed amendments suggest that the date of vacancy of office should be effective from the date of publication of the vacancy in the Gazette, as stated in section 39(2). This would replace the current practice of considering the date on which the Chief Executive received the resignation letter as the date of vacancy.

Mr Speaker, Sir, the proposed amendments to the Local Government Act are a crucial step towards strengthening our governance system and ensuring effective functioning within our Municipalities, District Councils, and Village Councils.

It is not only for the Flacq District Council, as reported or I would say misreported, in some Press articles. We are working for all the Village Councils, District Councils and Municipal Councils of Mauritius.

The proposed amendments to the Local Government Act stand bears testimony to our commitment as a Government to ensure justice prevails and to tirelessly work for the betterment of our citizens, regardless of whether they reside in villages or towns.

As rightly stated by William Ewart Gladstone, former Prime Minister of the United Kingdom, I quote –

*“Justice delayed is justice denied.”*

These amendments encapsulate the essence of our mission to create a Local Government system that truly represents the voices and interests of our people.

I, therefore, make an appeal to Members of both side of the House, to support this Bill, to contribute towards a fairer, stronger and more accountable local governance system in Mauritius.

Thank you for your attention, Mr Speaker, Sir.

**Mr Speaker:** Hon. Members, I suspend the Sitting for 30 minutes.

*At 4.58 p.m., the Sitting was suspended.*

*On resuming at 5.36 p.m. with Mr Speaker in the Chair.*

**Mr Speaker:** Please remain seated and be seated. MP Nagalingum!

(5.36 p.m.)

**Mr D. Nagalingum (Second Member for Stanley & Rose Hill):** Mr Speaker, Sir, *c’est à la fois triste et révoltant* to see to what extent some people are terrified to face the *vox populi* and petrified in the event that a truly free and fair election stands. They are prepared to go through to desperately cling to power and maintain the political control of public institution. This proposed amendment to the Local Government Act 2021 is yet another blow to our local democracy which is already in agony on a death bed since a very long time. What is the reason behind the relentless effort to curtail the scope of democracy? So, that is why since 2014, a closely-knitted power web has been put in place to each and every decision is centrally managed, the more so when financial implications are involved. This is what we call autocracy and the aim of this Government is to undermine our democratic political system.

Mr Speaker, Sir, let us imagine that a football match is ongoing and that the referee is doing its duty according to existing regulation but suddenly the manager of the team who is losing, compelled a referee to change the regulation so as to give undue and illegal advantage to his team. This is what this Government is doing when it proposes to bring

this amendment to our Local Administration Act. The facts are that this Government has already lost its majority in Flacq District Council following the resignation of three Councillors whereas under the actual legislation when a Councillor informs the Chief Executive of his resignation, the Chief Executive declares that seat vacant. With this amendment, it will henceforth be the privilege of the Minister to decide when to publish this Vacancy Notice in the Government Gazette for it to be effective.

Mr Speaker, Sir, allow me to quote the first paragraph of an article on this particular matter published in a newspaper on the 02 December last, I quote –

*« Des manigances seraient en cour au conseil de district de Flacq afin que le président puisse être maintenu en poste. Des pressions ministérielles sont ainsi évoquées pour que les sièges de deux conseillers ne soient pas déclarés vacants surtout après qu'un autre conseiller se trouvant dans les camps du MSM a déjà perdu les siens la semaine dernière.*

*Le but, M. le président, nous explique certaines sources, c'est que le Conseil de district ne bascule pas dans l'opposition car ce risque serait réel si trois sièges des conseillers proches du pouvoir sont déclarés vacants en moins d'une semaine. »*

Mr Speaker, Sir, this amendment is a huge step backward, a new crime on local administration. Concerning the resignation of Councillors and the declaration of vacancies, thereafter, the Local Government Act 2023 specified in article 37, I quote –

“(1) A Councillor may resign his office by giving notice in writing to the appropriate Chief Executive.

(2) A resignation under subsection (1) shall take effect on receipt of the notice of resignation by the Chief Executive.”

In the case of the Flacq District Council, the first resignation has been accepted according to the law. Now, when two other pro-government Councillors resign, the Government sees that it is losing its majority in the Flacq District Council; it is falling into Opposition hands. As a faithful disciple of Machiavelli for whom democracy stands for nothing, Government comes with an amendment in the law which states and I quote –

“(2) The Minister shall, on receipt of the notification of vacancy under subsection (1), cause the vacancy to be published in the Gazette and the vacancy shall take effect on the date of such publication.

Section 40 of the principal Act is amended –

- (a) in paragraph (a), by deleting the words “on receipt of the resignation by the Chief Executive” and replacing them by the words “on the date of publication of the vacancy in the Gazette pursuant to section 39(2)”;

At the end of the day, Mr Speaker, Sir, if this amendment is passed, the Chief Executive no longer, on receipt of a letter of resignation from a Councillor, automatically declares his seat vacant. Instead, he notifies the Minister of these resignations and the Minister gives publication to it in the Government Gazette and it is then that the vacancy becomes effective. The question, Mr Speaker, Sir, is when will the Minister make publication of this resignation and notice of vacancy? No timeframe is specified. So, what happens as is the case of the Flacq resignation? The Minister has the dossier in his drawer and waits. Nothing in this amendment specifies that he should publish this notice in so many days, weeks or years.

The end result, Mr Speaker, Sir, will be according to this amendment, the Minister will decide when the resignation of a Councillor will result in vacancy and more than this, the resigned Councillor may continue to attend official meetings of the Council.

Mr Speaker, Sir, this amendment is much more than a shame. This amendment forms a logical new measure of Government’s strategy to wipe out our local administration. The Government’s plan is completely undemocratic and it is a new slap to our democracy.

Since 2014, with the advent of this Government, our local administration has constantly seen their powers being reduced, same, shifting from the Council to the Chief Executive or to the Minister. Local elections have been postponed twice. The same team is in post in our Village, District and Municipal Councils. The summon now is to make it legal that even if a Councillor resigns, it will be the privilege of the Minister to declare his seat vacant and this, when he thinks, is necessary.

Mr Speaker, Sir, this National Assembly where you are the guardian, has a noble function to legislate in the interest of the population at large. Its duty is not to pass legislations for the interest of the particular groups. Today, we are doing the contrary because this amendment has as sole objective to prevent a politician, the pro-government president of the Flacq District Council to lose his chair; chair which may go to the Opposition.

Mr Speaker, Sir, let me conclude by once more laying emphasis on the undemocratic nature of this amendment. It is a new and severe blow to our institution. I



make a solemn appeal to all Members who very often said that they choose democracy, I appeal to them not to vote for this amendment.

Thank you, Mr Speaker, Sir.

**Mr Speaker:** I now call hon. Dhunoo!

(5.46 p.m.)

**Mr S. Dhunoo (Third Member for Curepipe & Midlands):** Thank you, Mr Speaker, Sir. First of all, let me ask for your permission to rebut the former orator who spoke before me.

If we listen to what has been said by Members of the Opposition and the analogy that has been made by hon. Nagalingum about a football match. Nowadays, as has been mentioned earlier, in a football match we have VAR even the decision of the referee is being reviewed by new legislation and now that we have a judgment of the Supreme Court, so as a responsible Government, is it not our duty to take action even if we have to go through previous decisions and change them? We have to do it, Mr Speaker, Sir. It is our core duty. That is why we are in this Assembly; to do it.

Mr Speaker, Sir, I want to quote hon. Nagalingum when he spoke on the Local Government (Amendment) Bill in 2023, *je cite, M. le president Shri Jawaharlal Nehru qui disait en 1957 -*

*« Nous avons totalement accepté le système démocratique, car nous pensions qu'en fin de compte, il favorise le développement des êtres humains et de la société, et nous voulons que croisse l'esprit créateur et aventureux de l'homme. »*

Mr Speaker, Sir, by his saying, what he said in his previous debates, they should have accepted the results of the elections. Now that there is the judgment of the Supreme Court, even when we listened to hon. Ramful earlier saying that we are going to lose in the District Councils and in the Municipal Councils, but why have they not, on the *1 mai*, Mr Speaker, Sir, if they were so sure that they are going to win the elections, *40+40+40 maintenant, pour moi, cela égale de douze pour cent parce que quand on voit les rassemblements de l'opposition dans toutes les places qu'ils ont faits, vous allez voir trois grands partis, ils le disent, tap lestoma pou dir sa, M. le président, vous voyez les rassemblements médiocres que nous avons vu de l'opposition quoiqu'ils sont à Vacoas ou à apporter des Bangladais et tout. Mais M. le président, s'ils croient que nous apportions cette loi pour ne pas perdre les collectivités locales, ils ont le droit de rêver parce que le ministre Dr. Padayachy n'a pas mis de taxe sur les rêves ! Ils peuvent rêver, mais c'est l'électorat, c'est la population qui va en juger quand on ira vers les élections.*

*M. le président, il est très important si je prends l'honorable Ramful qui l'a dit plus tôt, de comprendre pourquoi nous apportons ce projet de loi et pourquoi cet amendement. Et, M. le président,* if we take the example of the District Council of Grand Port where they say they have won the election there but they have lost. I think there are two villages which form part of my Constituency, and when we take the example of a District Council, it is different. You have elections done through the Village Council. The Village Council once elected puts a President and the President who is leading the Party then with the members that have been elected will designate a District Councillor. The District Councillor will go and represent the village at the District Council level.

And the numbers that have been mentioned by hon. Ramful, rightly said by hon. Hurdoyal that he is misleading us, it is because in all the Local Authorities, it is not the same. For example, in the District Council of Savanne where the MMM had the Chairman there and they were claiming that, the hon. Nagalingum just said that we fear that we are going to lose, but there has recently been a change in the Chairman there and the MMM candidate has lost the seat. This is to tell you, Mr Speaker, Sir, we are talking about facts. We are not dreaming. They have the right to dream, let them dream but we are a responsible Government, we are working in the direction that we want to have for the population and development of our towns and villages, and with our Prime Minister, we are going to go in the direction as he has said in his previous debates on this Local Amendment Bill. About that, we will take our time for the amendment that we have to do.

On 21 March 2018, it was mentioned on a newspaper by hon. Nagalingum in *L'Express* –

“No government has been able to put some order in the field of local government. Hence, it is high time to review the law. We have been doing too much dilly-dallying.”

Mr Speaker, Sir, this has been said by the former speaker in the Press article in *L'Express*, I can table it but to tell you, Mr Speaker, Sir, we know about its complexities. We cannot compare the Municipality with the Village Council because in a Municipal Election, the candidates will be chosen by the Party. For example, MSM will choose its candidates. If they are in alliance, for example, if you take the example of the Municipality of Curepipe, you have 20 seats that have to be filled, and about the 20 seats we have to put – we have 5 wards – we will have 4 candidates by wards, and it makes 20 seats.

So, Mr Speaker, Sir, it is different as compared to villages, and what we want to tackle now is that in some villages, you have different parties which are not like the mainstream, like the MMM, PMSD or Labour Party. It is different how the elections

happen there, with different symbols. They are not going to use the party symbol but sometimes there were loopholes in this legislation where it was people that were representing – like has been said by hon. Hurdoyal – the village. Someone who is not even elected can do a *chantage*, *M. le président, pour retirer ce membre mais il fallait qu'on apporte ce changement pour qu'on puisse régler ce problème-là. Et, M. le président, pour la démocratie, c'est très important.*

*M. le président, nous, de ce côté de la Chambre, nous voulons que les choses soient faites convenablement et les documents se fassent* and we have seen, Mr Speaker, Sir. Not even the previous Government, even the Labour Party and PMSD have done so much development in towns and villages like has been done under the leadership of Pravind Kumar Jugnauth. And, this is a fact and this will remain, Mr Speaker, Sir, that our Prime Minister is very careful about all the developments whether it is in the towns or villages, and he wants everything to be done uniformly, and that is why, Mr Speaker, Sir, we need to go diligently on this one.

When we see what has been said by hon. Ramful earlier, I think he is having the syndrome of his Leader, even the leaders of *l'Alliance Tempo* like I call them, *Hawkins*. It is like they have not seen the Judgment of the Supreme Court and even he is questioning the Judge's Judgment now in the Parliament. And, I did not expect this from a lawyer and someone like him to tell us that if the Judge has read - when hon. Dr. Husnoo was debating in the House about presenting the Bill, the Judgment would have been different. It is not the case, Mr Speaker, Sir, but we on this side of the House, we know that we are moving in the right direction and doing the right thing for the population.

I thank you, Mr Speaker, Sir.

**Mr Speaker:** MP Woochit!

(5.56 p.m.)

**Mr R. Woochit (Third Member for Pamplemousses & Triolet):** Thank you, Mr Speaker, Sir.

Today, I take this opportunity to express my concern regarding the Local Government (Amendment No. 2) Bill, and I would also like to discuss some of the objectives of this Bill, and the potential challenges it may pose to our local governance system.

The proposed Bill aims to amend the Local Government Act, highlighting critical issues requiring urgent attention. At the very outset, let us not disregard the consistent trends that we have observed in the Government's handling of these amendments in the

Local Government Act since they are in power. Their track record reveals several amendments, including the postponement of Municipal elections. Now, once again, we are faced with another proposed amendment that significantly tinkers with the power governing our local governance structure. The Local Government Act is laden with critical issues that urgently need the Minister's attention.

Mr Speaker, Sir, rather than piecemeal changes, a holistic approach to comprehensively improve the legislation is necessary for the citizens' benefit. I am deeply concerned about the Bill's potential impact on our communities despite appearing to be a mere paperwork modification, but its consequences could fundamentally alter the way our districts are governed. As an Opposition Member, it is our responsibility to dissect and understand the gravity of these possible consequences of this Bill.

Mr Speaker, Sir, therefore, this Bill demands our firm attention and rigorous analysis. The proposed amendments put forward by a startling proposition in the very first paragraph is –

“The object of this Bill is to amend the Local Government Act to provide that the office of a Municipal City Councillor, Municipal Town Councillor and Village Councillor shall become vacant on the date of publication of such vacancy in the Gazette, and to provide for matters connected and related thereto.”

This action seemingly intends to simplify administrative procedures. However, beneath this apparent objective, lies significant implications that jeopardise the core of democratic governance at the grassroots levels. Let me provide a clear picture using the recent events in the District Council of Flacq as an example.

Mr Speaker, Sir, in the District Council of Flacq, there is a discrepancy regarding the declaration of certain Councillors seats, specifically the seats of Bibi Mariam Toofail from Brisée Verdière, Louis Romain Brousse and Sawan Racktoo from Trou d'Eau Douce, which have not been declared vacant by the Chief Executive, that is, the CE. This is despite the group's President informing the CE that these three Councillors no longer belong to the elected groups. However, the seats of Shiv Kumar Gungoo from Poste de Flacq, Shameersingh Askurn and Chetram Sangam from St Julien were declared vacant at the end of November 2023, leading to their replacement. This appears to have been an attempt by the Government to hold this process.

Mr Speaker, Sir, a notice of demand, *mise en demeure*, was served on December 1<sup>st</sup> to the CE of the District Council of Flacq by Mr Lallbeeharry Guness, the Councillor from Brisée Verdière Village and President of the Unity Group of Brisée Verdière. Mr

Guness requested the Chief Executive to declare Bibi Mariam Toofail's seat vacant due to her departure from the Unity Group of Brisée Verdière, despite Mr Guness' letter, dated November 27, 2023, which was left unanswered by the CE, prompting Mr Guness to resort to the notice of demand. As of Sunday, December 03, while I was preparing my speech, neither the seats of the two elected members from Trou d'Eau Douce nor those from Brisée Verdière have been declared vacant. Now, these are Village Councillors hold the right to vote in the District Council President's election and have seemingly aligned themselves with a different group of Councillors.

Regarding Trou d'Eau Douce and Brisée Verdière, rumours suggest that the two District Councillors have close affiliations with the current President of the District Council of Flacq, Mr Kishore Kumar Jeewooth, who won the presidential elections in December 2022, earned considerable support from two Ministers in the East. One Minister in particular claimed significant contributions to Mr Jeewooth's election shortly after the presidential election. If a motion of censure was to be initiated against the current President, there is a risk that he might lose the majority, which might not sit well with these Ministers. Dissatisfied that their *protégés* lost their seats, these Ministers seem to be advocating for amendments to the Local Government Act (LGA).

The proposed amendments entail changes whereby the decision to revoke a Councillor were previously solely within the President's authority and now requires approval from the leader or the president, the secretary and two other team members consisting a majority of five out of the nine members. Additionally, these amendments grant the Minister of Local Government the authority to determine the timing and process for filling the vacancies.

However, Mr Speaker, Sir, the Bill lacks a specified time frame for the publication in the Government Gazette. This allows the Minister to delay publication at their discretion. Furthermore, can we know why did Mr Dheeraj Gopaul, the CE of District Council of Flacq, withhold letters from Party Presidents like Guness and Dawdhan. Can this be the reason behind his recent transfer to the District Council of Grand Port last Friday? Can this be the reason that it was only yesterday when the new CE, Reechaye, came to Flacq District Council, that these seats have been declared vacant?

Moreover, Mr Speaker, Sir, these Ministers emphasised that the presentation of the Local Government (Amendment No.2) Bill in Parliament was a collective decision of the Government. They asserted that they do not interfere with the functioning of the District Council of Flacq, but await changes in the law. However, the question remains whether these laws will have a retroactive effect, which is still unclear.

To understand the current law, referencing the ruling dated May 19 2023, by Judges Iqbal Maghooa and Patrick Kam Sing is very important, Mr Speaker, Sir. These judgments affirm that a mere letter from the President or Leader of a Party or Group to the CE suffice to declare a Village Councillor's seat vacant if they no longer align with a group or party, paving the way for the replacement from the reserve list. These judgments underscore a critical distinction between the Village Councillor election and those of District Councils. While sharing similarities with the legislative elections, village elections significantly differ in that they do not allow independent candidates.

Additionally, as outlined in articles 37(3), 39 and 42(2)(a) of the Local Government Act, parties or groups are mandated to provide a reserve list of candidates. These candidates may not necessarily be the top runners or even formal candidates, but are designated to serve as potential replacements. Upon renunciation by the group, the Council Member should lose his seat in the Village Council. Following this, the CE of the District Council declares the seat vacant and the person from the reserve list steps in to occupy the vacant seat. The Judges stressed that due to the absence of a legal mandate for the CE to question the President's Party letter, they are obliged to declare the seat vacant and this has to be done immediately without delay.

Mr Speaker, Sir, section 39 (1) of the present LGA stipulates that, I quote –

“the appropriate Chief Executive shall, except in a case in which a declaration has been made by the Supreme Court under this Part, forthwith declare his office to be vacant.”

The provision for automatic vacation without due process or substantive cause undermines the very essence of democratic governance. It limits the autonomy of elected members, dismissing their authority and disregarding the choices of the constituents who elected them. This provision essentially weakens the mandate of these Councillors making their position vulnerable to arbitrary changes without valid reason. Furthermore, the requirement for a group's notice to certify a Councillor's departure lacks transparency and accountability. This opens the door to potential misuse and manipulation for political gain, further destabilising the integrity and effectiveness of local governance structures.

The amendments to sections 39 and 40 of the Local Government Act hold significant implications for local democracy. They result in the curtailing of the Chief Executive's function and the transfer of these responsibilities to the Minister of Local Government. This shift concentrates power undemocratically, giving unelected members the ability to influence the fate of duly elected Councillors. It disregards transparency, accountability and fair procedures in managing Council vacancies.

The Bill, in its current form, lacks essential checks and balances to uphold democratic values and principles within our local governments. The present provision where a Councillor lost his seat based solely on a received letter, even if implied, is basically wrong and antidemocratic. This loophole might enable a majority of Councillors, for unclear reasons, to remove a democratically elected Councillor from their group, particularly if the Councillor holds dissenting views on certain issues and this could lead to implied resignation as seen in various District Councils, including Flacq, Grand Port and Pamplemousses.

To prevent this form of party autocracy, I propose that when a party leader requests the CE to declare a Councillor's post vacant, the concerned Councillor should have the opportunity to explain why the post should not be declared vacant. I propose a transparent enquiry process, ensuring valid reasons and establish an independent oversight body to prevent misuse of power or political influence in resignation cases.

Lastly implement training and capacity building programmes for a local government representative to enhance their governance skill and community service. This aligns with the principle of fairness, natural justice and good governance ensuring due process and protecting against arbitrary decision.

In conclusion, Mr Speaker, Sir, and hon. Members, this Bill in its current form, falls short of safeguarding our democratic values and risks undermining the integrity of our local governance structures. As we, the Opposition Members urge the Government to reconsider these amendments and collaborate on reform that prioritise transparency, accountability and the preservation of democratic ideals in our local government, there are other more important issues in the Local Government Act that needs to be addressed by the Minister. We are aware that Government has set up a Ministerial Committee as I said to look into the reform to be brought to the present Local Government Act. So, I would therefore urge the Minister not to rush and go for piecemeal amendments but to take a holistic approach so that the present legislation, in its globality, is improved for the benefit of all our citizens.

I am done, Mr Speaker, Sir. Thank you all for your attention.

**Mr Speaker:** I call hon. Abbas Mamode!

(6.11 p.m.)

**Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East):** Thank you, Mr Speaker, Sir.

M. le président, les orateurs de l'opposition veulent faire croire que l'amendement que nous apportons au Local Government Act, est grave, antidémocratique, mais, M. le président, pourquoi les leaders des partis de l'opposition n'interviennent pas sur ce projet de loi ? D'ailleurs, ils sont absents au parlement à l'heure où nous parlons. *Plito Boolell mem ! Li p sov la kas au moïn !* Où est l'honorable leader du MMM ? Où est l'honorable leader du PMSD ?

**Mr Quirin:** *Kot to problem?*

*(Interruptions)*

**Mr Abbas Mamode:** *Kot to problem twa? Nu dan parlemen la, zot ti bizin la!*

**Mr Speaker:** Order! What is happening?

**Ms J. Bérenger:** *To leader koter? Pu twa!*

**Mr Speaker:** Order! Order both sides of the House! Order! Both order!

**An. hon. Member:** *14ème mois zot p roder!*

**Mr Speaker:** First, order! No comments! You continue!

**Mr Abbas Mamode:** Yes, thank you, Mr Speaker, Sir. Mr Speaker, Sir, today I wish to address a matter of utmost significance to the proposed amendment to the Local Government Act, specifically focusing on the vacancies of Councillors.

The Local Government (Amendment No. 2) Bill (No. XXI of 2023), aims to bring about crucial changes that will impact the functioning and dynamics of our local government bodies.

Mr Speaker, Sir, as we deal into the details of the proposed amendment, let us first revisit the existing section 37 of the Principal Local Government Act of 2011. This section currently outlines the process of the vacation of office by resignation emphasising the significance of written notice to the appropriate Chief Executive. Additionally, it addresses a situation where an elected official resigns from his/her group, deeming such an action tantamount to resigning from his/her role as a Municipal City Councillor, Municipal Town Councillor or Village Councillor.

Furthermore, the provision extends to District Councillors stipulating that their resignation result in the automatic resignation from the Office of a Village Councillor. Mr Speaker, Sir, now Clause 3 of the proposed amendments seeks to redress and enhance this framework. The Explanatory Memorandum of the Bill articulates its objective to amend the Local Government Act in a way that mandates the Office of a Municipal City



Councillor, Municipal Town Councillor and Village Councillor to become vacant on the date of publication of such vacancy in the Government Gazette. This change is pivotal and signifies a shift in the process of declaring and managing vacancies in these critical positions within our local government.

Mr Speaker, Sir, let us scrutinise the specific amendment proposed in the Bill. Section 37 of the Principal Act is stipulated for amendment by repealing subsection 2. This repeal marks a departure from the existing framework and implies a significant modification to the process of Councillor resignations.

Moreover, Mr Speaker, Sir, a new section 37A is introduced in the Principal Act. This section addresses the nuance issue of resignation from a political group, a matter intricately linked to the functioning at our local Government bodies. It acknowledges that the resignation from a group has implication beyond the individual affiliation and extends to their official capacity as a Municipal City Councillor, Municipal Town Councillor or Village Councillor.

For the purpose of Section 37(3), the proposed section 37A deems a person to have resigned from their group under certain circumstances. These circumstances include the individual giving written notice to the appropriate Chief Executive or the Group providing written notice to the Chief Executive stating that the Councillor no longer forms parts of the group.

Mr Speaker, Sir, importantly the Bill outlines specific requirements for the group notice ensuring that it is a well-documented and collective decision. The notice must be duly signed by the Leader, President, Secretary and 2 other members of the group certifying that the Councillor no longer forms part of the group. Additionally, it must be accompanied by a certificate extract of the minutes of the meeting at which the decision was made.

Pour terminer, permettez-moi de faire une parenthèse surtout que l'honorable Deven Nagalingum a référé à un article du journal lors de son allocution. M. le président, aux donneurs de leçons, non ; pas qu'aux donneurs de leçons mais à une dame *ki kone tou* ! Et dimanche dernier, elle nous a fait cette leçon avant de commenter sur le Local Government Bill. Il y a ceux présents, inquiets avec ce projet de loi aux mobiles douteux. Journal Weekend, pour ne pas dire feuille de propagande de l'opposition, on n'en finit pas avec ces mobiles douteux sans pour autant dire chaque semaine, 90% de ces articles - *nanier pa bon* pour ce gouvernement et du côté de l'opposition, l'alliance et mésalliance, tout est pour le mieux dans la meilleure du monde. Est-ce qu'on a voté pour ce mariage

Parti travailliste/MMM/PMSD contre nature ? On peut clamer haut et fort que tous les membres de l'opposition sont des transfuges et laissez-moi enfoncer encore ce clou...

**Ms Anquetil:** N'importe quoi !

**Mr Abbas Mamode:** ... davantage, le Parti travailliste, parti majoritaire de l'opposition...

**An hon. Member:** *Pa honter...*

**Mr Abbas Mamode:**... qui sera la locomotive de cette entente, non, pardon méésentente. Que valent les membres du Parti travailliste ? Le PMSD à son leader de l'opposition et son whip ou le MMM à son représentant du Public Accounts Committee. Encore une fois, Dr. Arvin Boolell, où est le Parti travailliste ? Je n'étais pas élu sous une bannière partie travailliste/MMM/ PMSD, non...

**Mr Speaker:** Time over! MP Lobine!

**Mr Abbas Mamode:** Je n'étais pas élu sous une bannière Parti travailliste/MMM/PMSD ! Non!

*(Interruptions)*

**Mr Speaker:** Time over!

**Mr Abbas Mamode:** Non!

*(Interruptions)*

**Mr Speaker:** Time over! Hon. Lobine!

*(Interruptions)*

**Mr Abbas Mamode:** *Sa mo pa ti elu pou sa mwa!*

**Mr Speaker:** Order! Hon. Abbas Mamode, order!

**Ms J. Bérenger:** Wasting the time of the House!

**Mrs Luchmun Roy:** Who are you to say that! *Speaker twa?*

*(Interruptions)*

(6.20 p.m.)

**Mr K. Lobine (First Member for La Caverne & Phoenix):** Thank you, Mr Speaker, Sir, for giving me the floor to address a few words on this Amendment Bill. I am very sad with regard to the content of the speech of my learned friend, ex-learned

colleague from the PMSD, with regard to the insinuations being made to the PMSD. You should be the last person to talk about the PMSD...

*(Interruptions)*

... which gave you the chance to come and sit in this august Assembly! So, you should refrain from criticising the PMSD and the Labour Party under which you got a ticket, got elected and sitting in Parliament tonight!

**Ms J. Bérenger:** Exactement!

**An hon. Member:** *5 million roudi!*

**Mr Speaker:** Hon. Lobine has the floor!

*(Interruptions)*

**Mr Abbas Mamode:** *Mo sagrin travailliste !*

**Ms J. Bérenger :** *Lamour prop pena !*

**Mr Speaker:** Hon. Abbas Mamode! You want to stay in the House or you want to go?

**Mrs Navarre-Marie:** *Met li deor! Met li deor !*

**Mr Speaker:** Please!

**Mr Lobine :** With regard to the remarks being made as to this Amendment Bill, Mr Speaker, Sir, it is also very unbecoming from this very hon. Member because as to the timing of this amendment. It is not a question of bringing a simple amendment and debating on an Amendment Bill as we did in May 2023 when there was a previous Amendment Bill to the local government. We are talking about elections; we are talking about people, Councillors who have had the right to stand for elections and got elected. As per the law, they are allowed for their expression, opinion and freedom of speech even if they form part of a group.

This is what is crucial in a democracy. Be it you are in MSM, MMM, PMSD, Labour Party, we have to rise to the event with regard to debates. At times, you can take position against your party, against your group because there are certain very fundamental issues that go to the essence of democracy. In every democratic society, – if I invite my hon. friend who is leaving the House – when you switch on Sky News, you will see debates in the House of Commons. MPs from the Conservative Party will criticise their party if they are not agreeable with a particular clause or a particular Bill or a particular Act of Parliament. They will criticise!

Unfortunately, we do not have these types of debates here. Here, in this House, it is people from this side of the House against people from the other side of the House. And from the other side of the House, it is always a question of when people from this side of the House is taking opposition, we are unpatriotic, we are against democracy, we are against progress, we are against what you say: ‘that everything is good with this Government.’ This is the job of the Opposition to come forward and criticise. This is why we are sitting in this Parliament.

So, we need to accept the views and not to stand up and just criticise each other on mere petty politics about alliances or whatever. We are talking about a very important Amendment Bill that will deprive somebody who is a Councillor, who has been voted to be deprived of his right to continue to serve as a Councillor.

I am also very puzzled as to the timing of this Amendment, Mr Speaker, Sir. If we see the speech of the hon. Vice-Prime Minister way back on 23 May 2023 when he brought the Local Government (Amendment) Bill, at that time, Mr Speaker, Sir – we are referring to the judgment of the Supreme Court – the judgment of the Supreme Court was delivered on 19 May 2023, that is, prior to the hon. Vice-Prime Minister coming before this House and making his speech. At that time, as the hon. Vice-Prime Minister is rightly pointing out, there is the emergence of a chaotic situation in certain parts whereby Councillors are sitting in their respective Councils as per the law.

That chaotic situation was way back in May 2023 where we had the judgment on 19 May when the hon. Minister was intervening on 23 May 2023. I may be allowed to quote what the hon. Minister said, I quote –

“Another issue being faced by many Councils is where a Councillor is elected in a particular party and after some time he is working against his own party. This hampers the proper functioning of the council. The law has to be reviewed to prevent such situations from occurring.”

We are in May 2023, after more than seven months, Mr Speaker, Sir, we are with an amendment with regard to the comments made in the speech of the hon. Vice-Prime Minister and also as per the judgment of the Supreme Court. The Supreme Court aligned itself with the position of the hon. Vice-Prime Minister way back in May 2023. That is why I am questioning the timing. This is what the Supreme Court said and I quote –

“There may be instances where a Councillor is no longer on speaking terms with the members of the group or hold divergence of views and has impliedly resigned from that group, but refuses to submit his resignation in order to hold on to his

office of Councillor. This situation would lead to a stalemate, the consequence of which would adversely impact the smooth running of the Municipal or Village Council and this is certainly not the intention of the legislator when making provision in the Local Government Act.”

May 2023, Mr Speaker, Sir! So, I do not understand the timing of bringing this amendment now.

If I may say so, Mr Speaker, Sir, this amendment is being brought in a haste – maybe this will be corrected afterward – because if you look at the current legislation at section 39(3), it is mentioned that –

“(3) Any person aggrieved by the decision of a Chief Executive under this section may, by way of motion, move the Supreme Court to set aside the decision.”

In the proposed amendment, at section 39 of the Principal Act, there is no mention of deleting this subsection. In the amendment being proposed at section 39, we are removing this power being vested upon the Chief Executive and we are shifting it upon the Minister. So, I understand, maybe it is a mistake or they forgot delete it, maybe the hon. Minister will clarify us on this particular subsection 3 of the current section 39 remaining in the Act.

Mr Speaker, Sir, to conclude, if I may, my hon. colleagues, hon. Ramful, hon. Nagalingum, hon. Woochit have vividly set up the scene why these amendments are being brought now. Because it is a fact! We go around, we meet people, people talk to us and we know. There is also a type of change in the rural areas as well. This is a fact! This is a fact! Time will tell!

**Dr. Gungapersad:** Yes!

**Mr Lobine:** Time will tell because, unfortunately, we did not have the privilege to have a test case of having a municipal election. You would have seen the results and the consequence! I am saying it – I’m not usually somebody who will bluff my way around – I go to various District Courts around this country and I know, even in the rural areas, there is a wind of change blowing!

**Hon. Members:** Yes!

**Mr Lobine:** And this will blow! Whatever amendment you will bring, those Councillors will assume their responsibility! They will walk along with their people and their people will take the right decision at the right time, and this is the crude reality and crude facts.

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

*(Interruptions)*

**Mr Speaker:** I now call hon. Nuckcheddy!

(6.30 p.m.)

**Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil):** Thank you, Mr Speaker, Sir.

Mr Speaker, Sir, we are here today to amend the Local Government Act and this Bill, Mr Speaker, Sir, was introduced here in this Assembly in December 2011, and the way it was introduced, it was in a very chaotic manner. The Government at that time, that is, the Labour Party, was warned that this Bill is a blunder. You know, Mr Speaker, Sir, sometimes you may have the best intentions you may have, but you only need a single drop of lime juice to spoil a whole pot of milk, and this is what actually happened.

Let me, Mr Speaker, Sir, mention the way the Bill was introduced in this Assembly. The first reading was on 18 October 2011, and then it took about two months for the debate actually to come, and I will come later on the way the situation under which, the circumstances under which the debate came, and when actually the Members were allowed to debate on this Bill, because between the first reading and the debate actually, the second reading, the mover of the Bill withdrew the Bill at least twice, and on Tuesday 6 December, again it was withdrawn.

That was for the last time and let me tell you, Mr Speaker, Sir, let me remind the House that on that day it was a Tuesday, the Parliament started at 11.30 a.m. as usual to end at 3.30 a.m. the following day, and then all the Members were called on the same day at 11.30 a.m., this time to debate on the Bill which was withdrawn the previous day. And, hon. Uteem who is not on the list of orators and who is not present in the Assembly, I wish he would have heard what I am saying....

*(Interruptions)*

...that is okay...

**Mr Speaker:** What is happening?

*(Interruptions)*

What is happening here?

*(Interruptions)*

**Mr Nuckcheddy:** I think they want to go home early!

**Mr Speaker:** MP...

*(Interruptions)*

What is happening?

*(Interruptions)*

Quiet! This is debate, let him talk!

*(Interruptions)*

Quiet! You talk!

**Mr Nuckcheddy:** I will get two minutes additional time I suppose, Mr Speaker, Sir.

*(Interruptions)*

So, while intervening on the Bill, Mr Speaker, Sir, hon. Uteem questioned about the sudden urgency of the debate, and he mentioned that the Government was changing the rules of the game because they were losing. That is hon. Uteem who said that, and in fact, the intervention of hon. Uteem is very interesting; interesting in the sense that he reminded the House that in the past, he has called the Labour Party as a “rapist of the democracy”, Mr Speaker, Sir.

**Mr Toussaint:** *Zordi pe maye likou.*

**Mr Nuckcheddy:** And, on that day, that is much interesting, Mr Speaker, Sir, on that day when he was intervening, he said ‘No, I made a mistake; Labour Party is not a rapist of the democracy. Labour Party is a serial rapist of the democracy’, Mr Speaker, Sir. He meant that the Labour Party has been raping, raping, and raping our democracy.

*(Interruptions)*

And, he even went to say “they are not even a rapist but a murderer! Our democracy has been murdered by the Labour Party at several times!” That was told by hon. Uteem on 7 December 2011, which is in the Hansard.

*(Interruptions)*

And, our actual Prime Minister even intervened on the Bill, and our Prime Minister also went in the same direction, he said –

*« Le viol de la démocratie porte l’empreinte de ce gouvernement. »*

*C’est-à-dire le gouvernement d’alors.*

As I said, Mr Speaker, Sir, the Bill was adopted in the most chaotic manner. While Shakeel Mohamed, a Minister of the then Government mentioned that the hon. Minister who moved the Bill had the right to not consult anyone before bringing the Bill in the Assembly, his leader, his actual leader because he has changed several leaders, mentioned that no one has been consulted, neither himself nor the PMSD Party with which they were in alliance.

And today, Mr Speaker, Sir, we are called to amend the section 37 of the Bill which concerns the declaration of seat of a Councillor. It has nothing to do with the majority or minority but to avoid the unfair loss of seats and to maintain the democracy. Earlier, I cited hon. Uteem's intervention on this Bill, let me cite it again. It is a pity again that he is not here, because he would then warn the Government that the Bill that was being introduced by Aimée was a Bill that was killing the democracy and it was a sign of party dictatorship.

And, when the Bill was adopted in 2011, Mr Speaker, Sir, the Village Councils' elections were held in December 2012, that is, a year after, and two years after the elections, the same section 37 was used by the Councillors of the village of Laventure to declare the seat of one of the Councillors vacant and the matter even went to Court, and at that time, Mr Speaker, Sir, it was still the original version of the 2011, that is, *la loi du ministre Aimée*. Hon. Ramful who is also not here is aware of the case because he was the lawyer of one of the parties in that case and that happened in the Village Council of Laventure. So, it shows that after two years, not even one mandate, the provisions of the Bill, they created a loophole so that the Village Councillors could use it in their favour as a dictatorship.

Mr Speaker, Sir, what this amendment is proposing is not just one person takes the decision of rendering an elected Member's seat vacant but it has to be taken in a meeting, there needs to be a Minutes of that meeting, there needs the signature of the Secretary, the Leader of the Party and two other Members of the Party. The Act of 2011, Mr Speaker, Sir, also mentioned the following –

“(e) where a Municipal City Councillor, Municipal Town Councillor or Village Councillor is no longer a member of his group, and notice of that fact has been sent to the Chief Executive by the group (...)”

So, the Councillor will lose his seat.

The group, Mr Speaker, Sir, which was mentioned in the Act of 2011, now, what does the group mean? No one knows. Is it one Member, two Members, three Members, the



whole of the group, the nine persons forming the party or also those in the reserve list? There was no mention about it, and hon. Woochit just informed that there are much more to be done in this Local Government Act. So, that is why we are bringing these amendments and there are more to come so that we can have a country where we have Local Government working hand in hand with this Government. And, our Prime Minister even said that this Bill was a half-baked proposal.

Mr Speaker, Sir, the Members of the Opposition keep mentioning the District Council of Flacq, alleging that this Government is scared that Opposition is in majority. Let me put it clear, Mr Speaker, Sir. Almost all the Members of District Councils of Flacq declare allegiance to this Government. You take it from Mare d’Australia to Quatre Cocos, from Bramsthan to Grand River South East to Montagne Blanche, wherever you want, everyone...

**Mr Juman:** *St Julien tonn gagn bate!*

**Mr Nuckcheddy:** ...even St Julien, they declare their allegiance to this Government.

**Mr Juman:** *Tonn gagn pousse!*

*(Interruptions)*

**Mr Nuckcheddy:** Mr Speaker, Sir, Village Councils, District Councils, Municipalities, are the authorities – Mr Speaker, Sir, I be would very grateful if you could ask other Members to keep quiet when I am speaking because they are disturbing me!

**Mr Speaker:** I saw hon. Juman. I will come to you later!

*(Interruptions)*

**Mr Nuckcheddy:** I would be grateful if you could ask him to withdraw from this House.

*(Interruptions)*

Mr Speaker, Sir, Village Councils, District Councils, Municipalities, are the authorities that citizens first look to resolve their immediate problems.

It is also the level of democracy in which the citizen has the most effective opportunity to actively and directly participate in decision made for the society.

Local Government, by virtue of its smaller size and focus on local issues, offers greater prospect for the use of direct democracy. Our local authorities are a nursery for our Government. We have here several hon. Members who have been Municipal Councillors

or District Councillors before coming here. Our friend, hon. Minister Hurdoyal was the first Chairman of the District Council of Flacq. My colleague, hon. Maudhoo has been a District Councillor of Moka-Flacq. I have been one as well. I have been the President of the Village Council of Mare La Chaux on several occasions. Local authorities are not just about managing villages and towns but it is also about helping in a nation-building and modernising a country, Mr Speaker, Sir. So, we must have an appropriate law which can help to achieve this objective. Julia Demichelis presented a case study on a study that she conducted on the contribution of local authorities in the reconstruction of Bosnia and one of the lessons that she has outlined is that the local authorities help to empower the government and create their own solutions. She outlines that supporting local authorities help to improve countries' conditions. This is what this Government is attempting at: create that framework and conditions so that local authorities can feel empowered as we should not forget that the Councillors are Councillors because it is the will of the people, same way as we are. We must respect the will of people, Mr Speaker, Sir. We, in our Government, we respect the will of people, be it at local authority level or legislative level. We are not among those who when they lose elections, they go and lodge petitions. For them, they can either win an election or they can be cheated. They do not accept defeat!

At this point of time, Mr Speaker, Sir, this Bill is proposing an amendment for the smooth running of our Village Councils. Let me assure all those *oiseaux de malheur* that the District Council of Flacq and almost all Village Councils are and continue to be loyal to our Government. *Lopozision pe rod rol!* This will never happen as this Government always supports all villages. And we, the elected members of Constituencies No. 9 and 10, myself, hon. Balgobin, hon. Maudhoo, hon. Hurdoyal, hon. Bholah, hon. Nazurally, we are a team, we are family because we got a mandate, we got an engagement! We may have disagreements but we are united by the Prime Minister's vision, by the Prime Minister's courage, by the Prime Minister's conviction.

So, do not try to drop political mileage! We are looking for betterment of our citizens. Our concern is to implement projects, take our villages to a new height. That is why, Mr Speaker, Sir, together with the MMM, the MSM in 2003 brought a law which could permit the local authority to work hand-in-hand with the Government. But now that the MMM has chosen to be together with those that they call a 'serial rapist of democracy', I do not know if they still agree with that law which was introduced here by hon. Joe Lesjongard; they are still in favour of that or not.

But, Mr Speaker, Sir, I would say that that Bill is what this country needs. That Bill, Mr Speaker, Sir, of 2003, would have eliminated the complete gap between the rural

and urban areas. That Bill provided for a lot of improvements in our local government functioning, Mr Speaker, Sir. And in 2005, when the Labour Party came in power, in their Government Programme at page 27, paragraph 232, they mentioned that the 2000 Government will repeal the Act, an Act which I was personally very fond of and very keen to because at that time I was a District Councillor of Moka-Flacq. I went through the Bill. We had the opportunity to discuss on the Bill at the District Council level and we saw what the country needed. Mr Speaker, Sir, *quand c'est la loi Aimée qui n'est pas aimé du tout*. With these words, I conclude, Mr Speaker, Sir. Long live the democracy!

**Mr Speaker:** MP Boolell!

(6.44 p.m.)

**Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes):** Thank you very much, Mr Speaker, Sir. Now, I can understand why my hon. friend spoke before me was chased away jacket vert. Was it?

*(Interruptions)*

I have been in this House long enough to call a spade a spade.

**Mr Nuckcheddy:** *Enn macaroni pa pe done!*

**Dr. Boolell:** At least you need an acquired taste to enjoy macaroni.

*(Interruptions)*

It is an ad hominem legislation introduced by hard up and desperate regime which is politically bankrupt. They can only use the tyranny of numbers to be at best a lame duck. The Minister of Local Government, like a spectre swimmer, has been coerced by Prime Minister and Cabinet colleagues from Constituencies No. 9 and 10 to come up with this ad hominem legislation. It is like a sword of Damocles over the heads of Councillors. The psychological impact of losing control at District Council is hard to bear. It is a regime which is backsliding. Therefore, to save the day, any amendment would do.

The amendments to Local Government Act run contrary to the spirit and letter of grassroot democracy. The Bill empowers the Minister to exercise control on the freedom of conscience, freedom of choice of the Councillor elected or drawn from the reserve list. It is the Big Brother syndrome. He is watching and looking at you, kid. Hon. Ramful has thoroughly explained the demerits of the provisions of this legislation. It is not only a U-turn but amendments proposed give wide power to the group of 5 to bow to the exigencies of Central Government. Even in September 2013 legislation, when the group decided to revoke a member, the leader of the group could not act unilaterally. He had to muster a

majority vote to forward the letter of resignation of the member to the Chief Executive. The right of appeal, as has been rightly stated by hon. Ramful, has become obsolete. It is the nail in the coffin of local democracy.

The Bill is a desperate act by a regime which is hard up and has run out of steam. It shows that the days of the regime are counted and clean sweep at general election is inevitable. It is a Bill which makes provisions for the Minister to win irrespective if it is head or tail. And hon. Wochit is right to state that the Bill goes against governance of Local Government.

The interventions of our friends from Opposition bench are crystal clear. When was the last time Municipal Elections were held? Too long to recall! The next Municipal Elections across the five towns in the country were due to be held in June 2021 that is because of section 11 of the Local Government Act 2011, which decided that Municipal Elections be, I quote –

“held in 2015 and thereafter, every 6 years or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint;”

This now should become a moot point and I am sure the next Government will address this issue.

In the recent past, the Government delayed local polls, most notoriously Village Council elections that were pushed back from taking place in 2018 to 2020. In reality, the Bill empowers the Minister to arbitrarily act against any Councillor who wants to exercise his or her right. If the Councillor is a stooge of the regime, the person stays. And I am appalled and shocked and flabbergasted to learn that Mr A. L., a Councillor of Beau Bassin-Rose Hill, lost his seat because of gross political interference from the political arm of the executive. He did not voluntarily resign from his group, neither was the resignation implied. His resignation was framed and the Chief Executive acquiesces. The case is before the Supreme Court and has been postponed more than five times.

A Judge from the Supreme Court gave a ruling which I respect but disagree fundamentally because the amendments to restore the rights of elected members were not taken on board by the Judge of amendments introduced in 2015 to allow a Councillor to act according to his will and conscious. It is not because an elected member acts according to his or her conscience or free will that it is an act which runs contrary to democratic process and therefore, should be disqualified and the seat declared vacant. Party line matters and whip is withdrawn under exceptional cases. That’s how it should be but flimsy reason should not be a cause for the group leader to move for the resignation of members.

Miss Toolsy, a District Councillor of Vieux Grand Port Rose Belle, holds a seat and has acted without fear or prejudice to serve the better interest of her Constituents. Soon a judgement will be pronounced by the Court over her legitimate right to vote according to her conscience. The Minister is in a fix and section 37(3) cannot be applied. Why and when, remain the prerogative of the Minister of Local Government and Vice-President under the amendment being introduced but once the seat becomes vacant, the Minister becomes the Lord of the Ring. The amendment section 37(3) is a deliberate attempt to delay the coming into effect of the resignation and replacement. The vacancy has to be published in the Gazette but there is no time frame and it's contrary to the spirit of the Local Government Act. What is presently at stake? The Chairman of the District Council of Flacq is likely to be unseated because the pro-MSM no longer commands a majority.

The District Councillors have no faith or allegiance in the Chairman, a lackey of the MSM and any dignified member would prefer to resign if his or her rights and freedom are restrained. Therefore the amendment empowers the Minister to take as much time as it so decides as long as the lackey of the regime stays on as Chairman of the District Council.

Mr Speaker, Sir, the Minister takes the time he wants to suit, not only his objectives but the objectives of his party. His object is he's got a strong hold on local government. The amendment of the Local Government Act is retrograde. It's hang-on like a spent swimmer device on a rotten piece of wood till general elections are held. It is an act of desperation by a regime whose days are numbered. Thank you very much.

**Mr Speaker:** I now call hon. Balgobin!

(6.53 p.m.)

**The Minister of Information Technology, Communication and Innovation (Mr D. Balgobin):** M. le président, tout d'abord, je vous remercie de me donner l'occasion de m'exprimer sur les amendements à la Local Government Act proposé par mon collègue, le vice-Premier ministre et ministre des Collectivités locales et de la gestion des catastrophes et des risques dans cette auguste Assemblée aujourd'hui. Ces amendements visent à introduire des dispositions importantes qui vont améliorer la transparence, la responsabilité et l'efficacité au sein des collectivités locales et permettront ainsi d'approfondir notre démocratie déjà vibrante et très respectée.

Depuis quelques années, les politiques menées par les municipalités et les conseils de district ont façonné davantage nos régions urbaines et rurales, aidant considérablement à améliorer la qualité de la vie de nos citoyens à travers notre république. Elles ont renforcé la solidarité, l'engagement des citoyens, l'accès du plus grand nombre à la

culture, les infrastructures sportives, l'accès à l'éducation, la modernisation des infrastructures et plus récemment la numérisation des services. Les conseillers municipaux, les conseillers des conseils de district, les conseillers de village sont ces femmes et des hommes engagés et motivés qui constituent le socle et la force des collectivités locales. Ils représentent la base institutionnelle de notre pays et ils évoluent dans la transparence, dans le dialogue avec comme support des procédures structurés. Ils sont les porte-paroles des citoyens qu'ils représentent et travaillent dans leurs intérêts communs.

Je tiens d'ailleurs, M. le président, à saluer le travail acharné et assidu accompli par mon collègue le vice-Premier ministre afin d'améliorer la gestion des collectivités locales, de renforcer l'efficacité de l'action publique au bénéfice des citoyens afin que l'intérêt général prime et que chaque citoyen de notre chère république, M. le président, se sente inclus et peut s'identifier dans la gestion de sa collectivité locale respective.

Mr Speaker, Sir, before I come in depth on this amendment, let me share my point of view, my reading of those amendments but before, to come into the perspective, what is happening today and what loopholes are we addressing? Today, Mr Speaker, Sir, a group is elected, is formed; nine candidates are elected. Six candidates are kept on a reserve list which mean to say a group is formed with 15 persons, *des hommes et des femmes dans leur village respective*. Those nine candidates are elected and serve as Village Councillors for that particular village. Depending on the size of the population of the village, one or two candidates represent that village into the District Council of that region.

Today, Mr Speaker, Sir, further to the judgement of what happened, Binda v/s The Chief Executive of Municipal Council of Curepipe, the leader of the group that leader of the group can be an elected member, can be a non-elected member, decides that a Councillor is not anymore in his group. So he writes to the Chief Executive and informs the Chief Executive that this particular Councillor does not form part of my group.

As the law stands, the Chief Executive forthwith declares the seat vacant. In such a scenario, Mr Speaker, Sir, the Chief Executive has no power to at least do a hearing to know the veracity of that letter, he has no power to do an inquiry to know exactly if that Councillor has resigned from the group or not. By law, he just has to declare the seat vacant which means to say if I am a leader of the group and I had a personal grudge with an ex-colleague or I have an argument with that person in my Village Council, I myself decide to write a letter and say that this person is no more in my group. That person is elected by the voters of that village and the Chief Executive has to declare the seat vacant. Now, what amendments are we bringing today?

We are saying today that if a Councillor is no more from the group, but for the transparency, that letter has to be signed by the leader of the group, the president of the group, the secretary of that group plus two other members. Not only that, Mr Speaker, Sir, because this can be done *entre les amis*, we sign the letter we send to the Chief Executive. The new amendment tells you that you have to also submit the minutes of proceedings of that meeting where you are saying that that particular Councillor has resigned from your group or is no more a member of your group, then you submit this letter to the Chief Executive.

Now, a lot has been said about section 39(3). Hon. Ramful and hon. Lobine mentioned it, both are lawyers, I am not, *enfin*, not yet. I beg to differ, Mr Speaker, Sir. What does section 39 mention in the current law? Section 39(3) mentions that any person aggrieved by the decision of a Chief Executive under section 39 may, by way of a motion, move the Supreme Court to set aside the decision.

Hon. Ramful mentioned that this clause becomes *caduc* because in the new amendment the powers are shifted to the Minister. This is not true. Why am I saying that this is not true, Speaker, Sir? Because in the amendment that is proposed, what does section 39 say? It says deleting the words “forthwith declare his office to be vacant” which means that when the Chief Executive receives the letter, *tout de suite* he has to declare the seat vacant without any enquiry, without any proceeding or without any hearing whatsoever. And replaced by “forthwith notify the Minister, in writing, of such vacancy.” What are we informing the Minister here? The Chief Executive informs the Minister that a vacancy has arisen. For a vacancy to take place, the Chief Executive has to declare the seat vacant; this is my reading of the amendments. The Minister will not declare any seat vacant. The Minister, as being said, has no power to declare the seat vacant. What the Minister does is to only administratively take acknowledgement of the letter and he causes that vacancy to be published in the Gazette and when it is gazetted, it is then that the vacancy takes place. But the vacancy already happens at the level of the Chief Executive. So, the power is not in the hands of the Minister as it is being said.

Hon. Ramful says that section 39(3) becomes *caduc* because you cannot appeal to the Chief Executive. It is wrong and I beg to differ. Section 39(3) remains in the main Act and has not been amended which means to say that it is still in force. When the Chief Executive receives the letter, the Councillor may by way of motion still appeal to the Supreme Court to set aside the decision; another layer of security and transparency. Again, when the letter goes to the Minister, before or when he advertises it in the Gazette, the

Councillor may still make an appeal by way of a judicial review. So, what has been said of section 39(3) being *caduc* is not true. The section 39(3) remains in force in the law.

Mr Speaker, Sir, secondly, hon. Dr. Boolell is not here, he should have listened to what I am going to rebut.

**Dr. Boolell:** I am here! I am here!

**Mr Balgobin:** Ah, notre cher ami, Dr. Boolell!

**Mr Toussaint:** *Vini to pou kone la !*

**Mr Balgobin :** *Li pan gagn whisky li!*

Dr. Boolell just mentioned to my very good friend, my close brother and neighbour, hon. Nuckcheddy that ‘*to pe sove*’, ‘*jaket ver*’ and whatever he said.

Mr Speaker, Sir, in our party, and he was right to say that 98% of the Councillors of the Flacq District Council have allegiance to MSM, 98%. I know all of them, maybe one or two because of their familiar relation with some politician of the other side, they are not with us. 98%! What are we going to change? What did he say? ‘Hon. Nuckcheddy had to run away, etc.’ In MSM, we have...

**Dr. Boolell:** Chase!

**Mr Balgobin:** Chase, yes, he said chase! In MSM, in our party, *on a la libert  d’expression*. We can argue, we can discuss, but, Mr Speaker, Sir, in our party, we do not have bouncers standing at Guy Rozemont Square to chase some people coming into a *bureau politique*. This, we don’t have!

*(Interruptions)*

**Mr Toussaint:** *Pe rod pren place leader la ! Maye !*

**Mr Balgobin :** When he is saying that one agent is chasing him, what about you, my good friend, Dr. Boolell?

*(Interruptions)*

You have been chased by bouncers in front of your own party! You were a member of the party before you leader, maybe, and you have been chased by bouncers in front of your party and you had to go in a taxi back home!

*(Interruptions)*

What are you saying today about my good friend, hon. Nuckcheddy!

**Dr. Boolell:** We don’t insult....



**Mr Balgobin:** In any case, you know, whatever you are saying, it has been done worse to you!

Mr Speaker, Sir, hon. Lobine who is also not here, mentioned one thing. I find it very funny, why? Because he said the wind of change...

**Ms Anquetil:** C'est vrai!

**Mr Balgobin:**... is now blowing in the rural areas. *C'est vrai?*

**Ms Anquetil:** C'est vrai !

**Mr Balgobin :** *Mo pa konpran komen c'est vrai.*

*M. le président,* wind of change is starting to blow in the rural areas. Let me take an example of my Constituency, Flacq/Bon Accueil. 57 000 *électeurs*, *M. le président.*

**An hon. Member:** *Fer tansion kaution la ein...*

**Mr Balgobin :** Wind of change ! In the last general elections 2019, my friend, hon. Sudheer Maudhoo, my friend, Vikash Nuckcheddy and I, we got around 46 - 48% of votes. The MMM candidates in the Constituency – you are saying wind of change – I think it was candidate Poonith, MMM, 5.9% of votes only. 5.9% of votes! Probably for the first time!

**Mr Collendavelloo:** *Enn koudme zot pan gagne ek zot...*

**Mr Balgobin:** Probably the first time an MMM candidate could not even *tir kaution* in Constituency No.9, and you say wind of change!

Maybe you were referring to the song! But not in the rural areas! Yes, wind of change most probably, as my good friend is saying from 5.9 to 6%, it is a wind of change.

Where is the wind of change, Mr Speaker, Sir? In the rural area? Again, Mr Speaker, Sir, once again, in the next general elections we are going to *balie karo partou!*

**Mr Quirin:** L'espoir fait vivre, c'est bon !

*(Interruptions)*

Mr Speaker, Sir, so, this amendment to the Local Government Act brings another layer I would say, not one but two/three layers of transparency, of security to the elected members of a village who has had the trust of the voters of the region, because as I said before, you could only send a letter to the Chief Executive, the Chief Executive declares your seat vacant. Today after the Bill is voted, you would have to follow a proper procedure, and the procedure is the Leader of the group, the President of the group, the Secretary of the group plus two Councillors or two Members should sign the letter and the

letter is sent to the Chief Executive. You have a right of appeal there as it was mentioned not possible, it is possible. Secondly, the letter is sent to the Minister, the Minister gazettes that vacancy, and it is then that the seat is declared vacant.

Now, another thing also is important to note, is that it may happen that five Councillors *en catimini* have signed a letter, and none of the other Councillors are aware. So, when it is gazetted it becomes public and if somebody feels that *ses droits ont été lésés*, he can or she can go to the Supreme Court by a Motion or by a judicial review. This is what we are doing, Mr Speaker, Sir, we are protecting the democracy, we are protecting the right of vote, we are protecting Councillors to be able to perform and do their job as a Councillor in a village because maybe – hon. Hurdoyal mentioned it – we cannot, every week, have a vacancy in a Village Council and every week you have to do election to nominate a Councillor. At the end of the day there will be nobody and the village will be suffering, the villagers will be suffering.

So, this is my contribution, Mr Speaker, Sir, my very humble contribution to this amendment today, and once again I thank my very good friend, hon. Dr. Anwar Husnoo to be able to bring those amendments which are aligned with the broader goals of fostering a culture of responsibility and accountability among the representatives of Municipalities, District and Village Council. It is a testament, Mr Speaker, Sir, to the commitment of our hon. Prime Minister, to live up to the principle of Government, of the people, by the people, for the people.

Thank you, Mr Speaker, Sir.

**Mr Speaker:** I now call the hon. Dr. Mrs Chukowry!

(7.13 p.m.)

**The Minister of Commerce and Consumer Protection (Dr. Mrs D. Chukowry):** Thank you.

Mr Speaker, Sir, allow me at the outset to thank you for giving me the opportunity to bring my contribution on the Local Government (Amendment No. 2) Bill No. XXI of 2023.

The Local Government Amendment Bill is an important legislation...

*(Interruptions)*

**Mr Speaker:** What is happening there?

**Dr. Mrs Chukowry:** ...this will bring much warranted improvements to the functioning of Local Governments across Mauritius by introducing greater clarity, transparency, and accountability into local electoral processes.

Mr Speaker, Sir, this Bill directly targets several weaknesses that have hampered effective functioning and oversight of Municipal Councils, Town Councils, and Village Councils. Lack of clarity in protocols around resignations, dismissals and declaring of vacancies has too often allowed for exploitation by self-interested parties at the expense of duly elected citizens representatives. This fosters an environment suitable for blurred, inner party manoeuvrings, quiet dissolutions of multimember ward tickets, premature by-elections, triggered on technicalities and other unscrupulous tactics diluting the intent of voters' choice.

Mr Speaker, Sir, no longer can ward seats be invalidated through informal pressure within local party chapters or through procedural mischief between rivals, making vague verbal agreements lacking documentation.

Mr Speaker, Sir, strict protocols must now be followed for all contestations of membership status and occupancy of rightfully earned posts. This straightforward strengthening of statutes guarantees much fairer electoral continuity for our citizens dependant on local council, reflecting the diversity of local priorities. By locking in more transparency through consistent vacating and handover procedures as well in the neutral declaration of contested seats, residents can have greater trust that upsets, will only ever occur according to the stated rules, not according to the circumstantial interest of figures operating out of public view.

Mr Speaker, Sir, this renewal of social contract between voters and elected Members enforced by law is vital for extending faith in self-determined democracy to more domains of daily life. In particular, the Bill neatly resolves several problematic areas of ambiguity and uncertainty in the existing Local Government Act. For instance, the vacancy of a Councillor's seat will now be formally triggered and backdated to the gazetting date, eliminating any confusion or disputes over the exact timing. The procedures and official channels for both voluntary resignations and dismissals from party groups have also been clearly codified to remove any loopholes or informal work around.

Furthermore, the Bill equips the Minister and the Chief Executives with the well-defined authority for decisively executing vacant seat declarations, upholding both the spirit and mechanism of democratic representation at the local level. Together, these changes will empower the Local Government to operate more smoothly while still

preserving the critical checks and balances that give them legitimacy in serving community interest.

Mr Speaker, Sir, this Bill displays our commitment to nurturing local governance capabilities as a vital training ground for new leadership from all of Mauritius diverse communities and it reaffirms this Parliament's solemn role as stewards of the public trust, enabled by our Constitution to refine laws towards fairer and more effective ends. Residents have grown weary of machinations that seem to put political interest over community representation and resources. Passage of this Amendment can restore faith that Council seats belong to citizens, not merely parties; hence, sending an important signal for others at higher level to take heed as well.

Mr Speaker, Sir, for all of these reasons, I commend the Vice-Prime Minister and his team for putting forward a balanced constructive measure that has garnered, brought support.

Our Constituency is closely watching how we choose to lead in this moment. We must demonstrate statesmanship and wisdom which translate into an enduring vision for local empowerment across our rainbow nation. The time is now to strengthen the foundation of good governance in Mauritius from the grassroots upwards.

I thank you for your attention.

**Mr Speaker:** Hon. Bholah!

(7.20 p.m.)

**The Minister of Industrial Development, SMEs and Cooperatives (Mr S. Bholah):** Thank you, Mr Speaker, Sir. It is again my pleasure to share my views on The Local Government (Amendment No. 2) Bill brought forward by my colleague, hon. Dr. Husnoo.

This Bill, Mr Speaker, Sir, seeks to bring changes with regard to declaration of vacancies of the office of a Municipal City Councillor, Municipal Town Councillor or Village Councillor.

Mr Speaker, Sir, much of the amendments has already been canvassed by Members on this side of the House. Therefore, I will not have a long discourse and have a short version of my speech.

Again, Mr Speaker, Sir, I underline at the very outset that this Bill is yet another step towards this Government's commitment to enhance and uphold our system of democracy.

At the heart of the amendments proposed, is the concept and deep belief of Local Government as being grassroot democracy.

Mr Speaker, Sir, may I remind the House *quand le Covid-19 était toujours d'actualité*, in 2020, this Government organised the Village Council elections and in 2021, the Rodrigues Regional Assembly Election was held.

We believe in locally elected people and they should be able to make and implement decisions that directly impact on the lives and wellbeing of their community. They are chosen to do so.

Mr Speaker, Sir, today all Councils are expected, and empowered by Government, to promote the social, cultural, economic and environmental well-being of their community. This is why, Mr Speaker, Sir, the Government has earmarked as much as Rs853 m. in financial year, that is, 2023/2024, as grants to local authorities for the implementation of projects for the wellbeing of our citizens.

By this standard, being a Councillor is such a noble calling. It is all about enhancing the lives of people by bringing energy, passion and hard-work. Councillors represent the views of local people to ensure the region under his purview gets the right services and helping to shape infrastructure and opportunities through innovative ideas. In fact, Councillors are at the front-line of centrally planned delivery of quality and essential public services.

Mr Speaker, Sir, Councils need strategies, policies and plans aligned to Government's vision to develop their own local vision and make best use of resources put at their disposal to meet the needs of local communities. As such, local Councillors should be people with vision, integrity, ambition and commitment. The Government will continuously engage Councils to be effective and responsive to expedite the service delivery needs of our people because Local Government is at the coalface of service delivery – the sphere of Government where we must serve all our people with compassion, dignity and humility. It is the sincere wish of the Central Government to make the experience of our citizens at local authorities as satisfactory and as pleasant as possible, as it touches our lives on an ongoing basis.

Mr Speaker, Sir, this is why Government urges Councillors to commit to citizen's priorities of accelerating service delivery in order to meet national targets. I salute the Vice-Prime Minister, hon. Dr. Husnoo, who mentioned these comments in his opening speech.

Amendments being proposed to the Local Government Act, Mr Speaker, Sir, are to restore the confidence of the majority of our people in our Councils and improve the basic requirements for a functional, responsive, effective, efficient and accountable Local Government.

Indeed, many of the difficulties we encounter will require maximum unity and cooperation between and among us. Unity of purpose and intent will allow us to employ our collective wisdom in navigating the diverse requirements and expectations of our people for their own benefit. We must not allow personal differences to obstruct the advances that have made us a city, a town or village as a nation.

Mr Speaker, Sir, our political system has always been a very dynamic one. Here, I mention about the comment of hon. Ramful, who mentioned about 2015, that the majority is 15 and not 9. Well, this has been rebutted by Members on this side of the House.

*L'ami d'aujourd'hui est l'ennemi de demain. Ennemis d'hier, amis d'aujourd'hui!* This is political dynamics, Mr Speaker, Sir. Depending on the mood of the President of the group, he cannot be allowed just to issue a letter in order to oust one member, because, here, we are talking about Village Councillor in this case. Reference has been made widely by Members on the other side of the House, taking reference to the Flacq District Council. In these Village Councils, you have members, activists from different political parties who make a group and maybe because of some differences the President tries to oust one of his members by way of a letter, on the strength of a letter. He requires the Chief Executive Officer to act on it. The Chief Executive Officer has to comply and to abide by this. We cannot allow such things to happen.

But at the end of the day, Mr Speaker Sir, what is the most important? *Le verdict des urnes doit être respecté ! C'est le fondement même de la démocratie !* This applies for all elections, whether general or local. Central Government has always ensured responsible control over local democracy to allow Councils to discharge its functions to the best of its abilities.

Mr Speaker, Sir, common and disruptive interferences could affect the delivery of services by local authorities. No Central Government would want that, Mr Speaker Sir. And this is certainly not the objective of the amendments being brought to the Local Government Act. This Government has always worked towards providing Councils with a greater level of autonomy to make decisions.

Mr Speaker, Sir, on a personal note. I have been a Member of this National Assembly since December 2014. In Constituency No. 10, since December 2014, I have

had the opportunity to work with four different Chairpersons of Flacq District Council and they were not necessarily members of my party. However, there was mutual understanding, mutual collaboration and the work was done. Much progress has been done in Constituency No. 10, even though Constituency No. 9 forms part of the Flacq District Council. Today, we cannot jeopardise the good work and the work in progress being undertaken by Flacq District Council.

Today, local authorities have the resources, support, independence and authority to implement their projects. This is because we want to see local authorities rising to the challenge of leading their areas. We want them to be more confident and more proactive, working with their citizens to create strong, prosperous communities which are ready to make the most of the opportunities. This should be matched by stronger governance and accountability.

Councils must demonstrate that they can deliver better and more efficient services. They must also show that they are ready to make a fundamental change in attitudes and culture, engaging with citizens and working with their partners in new ways.

Mr Speaker, Sir, when Councillors assume office, it should be motivated by a deep and clear sense of obligation and duty towards the population.

This serves true for councillors as much as for Members of the National Assembly. In short, we cannot betray the trust of the people who put us into office.

The current practice of declaring or acknowledging vacancies of elected representatives be it at the Municipality, District or Village Council level only by advising a Chief Executive by way of a letter is wrong and abusive as it baffles democracy, the choice of the people, faith in the person or the group. It nullifies a group's objectives that may in turn jeopardise the very welfare and the wellbeing of constituents of whom they are elected. This is precisely what the proposed amendments at Clause 37A come to address.

The necessity of transiting the Minister establishes a process that is more reliable as this issue is then taken up by a Member of the National Assembly and becomes a matter of accountability. Clause 39 (d) consolidates the process by proposing notification to be sent by the Chief Executive to the Minister who will cause it to be gazetted. and actioned.

An important reminder, Mr Speaker Sir, with regard to the social and economic progress is the serenity that should guide group dynamics and their interactions. It may further destroy objectives as laudable as they may be.

Speaking from the perspective of a politician and Minister during two mandates, I conceive our role to be at the service of the country, our constituents and as importantly our team. Mr Speaker, Sir, you cannot have a player who plays his own game. And this stands true for corporates, political parties or teams working at local levels. It is only when we have aligned strategies, common objectives and focused teams that we can further the targets that we set ourselves.

Furthermore, we attain higher, more productive and fruitful goals when we stand together and stay focused. This is what has influenced my personal journey so far. Local democracies express themselves on poll day and results in the election of councillors. They do so, on the basis of a commonly developed and expressed programme that their Constituents are sold on.

More than often, it expressed a vision of better services, better amenities and infrastructure and this can only materialise when the team works together. It is a denial of democracy, a shameless shunning and flouting of collective responsibility when elected councillors switch or resign without any reasonable ground. The current process due to its inherent weaknesses allows it to happen as easily as it is now. It reflects a disrespect of the popular expression and for the faith that people show through their votes. And this has to stop.

The tyranny that a small minority may impose on democratic expression has to stop. And this is what the tweak in the law will help to achieve. We are only consolidating a process, for it to become more robust in managing the exceptions and reducing unreliable timelines. Notification and gazetting are highly official processes that are transparent. This same transparency may not be possible when matters of handing of resignation and vacancies are not done through an established process.

Mr Speaker, Sir, how can we talk of the erosion of democracy when the recourse to the Supreme Court still exists?

Far from impeding on established practices, mostly administrative in nature, this amendment consolidates local democracy, its objectives and most importantly its finality which is to serve the population, selflessly, working as a team and in all serenity. Thank you, Mr Speaker, Sir.

**Mr Speaker:** I now call hon. Dr. Husnoo, Vice-Prime Minister!

(7.34 p.m.)

**The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo):** Mr Speaker, Sir, first, I wish to thank Members on both



sides of the House for their intervention on the Local Government (Amendment No. 2) Bill (No. XXI of 2023).

As I already mentioned in the second reading, this Bill is purely and exclusively motivated to safeguard the interests of our citizens. In addition, this Bill will protect local democracy and the stability at the level of the Councils.

Government was faced with a situation where Councillors who have been elected to represent the citizens in their communities, were being deprived of their right to do so, in an unfair manner, which is against the principle of democracy.

This Bill ensures that Councillors are not deprived of their fundamental right and they can continue to represent the interest of their communities, without fear of their seats being declared vacant in an undemocratic manner, thus affecting the smooth running of the operation of the Councils.

Mr Speaker, Sir, with your permission, I would like to address some points raised by the hon. Members earlier. Hon. Ramful has made reference to the amendment brought in 2015. I wish to highlight the fact that the rationale of the amendment at that time was amongst others to prevent democratically elected Councillors to be deprived of their seat in an unfair manner, with still the objective of the Government today.

Mr Speaker, Sir, the Bill which is being introduced today will protect the right of the Councillors as it will prevent them from being unfairly deprived of their seat based on the sole decision of the group leader. As per the present legislation, the sole decision of the party leader cannot be questioned or investigated by the Chief Executive through an enquiry or a hearing.

However, the Bill provides that when a group gives notice in writing to the relevant Chief Executive with regard to the resignation of a Councillor from a group, the notice shall be duly signed by five members from the said group, including the leader, president and secretary. Therefore instead of the group leader being the sole decision maker on this matter, the Bill reinforces the protection of the right of the Councillor by extending this power to 5% instead of 1.

Mr Speaker, Sir, I have mentioned it. One of the most important aspects of this present amendment is how do we declare a Councillor's seat vacant? Do we declare it by one person that is a group leader or do we declare it by at least 5 persons? Which is more democratic? Because I have heard so many people talking about this Bill being anti-democratic. But what is more democratic? To be ejected by one person at its whims and caprices or by a group of at least five members of that particular group?

Secondly, Mr Speaker, Sir, the groups are elected by the villagers. Now, which is more important? Is it the vote of the electorates of the villagers who have elected members or is it the whims of the group leader when he decides to declare a seat vacant? How about the vote of the villagers? That's not taken into consideration? Is it only the group leader that has that decision to eject that one particular Councillor? It's obvious to all of us that the vote of the electorate is much more important than the wish of the one group leader. That's why the revocation letter must be signed by the leader mentioned, the president, the secretary and two other members of the group and this is accompanied by a certified extract of the Minutes of Proceedings, Mr Speaker, Sir. That's very important as well.

Hon. Ramful remained quiet on the abuse that's being done by some group leaders. He did not mention anything about it.

But this Bill is to make sure that there is no such abuse, Mr Speaker, Sir. If the group leader has a majority of five or more, obviously, he can declare it vacant but it must not be a one-man decision. That is what we are changing to prevent the abuse of the group leader. Do I understand that hon. Ramful condones this one-man show, the abuse that is being done by some group leaders, Mr Speaker, Sir? He remains quiet on this aspect. So, I will leave it to him.

Anyway, I will not be too long but one or two things that I would like to mention, the hon. Dr. Boolell mentioned that the days of this regime is counted; I do not know where he gets that from!

*(Interruptions)*

**Mr Toussaint:** *Ti mank inpe phrase !*

**Dr. Husnoo:** And hon. Lobine: the wind of change in the rural area is coming. I don't know from where he gets that but I leave them to their... I don't know what to say.

*(Interruptions)*

**Mr Dhunoo:** They can dream. There is no tax on dreams.

**Dr. Husnoo:** Mr Speaker, Sir, the Bill that we are introducing will protect the right of the Councillors as I mentioned before.

Mr Speaker, Sir, I wish to point out that section 39(3) of the Act has been maintained, that is, the decision to appeal against the decision of the Chief Executive is still here.

Hon. Ramful also stated that the Bill did not make any provision for the right of appeal with respect to the decision of the Minister. I wish to highlight that the Minister

will not have the decision-making power with regard to the process of declaration of the vacancy instead, he shall on receipt of the notification of vacancy cause the vacancy to be published in the Gazette. The part of the process by the Minister may be challenged by way of judicial review even though no reference of same is made in this law.

Mr Speaker, Sir, this Bill has been canvassed on both side of the House by our friends as well, I do not want to go too much on this; I don't want to repeat too much of what has been said earlier. So, before ending, I appreciate the support demonstrated by my colleagues on this side of the House to this Bill. Also, allow me to thank the staff of my Ministry and the Attorney General Office for their assistance.

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

*Question put and agreed to.*

*Bill read a second time and committed.*

### **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

#### **THE LOCAL GOVERNMENT (AMENDMENT NO. 2) BILL**

**(No. XXI of 2023)**

*The Local Government (Amendment No. 2) Bill (No. XXI of 2023) was considered and agreed to.*

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

#### *Third Reading*

*On motion made and seconded, the Local Government (Amendment No. 2) Bill (No. XXI of 2023) was read a third time and passed.*

### **ANNOUNCEMENT**

#### **L'EXPRESS NEWSPAPER – PRESS ARTICLE – PRIVILEGE COMPLAINT**

**Mr Speaker:** Hon. Members, I have to inform the House that the hon. Nuckcheddy, Parliamentary Private Secretary has, in writing today, given me notice of a privilege complaint under Standing Order 74(1) arising out of an interview given to the daily newspaper L'express on Sunday 03 December 2023 by the hon. Foo Kune-Bacha.

In the said interview, the hon. Foo Kune-Bacha has made comments reflecting on the conduct of the Speaker in the discharge of his duty.

Hon. Nuckcheddy is of the view that the comments made by the hon. Foo Kune-Bacha may amount to a contempt of the Assembly under section 6(1)(s) of the National Assembly (Privileges, Immunities and Powers) Act for uttering a statement reflecting on the conduct of the Speaker in the discharge of his duty.

Hon. Members, I have perused the press interview and the hon. Foo Kune-Bacha has in fact uttered the following words to my address, I quote –

*“Il nous empêche de travailler. Sooroojdev Phokeer est un partisan du MSM, il fait le jeu du MSM, c’est un agent du MSM ! Il n’y a même pas un semblant de neutralité chez lui.”*

Hon. Members, I take the view that an offence may have been committed under section 6(1)(s) of the National Assembly (Privileges, Immunities and Powers) Act, which reads as follows–

“6. Contempt of the Assembly

(1) Subject to subsection (2), each of the following acts, matters and things constitutes the offence of contempt of the Assembly”

Subsection (s) reads as follows –

“Uttering or publishing any statement reflecting on the conduct or character of, or containing or amounting to an accusation of partiality in the discharge of his duty by the Speaker ...”

**Mr Nuckcheddy:** Mr Speaker, Sir, in the light of your ruling, I move that the matter whereby the hon. Foo Kune-Bacha made comments reflecting on the conduct of the Speaker in the discharge of his duty in the course of an interview in daily newspaper L’express on Sunday 03 December 2023 be referred to the Director of Public Prosecutions for appropriate action pursuant to Standing Order 74(4) of the Standing Orders and Rules of the National Assembly.

Mr Speaker, Sir, I am tabling a copy of the extract of the press interview.

**Mr Toussaint seconded.**

*Question put and agreed to.*

**Mr Speaker:** Hon. Members, I will now suspend the Sitting for one hour.

*At 7.49 p.m., the Sitting was suspended.*

*On resuming at 9.06 p.m. with Mr Speaker in the Chair.*

**Mr Speaker:** Please be seated! Hon. Ittoo!

*Second Reading***THE CONSTRUCTION INDUSTRY AUTHORITY BILL****(No. XIX of 2023)**

*Order read for resuming adjourned debate on the Construction Industry Authority Bill (No. XIX of 2023).*

*Question again proposed.*

(9.07 p.m.)

**Mr A. Ittoo (Third Member for Vacoas & Floréal):** Merci, M. le président, et merci à tous ceux qui sont restés pour m'écouter et dommage pour tous ceux qui sont partis et attendre leur 14<sup>e</sup> mois.

M. le président, je vous remercie de l'opportunité qui m'est offert ce soir pour contribuer aux débats menant à l'adoption du projet de loi, la *Construction Industry Authority Bill* présenté par l'honorable ministre Hurreeram.

Actuellement, le secteur de la construction est réglementé par deux autorités, dont la *CIDB* qui régleme le secteur de la construction et qui comprend, entre autres, le *Civil Engineering* et les travaux de construction, et secundo, le *Building Control Advisory Council* qui s'intéresse plutôt aux *building requirements*.

M. le président, en 2023, le monde connaît des changements majeurs, notre pays connaît des changements majeurs, bien évident, puisque nous avons comme Premier ministre nul autre que l'honorable Pravind Jugnauth. Le pays est un chantier et dans ces circonstances, M. le président, afin de répondre aux exigences de l'industrie de la construction moderne, une étape naturelle et judicieuse était de converger ces deux en une seule et même entité, qui conduira bien évidemment à une approche plus efficace et cohérente. Cela d'ailleurs était une des mesures budgétaires en 2022, et je dois le dire, applaudie et accueillie par les acteurs de l'industrie et des observateurs indépendants. D'ailleurs, une mesure budgétaire parmi tant d'autres, comme la réintroduction du *Margin of Preference* pour les *local contractors*, la réservation des *public contracts* en dessous de R 20 millions pour ces mêmes contracteurs, et je dis cela, M. le président, pour rappeler à la Chambre que notre gouvernement met tout en œuvre pour promouvoir et protéger les petits entrepreneurs locaux.

M. le président, mes collègues de ce côté de la Chambre ont longuement élaboré comment la *Construction Industry Authority* va contribuer pour améliorer le secteur de la

construction. Moi je voudrais m'attarder sur trois points, dont le concept de *micro-contractors*, l'*Alternative Dispute Resolution*, la *BIM* et le concept de *sustainability* dans ce projet de loi qui sont mentionnés dans ce *Bill* et dont je salue l'introduction.

M. le président, la *Construction Industry Authority* aura pour tâche de simplifier la réglementation du secteur de la construction, améliorer les compétences techniques et introduire des technologies plus efficaces dans le secteur du bâtiment et de la construction. La *Construction Industry Authority* qui va remplacer et consolider deux lois, dont la *Building Control Act* et le *Construction Industry Development Board Act*, ambitionne de promouvoir le développement durable de l'industrie de la construction à travers des bâtiments écologiques, des normes strictes de qualité et d'efficacité par rapport aux coûts, mais aussi en favorisant des constructions résilientes au changement climatique.

M. le président, on entend souvent parler de *BS standards*, les *British Standards*, Norme Française (NF) et autres. Cependant, avec la *Construction Industry Agency*, il sera aussi question de standards adaptés à notre spécificité locale, et pourquoi pas vers la formulation de *Mauritian Standards*.

M. le président, les interventions assez fades des honorables membres de l'opposition ne sont pas passées inaperçues. Cela est compréhensible lorsqu'un projet de loi est avant-gardiste, s'adapte au présent, et nous prépare pour le futur. Le discours du leader de l'opposition qui dit regretter la création d'encore une *Authority*, cependant, M. le président, il oublie que ce sont deux autorités qui vont devenir une. Une autorité qui s'adapte mieux au présent, et comme je l'ai dit, nous prépare pour le futur. Le député, l'honorable Osman Mahomed, lui, s'est intéressé sur la constitution du *board* de la *Construction Industry Authority* et qui sera le *CEO* de l'autorité, et a exprimé ses craintes de copinage. Quelle ironie me direz-vous, M. le président, que l'on va maintenant prendre des leçons de copinage du Parti travailliste ! L'honorable Dr. Boolell s'est plaint de *too much power vested within the Minister*. Argument, M. le président, qu'il utilise à chaque présentation d'un nouveau *Bill*, donc, toujours rien de nouveau. Par contre, je salue mon collègue l'honorable Nuckcheddy qui, lui, venant de ce secteur, a partagé quelques propositions concrètes.

M. le président, ce n'est un secret pour personne que nos entrepreneurs ont des difficultés à trouver de la main-d'œuvre qualifiée et que la formation est importante dans la construction, et c'est pour cela que nous saluons la création d'une *Construction Industry Training Council*. À mon avis, les écoles et les centres de formation devraient proposer des conseils professionnels visant à attirer les jeunes, hommes et femmes, dans ce secteur. La construction moderne a quelque chose à offrir aux personnes de tout âge et de tout sexe

grâce à des techniques de construction innovante et à l'utilisation des outils numériques dans la planification de la construction et sur les chantiers.

M. le président, avoir recours au *Alternative Dispute Resolution* sera un soulagement pour tous ces micros, petits et moyens contracteurs et aussi pour leurs clients. M. le président, c'est une réalité aujourd'hui, le pays est un chantier. En ligne avec la vision de notre Premier ministre d'une île Maurice moderne, cela implique plus de projets de construction et plus de contracteurs. Qui dit plus de projets dit plus de cas de *dispute* malheureusement. Souvent, les cas de conflit et de dispute peuvent être résolus dans l'intérêt des deux parties sans passer par une cour de justice et ce sera le rôle de la *CIA*, la *Construction Industry Authority*, de trouver un terrain d'entente entre les parties pour que le projet de construction arrive à terme à temps, dans les plus brefs délais.

Donc, M. le président, l'introduction du concept de micro-contracteurs exécutant des projets de moins de R 1 million et leur reconnaissance est un grand pas en avant. Il incombera à la *Construction Industry Agency* de s'assurer que les micro-contracteurs sont aussi parties prenantes de tous ces milliards de roupies injectées dans les projets de construction, et cela passe inévitablement par la formation, l'encadrement et l'accompagnement, objectif que s'est fixé la *Construction Industry Authority*.

M. le président, dernier point de mon intervention est l'emphase mise sur la *sustainability*, sur la technologie moderne, dont la *BIM (Building Information Modelling)*, l'intelligence artificielle et le *smart engineering*. M. le président, petit État insulaire que nous sommes, avec peu de ressources naturelles, nous ambitionnons de devenir un modèle de *smart island* dans la région, et c'est une vérité qu'avec ce gouvernement nous sommes en très bonne voie. M. le président, dans l'ensemble, l'adoption de la technologie des bâtiments intelligents peut offrir une gamme d'avantages aux bâtiments commerciaux, notamment une meilleure efficacité énergétique, un confort accru des occupants, une sécurité et une sûreté améliorées, et une expérience utilisateur améliorée. Il n'est donc pas surprenant que la technologie du bâtiment intelligent soit de plus en plus populaire et l'emphase mise dans ce projet de loi arrive au moment opportun.

M. le président, avec l'institution de la *Construction Industry Agency*, je m'attends à voir la naissance d'encore plus de micro-contracteurs, de plus de constructeurs formés et qualifiés, de plus de *smart buildings* dans le paysage mauricien, des *swift dispute resolutions* qui débouchent sur encore plus de travaux complétés et livrés à temps, et je m'attends à une culture et une conscience de *sustainability* et *environment friendliness* dans notre industrie de la construction.

M. le président, je félicite l'honorable ministre Hurreeram pour l'introduction de ce *Bill* avant-gardiste.

J'en ai terminé. Je vous remercie, M. le président.

**Mr Speaker:** Hon. Minister Hurreeram!

(9.14 p.m.)

**The Minister of National Infrastructure and Community Development (Mr M. Hurreeram):** Mr Speaker, Sir, I wish, first of all, to thank all the hon. Members from both sides of the House who have intervened on the Bill, particularly for the positive contributions from my colleagues on this side of the House.

However, I would wish to express my surprise to see the very limited number of Members on the other side of the House who intervened on a Bill of such importance and which concerns so many workers and other stakeholders of an industry which is emerging as one of the pillars of our economy. I believe it is better for me not to mention the quality of the intervention of the very few from the other side House who spoke on the Bill. It seems either they have not understood anything about the Bill or *ils sont en train de faire semblant*.

Mr Speaker, Sir, when I started my intervention on the debate on Tuesday last, I explained the status of the construction industry. This industry is going to reach a record growth rate of almost 30% this year, which has never been the case in the past. I understand that my colleagues of the Opposition are envious of such achievement, which has only been possible due to the commitment of this Government under the visionary leadership of the hon. Prime Minister.

The Construction Industry Authority (CIA) Bill, Mr Speaker, Sir, is one that has been casted on solid foundation to ensure that it leads the construction industry in the path of success and continued growth. This industry is now an engine for economic growth and development. I am sure that in the near future, it will position itself as the main driver of economic development.

Mr Speaker, Sir, I must express my disappointment to see that the Members of the Opposition with their blinkers cannot see the outstanding performance of the construction industry and cannot recognise the importance of the CIA Bill in this context.

When I listened to the comments of the Leader of the Opposition on the CIA Bill, I was surprised to see that he has not realised the importance of this crucial Bill for the



future of the construction industry. He stated that we are coming with yet another entity to fulfil our desire. I wonder what he was trying to say.

Mr Speaker, Sir, let me inform the Leader of the Opposition that he has contradicted himself with this argument. I explained in my speech that the CIA will be replacing the Construction Industry Development Board (CIDB) as well as the Building Control Advisory Council. Through this Bill, Mr Speaker, Sir, we are, in fact, reducing the number of public bodies under the aegis of my Ministry and not adding a new one, thus not only saving public funds, but more importantly setting up a one-stop shop to ease doing business in the construction sector.

Mr Speaker, Sir, it seems that the Leader of the Opposition has not grasped the essence of this Bill. He has not made any concrete remarks. In fact, this Bill is going to transform the fate of the construction industry and that of our country; here, *les maçons, manœuvres maçons, charpentiers, électriciens, qui sont concernés*. On the other hand, he had been so irrelevant during most of the time of his speech that you had to call him to order, Mr Speaker, Sir.

Of course, we expected more from a seasoned Member of this Assembly, who has also served as Minister in different portfolios. As I said earlier, either he has not understood anything of the Bill or he lacked arguments on a legislation which has been so well drafted for the construction industry.

In fact, he mentioned that the Opposition was unanimous in saying that this country does not need the CIA. Mr Speaker, Sir, it is clear that in the wake of new challenges in the construction industry and the innovation being brought for more sustainable buildings, the Leader of the Opposition does not want the construction industry to move ahead and adapt accordingly.

Mr Speaker, Sir, I should underline here that –

- Being against the Bill means that the Leader of the Opposition is against creating opportunities for our people;
- It means that the Opposition is against building capacity of the workforce of the industry, particularly for those at the level of manual grades;
- It means that the Opposition does not want to address disputes which the common man, particularly those with very little means, has with contractors when building their houses;
- It means that they are against promoting the participation of women in the construction industry by giving them training and financial incentives;

- It means the Opposition does not espouse the principle of green building, energy efficiency and circular economy;
- It means that they are against the modernisation and digitalisation of the construction industry;
- It also means that the Leader of the Opposition does not care for the safety and health of the workers of the construction sector.

And Mr Speaker, Sir, it is this Opposition that will come today to claim that they are defending the interest of the *ti dimoune* by making demagogy, for example with their proposal for the payment of *14ème mois*. They tried to *fer croire* they are for the *ti dimoune* but when the Leader of the Opposition said that they are against the CIA, they have shown on which side they really are. I leave it to the population at large to judge this Opposition.

Mr Speaker, Sir, Government is bringing this Bill to the House which is beneficial in particular to the workforce of the construction industry.

Mr Speaker, Sir, the Leader of the Opposition mentioned that, I quote –

“We have an illegitimate child which is the National Social Housing Development Ltd.”

As far as I know, and my colleague will agree there is no such organisation by this name. So, I presume he was referring to the New Social Living Development Ltd, the NSLD which has been set up under the NHDC. Let me draw his attention thereon and on which my colleague hon. Doolub elaborated during his intervention. What he may be calling illegitimate, he has to take good note that through these bodies, from 2015 to date, we have built and delivered more than 4,400 houses compared to only 2,400 houses from 2006 to 2014 by the then Government. And we are committed to deliver still more houses before the end of our present mandate. If this is called illegitimate for him, Mr Speaker, Sir, then yes, it is illegitimate!

Mr Speaker, Sir, on another note, I would say I don't know, I seriously don't know what's the problem of the Leader of the Opposition and this Opposition with our Civil Servants. Is he not aware that the Civil Servants are represented on Boards or Committees? Is that new to him? Or do I understand that he was nominating only his “*protégé*” on Boards and Committees when he was a Minister? Does he mean that the Civil Servants who attend Boards and Committees should not be remunerated?

In his intervention, the Leader of the Opposition mentioned nearly Rs10 million or more being paid to Civil Servants annually. In any case, Mr Speaker, Sir, I am not aware

of such remunerations being paid to Civil Servants. Maybe, when he was Minister, he might have been paying Rs10 million to his Board members, his “*protegé*” but this is not the case with our Government.

I wonder whether the Leader of the Opposition is against the Civil Servants being remunerated for their work. The Leader of the Opposition should be aware that the rates actually being paid to Board members for statutory bodies are determined by the PRB or the Standing High-Level Committee and these rates are very far from the figure mentioned by the Leader of Opposition. He clearly implied that a Civil Servant who is sitting on a Board is just a *marionette* of the Minister in as much as the Minister may give directives which the officer will follow blindly at the deliberations during Board meetings. This is a direct insult to the intelligence and the dignity of the Civil Servants of this country. *Je ne comprends pas cet acharnement* again our public servant and we, as a Government, we respect our public servants for the hard work that they do and we bow to them and we say thank you. I am sure that the Civil Servants of this country have taken good note of the remarks of the Leader of the Opposition.

Mr Speaker, Sir, the Leader of the Opposition also spoke about the appointment of staff. I really believe that he should not have ventured to intervene thereon as he seems not to be conversant with the recruitment process in the statutory bodies, though he himself was Minister for many years. If not the Board, Mr Speaker, Sir, who else will decide on recruitment process? Should we set up a Selection Committee comprising of Members from both sides of the House for that purpose? He also mentioned about excessive remuneration being paid to employees of these institutions. I believe Mr Speaker, Sir, as I mentioned earlier, he could be envious of those employees who are being remunerated for their dedicated efforts. Still, I will reassure him and this House that the CIA will be under the purview of the Pay Research Bureau which will determine the qualifications and salaries of all officers which will be employed by that institution.

Mr Speaker, Sir, to conclude my remarks on the intervention of the Leader of the Opposition who has referred to the CIA as a new company. It is clear that he has not gone through or read the Bill and now he dares to criticise same. In fact, the CIA will operate as a statutory body and not as a company.

Mr Speaker, Sir, coming to the intervention of hon. Mahomed, he started by boasting and stating that the CIDB was first introduced in the House in November 1997 when the Labour Party was in power. Yes, we agree but unfortunately, yes unfortunately and as it is the culture of the Labour Party, the legislation remained only a piece of legislation on paper and was never enforced.

In 2008, the 1997 Act was repealed and replaced by a new legislation. However, as I mentioned in my intervention, when introducing that Bill into the House, in view of the lack of vision of the then Government, the CIDB was not given the necessary resources to operate effectively. It is only when this Government came in power in 2014 that the exercise of registration of consultants and contractors started and as from 2016, the CIDB had been given the required resources to deliver on its objectives.

With this new legislation, the CIA will still be given more resources and means to create an appropriate environment for the construction industry to flourish further and meet the aspirations of all the stakeholders of the sector.

Mr Speaker, Sir, I would now like to comment on the remark of the hon. Member with regard to the profile of the General Manager of the CIA. According to him, the proposed requirement of 10 years' experience in the construction industry, with a minimum of 5 years at Management Level is inadequate. I was indeed surprised, Mr Speaker, Sir, that such a statement comes from a person like the hon. Member who has been himself, at one point in time, at a very young age, Chief Executive of 'Maurice Ile Durable'. I leave it to him to reflect on what his qualifications and experience were at that point in time and particularly his experience at management level when he assumed that responsibility.

On second thought, I should admit that I was wrong to have been surprised by his statement. In fact, it is the mentality of his party with a Leader who, at all costs, not at all willing to allow new members and young blood to emerge. Many of the youngsters of that party threatened to leave that party at some point in time and they could not find themselves there but while some have left forever, others did not do so as they were already groomed in that policy, that young persons should not be given opportunities.

Mr Speaker, Sir, it is unfortunate that even today that party and its members are still in their *tour d'Ivoire* and they do not know the reality of the day.

Do you think, Mr Speaker Sir, that high profile professionals with 15 or more years of experience will be attracted by the meagre package payable in statutory bodies, while they are drawing fivefold or more in the private sector?

If the Board decides to pay an allowance, in such case, they, themselves, will come and will be the first person to come and question about the qualifications and about the money being paid and say it was 'job for the boys,' '*scandale*'...

**Mr Toussaint:** Pay packet!

**Mr Hurreeram:** Pay packet, what type of car! Is it with this type of mentality that we are going to attract our young professionals or those with huge experience to come and work in our statutory bodies? Certainly not, Mr Speaker Sir!

I wish to confirm and inform the House that this Government, our Prime Minister, we firmly believe in the youth of this country, we believe in the capacity of our young generation and respect their intelligence. And we are willing to give them the chance to succeed, to head our institutions. We shall continue to promote the participation of our young friends in the building up of our society. By the way, let me inform the hon. Member of a few institutions which are being led by young talents who are excelling in their respective positions –

- The Bank of Mauritius;
- The Mauritius Emerging Technologies Council;
- The Mauritius Society for Animal Welfare;
- The Polytechnics Mauritius Ltd;
- Private sector - Medine Ltd,
- The Airport of Mauritius Ltd.

We have young Mauritians who are shining!

Mr Speaker, Sir, the hon. Member recommended that provision for wash basins be made on all construction sites to address the problem of mud on the roads. We admit that this is a concern that needs to be addressed, but we should also agree that the problem of mud on roads is not only from construction sites. However, the CIA Bill is not the appropriate legislation to address this issue.

Mr Speaker, Sir, hon. Mahomed while talking of aggregates mentioned that the stock of surface rocks in Mauritius has almost been depleted since 10 years. I wish to point out here that this statement is not correct. The study commissioned by the CIDB in July 2020 revealed that we have rock reserves for more than a decade. As I mentioned in my reply to PQ B/134 of 2022, a Master Plan on the management of aggregates and other construction materials, including surface rocks is currently under preparation.

Mr Speaker, Sir, I wish also to point out that since 2018, the CIDB has already been registering suppliers of construction materials for control purposes and these include suppliers of aggregates. Moreover, a representative of suppliers of construction materials is being proposed in this Bill to form part of the CIA Board and the Bill is also providing for suppliers of boulders to be registered. So, I will request the hon. Member not to worry as we know our role and responsibility and we will assume them fully.

Mr Speaker, Sir, the hon. Member also mentioned that my Ministry did not hold proper consultations with relevant stakeholders prior to introducing the Bill. This is again not correct. In fact, a series of consultations has been undertaken by my Ministry and the CIDB with representatives of different professional bodies in the construction sector.

I wish to mention a few of them here –

- On 27 July 2022: Consultation with main stakeholders, including representatives of CIDB, Building Control Advisory Council, Building and Civil Engineering Contractors Association, Small Contractors Association and the Association of Consulting Engineers.
- On 21 March 2023: Consultation with the stakeholders present at the meeting of 27 July 2022 and representatives of the Ministry of Housing and Land Use Planning, the Ministry of Finance, Economic Planning and Development, the Ministry of Energy and Public Utilities, the Ministry of Environment, Solid Waste Management and Climate Change, the Mechanical and Electrical Engineering Contractors Association, the Professional Architects' Council, the Professional Quantity Surveyors' Council and the Council of Registered Professional Engineers.
- On 25 August 2023: Consultation with the Ministry of Local Government and Disaster Risk Management on specific issues relating to local authorities.
- On 17 October 2023: Consultation with all stakeholders involved at the meeting of 21 March 2023.
- On 20 October 2023: Consultation with the EDB and Consultants of the Construction industry.

Moreover, the contents of the Bill were also discussed at several meetings of the Council of the CIDB which comprises representatives of Architecture, Engineering and Quantity Surveying professional bodies and other industry associations.

Mr Speaker, Sir, if these are not consultations with stakeholders, then I do not know what consultation means!

**Mr Toussaint:** *Bizin al Clarisse House!*

**Mr Hurreeram:** Does the hon. Member imply that I should have consulted the 2,000 Registered Engineers, the 100 Quantity Surveyors, the 200 Architects, the 1,500 contractors, the 300 consultants and the 60,000 direct employees of the Construction

Industry, all of them individually? I leave it to the House and the population to appreciate that type of argument.

Mr Speaker, Sir, I wish to point out that the letter dated 24 October 2023, from Mauritius Association of Architects, to which the hon. Member referred to in his intervention, was actually addressed to my Ministry in response to the consultative meeting held on 17 October 2023 where they were invited to submit proposals, if any. I wish to reassure the House that all the issues raised in the letter were lengthily discussed and canvassed during the several consultative meetings and relevant proposals have been incorporated in the Bill. I say, relevant proposals.

However, proposals regarding collaboration and joint ventures between foreign consultants and local consultants have not been retained for the following reasons –

- The Association made a proposal to reinstate the percentage of shareholdings of the local partners in a joint venture with a foreign consultant, to 51%. In fact, in 2022, this percentage of shareholding was decreased from 51% to at least 25% for local partners. This amendment was made in a spirit to attracting more foreign consultants to come to Mauritius for projects where we need expertise and taking into consideration that with a 51% share hardly any consultant was willing to enter a joint venture.
- I wish to further point out that even with the 25% local shareholding, there is still hardly any joint venture consultant registered with the CIDB. In fact, for Quantity Surveyors, as at date, there has been no joint venture registered with the CIDB.
- Moreover, the EDB has repeatedly insisted that the requirement for mandatory collaboration between foreign and local entities be removed for the purpose of ease of doing business. But again, in a spirit of protecting our local professionals, we have maintained the prevailing percentage.

Mr Speaker, Sir, with regard to the intervention of hon. Dr. Boolell, in one sentence I will say *il a beaucoup dit sans rien dire*.

First of all, I could not understand his argument for the circulation of a White Paper prior to the drafting of the Bill. Does he mean that for each and every legislation, the Government will introduce it has to go through a White Paper?

Mr Speaker, Sir, we know the construction industry, we know what are its needs, we know when to hold consultations and we know when to circulate a white paper. For the information of the hon. Member, I have gone through the records and could not find any

white or green or red paper circulated by his party or his then Government when the CIDB Act was first introduced in 1997 or when it was repealed and replaced in 2008. So, the hon. Member should not indulge in demagogical comments.

However, I can understand that by remaining in the Opposition for so long, being there he could have forgotten when it is important to have a white paper prior to introducing a Bill. So, I wish to reassure him that this Government will continue with its work till this mandate and beyond 2024 and by then he should be watching us on TV.

Mr Speaker, Sir, referring to clause 17 of the Bill on the provision of mandatory guarantees, he indicates that this will cause an escalation cost of at least 2% which will be passed over to the buyer. This is an absolute non-issue. I wish to inform the House that this provision already exists in the Building Control Act, I will ask the hon. Member to listen carefully, unfortunately he is not here but I am sure they might be listening...

**An hon. Member:** *Pe guet television.*

**Mr Hurreeram:** Yes, surely. Yes, it was the Building Control Act of 2012. It is like *aster pe decouver lamerik lor map.*

We have only maintained an existing provision. In fact, property damage insurance is a very complex issue and needs to be carefully considered. We are all aware that many people have been victims of unscrupulous promoters when acquiring properties. They have often found themselves with buildings having structural and non-structural defects. In order to safeguard the interest of the ultimate buyers of properties, a property damage insurance is required. The CIA will come up with appropriate regulations after consultation with all stakeholders to address same.

Mr Speaker, Sir, with regard to the comments made by the hon. Member, and I quote –

“(...) the unfettered powers of the Minister...”,

Let me remind him that in all legislations governing parastatal bodies, provisions regarding powers of the Minister are the same. We are not inventing the wheel here. We cannot give absolute power to a Board to allow it to act on its own whims and caprices. There is need for the Parent Ministry to oversee the proper functioning of the parastatal body. We should not forget, Mr Speaker, Sir, that when there is a failure on the part of the parastatal body, it is the Minister who has to reply for their acts in the National Assembly.

Mr Speaker, Sir, the hon. Member stated that permits should be withdrawn where builders and contractors have failed to honour their obligations. Clause 29 of this Bill



already makes provision for the cancellation and suspension of registration of consultants, contractors, service providers and suppliers in specific circumstances. The hon. Member may rest assured that where a contractor fails in his obligations, appropriate sanctions will be taken against him.

With regard to the hon. Member's remarks on the provisions for persons with disabilities in high-rise buildings, I would say that here, the hon. Member is bursting an open door, to use his own expression.

Actually, we have a well detailed legislation framework, namely the Building Control (Accessibility and Gender Compliance in Buildings) Regulations which have been in operation since November 2017 and which were subsequently amended in December 2022. I wish to inform that all new buildings and those requiring major alteration works have a mandatory requirement to comply with the provisions of these regulations.

Mr Speaker, Sir, I would now wish to refer to the two suggestions made by my colleague, hon. Nuckcheddy. Firstly, he proposed that parastatal bodies should promote ADR provisions in their bidding documents so as to maintain good relationship between employers and the contractors. I will mention here that provision is made in the Bill for the CIA to advise relevant authorities in the procurement process in the construction industry.

Secondly, he stated that some parastatal bodies require that registered engineers and other professionals should have at least 15 years post registration experience for their projects. According to him, this requirement is too demanding and therefore he proposed that same be reviewed in line with private sector practice. I tend to agree with these two proposals. However, these need to be addressed at the level of the relevant authorities and my Ministry will pursue discussions with them on this matter.

Mr Speaker, Sir, my hon. colleague also highlighted in his speech, the merit of ADR which will promote adjudication. He proposed that a representative of the Chartered Institute of Arbitrators and a representative of the project management profession be included in the Board of the CIA. Mr Speaker, Sir, since the Bill provides for the constitution of a well represented 14 members Board, comprising a range of professionals; it is not considered, at least at this stage, to increase this number still further. However, in case the need is felt in the future, due consideration will be given accordingly.

Mr Speaker, Sir, I now wish to conclude on this Bill. Today marks a significant milestone in our journey towards transforming and elevating the construction industry in Mauritius to a new level. The comprehensive nature of this legislation reflects our commitment for fostering a construction sector that not only meets international standards

but surpasses them. The merging of the Construction Industry Development Board and the Building Control Advisory Council into the Construction Industry Authority signifies a strategic move toward a more cohesive and efficient regulatory framework.

Mr Speaker, Sir, as we witness, the construction industry has played a prominent role in steering our economy through challenging times, particularly during the COVID-19 pandemic. The bold decisions taken by this Government to invest substantially in public infrastructure development have not only revitalised the economy but also positioned the construction industry as a key driver of economic growth.

The Construction Industry Authority Bill comes at a juncture when the industry is experiencing remarkable growth, reaching two-digit figures and contributing significantly to our GDP. The establishment of the CIA is not merely a merger of existing legislations but a meticulous effort to redefine and enhance the roles of these institutions in alignment with international best practices.

I would like to express my gratitude to the hon. Prime Minister, my colleague Ministers, the Attorney General's Office, this National Assembly and all stakeholders who have played a crucial role in shaping this legislation. The extensive consultations with various industry professionals, associations and Governmental bodies have enriched the content of the Bill, ensuring that it addresses the diverse needs and challenges faced by the construction sector.

Mr Speaker, Sir, the inclusion of the category of "Micro-Contractors" as has mentioned my hon. colleague Ittoo, demonstrates our commitment to supporting the most vulnerable operators in the industry, ensuring that they receive the necessary facilities and training to improve their service delivery. This approach reflects this Government's dedication to inclusiveness and providing equal opportunities for all participants in the construction sector.

The objectives and functions of the CIA underscore the transformative role the institution will play in regulating, developing, promoting, facilitating and transforming the construction industry. From green building practices to the promotion of environmental, social, and governance practices, the CIA aims to lead the industry towards sustainable and responsible practices.

The establishment of the Construction Industry Training Council (CITC) emphasises our commitment to addressing the challenges faced by the industry, including the shortage of local labour, lack of skilled workers, over-reliance on foreign workers and

an ageing workforce. The CITC will serve as a dedicated entity focused on enhancing the skills, knowledge, and capabilities of individuals within the sector.

The inclusion of Alternative Dispute Resolution mechanisms demonstrates our proactive approach to resolving disputes in a timely and cost-effective manner, fostering a cooperative relationship between parties involved in construction projects.

Furthermore, the Bill assigns the CIA the responsibility for the development of Mauritian Building Codes and Guidelines, marking a significant step towards ensuring the safety, quality, and sustainability of our built environment.

In closing, Mr Speaker, Sir, the Construction Industry Authority Bill is not just a legislative framework; it is a visionary roadmap that will guide our construction industry into a new era of excellence, innovation, and sustainability.

I am confident that its enactment will contribute to the prosperity and resilience of our nation. I now commend this Bill to the House. Thank you, Mr Speaker, Sir.

*Question put and agreed to.*

*Bill read a second time and committed.*

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

*At this stage, the Deputy Speaker took the Chair.*

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

## **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

### **THE CONSTRUCTION INDUSTRY AUTHORITY BILL**

**(NO. XIX OF 2023)**

*Clause 1 ordered to stand part of the Bill.*

*Clause 2 (Interpretation)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment –

in clause 2 –

- (i) in the definition of “civil works” –

- (A) by adding the word “or” at the end of paragraph (d);
- (B) by deleting paragraph (e), the existing paragraph (f) being relettered as paragraph (e);
- (ii) in the definition of “construction works”, in paragraph (g), by deleting the words “paragraphs (a) to (e)” and replacing them by the words “paragraphs (a) to (f)”;
- (iii) in the definition of “local consultant”, by adding the word “and” at the end of paragraph (a);”

*Amendment agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3 (Application of Act)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment to clause 3 –

“in clause 3, in subclause (1), by inserting, after the words “as a consultant”, the words “, contractor or supplier of materials, plant and equipment”;

*Amendment agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clauses 4 to 22 ordered to stand part of the Bill.*

*Clause 23 (Joint venture consultants and joint venture contractors)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment to clause 23–

“in clause 23 –

- (i) by numbering the existing provision as subclause (1);
- (ii) in the newly numbered subclause (1), by inserting, after the words “unless it is”, the words “, subject to subsection (2),”;

(iii) by adding the following new subclause –

(2) Where, in the case of –

- (a) a joint venture consultant, all the consultants to the joint venture are foreign consultants; or
- (b) a joint venture contractor, all the contractors to the joint venture are foreign contractors,

the joint venture consultant or joint venture contractor shall under undertake to work in collaboration with a local consultant or local contractor, as the case may be.”

*Amendment agreed to.*

*Clause 23, as amended, ordered to stand part of the Bill.*

*Clause 24 (Provisional registration of joint venture consultants and joint venture contractors)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment to clause 24 –

“in clause 24, in subclause (3), by deleting the words “for a period of one year” and replacing them by the words “until the date of award of contract for the project”;

*Amendment agreed to.*

*Clause 24, as amended, ordered to stand part of the Bill.*

*Clause 25 ordered to stand part of the Bill.*

*Clause 26 (Service providers)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment to clause 26 –

“in clause 26, by deleting subclause (3) and replacing it by the following subclause –

- (3) A registration granted under this section shall be valid until 30 June of the year following the granting of same and thereafter for a period of 2 years.”

*Amendment agreed to.*

*Clause 26, as amended, ordered to stand part of the Bill.*

*Clause 27 (Suppliers)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment to clause 27 –

“in clause 27, by deleting subclause (3) and replacing it by the following subclause –

(3) A registration granted under this section shall be valid until 30 June of the year following the granting of same and thereafter for a period of 2 years.”

*Amendment agreed to.*

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clauses 28 to 44 ordered to stand part of the Bill.*

*Clause 45 (Offences)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Hurreeram:** Mr Chairperson, I move for the following amendment to clause 45–

“in clause 45, in subclause (1) –

(i) in paragraph (a), by adding the following new subparagraph, the word “or” at the end of subparagraph (ii) being added and the word “or” at the end of subparagraph (i) being deleted –

(iii) being temporarily registered as a joint venture consultant;

(ii) in paragraph (b), by adding the following new subparagraph, the word “or” at the end of subparagraph (iii) being added and the word “or” at the end of subparagraph (ii) being deleted –

(iv) being temporarily registered as a joint venture contractor;

(iii) by inserting, after paragraph (d), the following new paragraphs, the existing paragraphs (e) and (f) being relettered paragraphs (g) and (h) –

(e) who, being registered as a foreign consultant, fails to collaborate with a local consultant pursuant to section 23(2)(a);

(f) who, being registered as a foreign contractor, fails to collaborate with a local contractor pursuant to section 23(2)(b);”

*Amendment agreed to.*

*Clause 45, as amended, ordered to stand part of the Bill.*

*Clauses 46 to 52 ordered to stand part of the Bill.*

*The First to Fifth Schedules ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

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

#### *Third Reading*

*On motion made and seconded, the Construction Industry Authority Bill (No. XIX of 2023) was read the third time and passed.*

**The Deputy Speaker:** Hon. Deputy Prime Minister!

#### **ADJOURNMENT**

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 08 December 2023 at 4.30 p.m.

**The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** The House stands adjourned! Specific matter, hon. Ittoo!

**MATTER RAISED**

(9.59 p.m.)

**HENRIETTA - SEPT CASCADES VIEW POINT – REVAMPING**

**Mr A. Ittoo (Third Member for Vacoas & Floréal):** Merci, M. le président. Ma requête de ce soir s'adresse au *Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism*.

Et cela concerne plus précisément la région de Bord Cascade à Henrietta d'où on a une vue magnifique sur les Sept Cascades et qui est aussi un lieu incontournable pour les amoureux du *hiking*.

M. le président, les Sept Cascades peuvent être admirés sur cinq *viewing points* longeant un ravin sur une distance de 2 km. Il y a en ce moment une forte affluence sur ce lieu pour du *site seeing* mais aussi pour le *hiking*. Descendre ou monter les Sept Cascades est très prisé par les Mauriciens qui connaissent les lieux et par les touristes dites éco touristes.

M. le président, ma requête au *Deputy Prime Minister* en sa capacité de ministre du Tourisme est de rendre ce site le Bord Cascade View Point plus *tourist friendly*, de le rendre plus accessible aux pique-niqueurs, aux Mauriciens et de le rendre plus *safe* et *secure* pour tous.

M. le président, avec l'ouverture imminente de la Phase 2 du Link Road La Vigie–Flic-en-Flac en passant par La Marie et Henrietta, ce site sera encore plus accessible et encore plus fréquenté. Il y a aussi un côté activité économique du Bord Cascade Viewpoint que je l'appelle ainsi où il y a bon nombre de guides accrédités qui gagnent leurs vies, qui dit guides accrédités dit aussi sécurité pour nos *hikers* et les touristes.

M. le président, l'aménagement d'un *Tourist Information Centre*, d'un coin produit artisanal seront aussi le bienvenu. Donc, M. le président, le Bord Cascade Viewpoint demande un *revamping* pour faciliter l'accès des espaces de parking, des structures pour des *viewpoint* sécurisées et modernes, un bâtiment pour abriter des guides accrédités, bureau d'information, coin artisanal, toilettes et autres.

Donc, M. le président, pour tous ces raisons, je demanderais au *Deputy Prime Minister* en sa capacité de ministre du Tourisme de considérer la transformation de ce lieu paradisiaque en une *viewpoint* tout comme le Alexandra Falls Viewpoint et le Black River Gorges Viewpoint.

Je vous remercie, M. le président.



**The Deputy Speaker:** Thank you very much. Hon. Deputy Prime Minister, please!

**The Deputy Prime Minister:** Mr Deputy Speaker, let me first thank the hon. Third Member for Vacoas and Floréal for raising this matter.

I understand him to be referring to two distinct sites. One is the viewpoint which is if one goes to the Mandiram, the Marathi Hall slightly further down. That is one specific site which is used as a viewpoint. Then for those who want to go down the Sept Cascades, you walk, shall we say for some 15-20 minutes along sugarcane fields that belong to Medine presumably, Medine Sugar Estate and then you go down a track to one of the cascades and then further down.

As regard to viewpoint, the suggestion is most welcome. I believe what the hon. gentleman is saying is to be looked into and we will have to –

- (i) consider who the land belongs to;
- (ii) what the implications are, in terms of striking a right balance between tourism development and preservation of the natural environment and natural beauty especially if we want to build and build and build, and
- (iii) we need to gather all the relevant stakeholders.

Then there is the issue of what happens when you go down the Sept Cascades, we have a natural trail that is quite challenging for those like me who enjoy these hikes and trails. And I believe the issue arose a few months back after the police reported to the Municipal Authorities and the Ministry of Local Government that a number of tourists had been stranded, presumably not at the Viewpoint but when going down the Sept Cascades. So, that's the second distinct issue.

And further to that, at the initiative of the Municipal Council of Vacoas/Phoenix, there were meetings and site visits in which the hon. gentleman participated as well as representatives of my Ministry, the Ministry of Local Government, the Ministry of Housing and Tourism, the Ministry of Environment, Special Mobile Force, *Groupe d'intervention de la police mauricienne*, Tourism Authority, National Parks and Conservation Service, Central Electricity Board and the Medine Group as well as a couple of tourists guides. So, quite a large number of stakeholders and one of the suggestions made is that the Ministry of Tourism should prepare a concept paper as to what could be envisaged. Presumably this concept paper would cover both the site and the trail going down the Sept Cascades. We have the stakeholders; we need to know as well which issues to address. Most importantly, the safety of the trail, proper signage and accreditation of tourist guides which is of fundamental importance.

So, the Ministry of Tourism is proceeding with preparing this concept note. I have asked the Ministry of Housing to ascertain precisely who the relevant land belongs to. It would appear that the land bordering the *ravin* belongs to Medine Sugar Estate but past the Marathi Hall, there are lots of individual private land owners but the land down below along the Sept Cascades, the two banks of the river belong to the CEB. This is land which is wholly owned by CEB, not State land whereas the river, of course, is the public domain.

So, there are a lot of complex issues here. At the end of the day, we need to ensure safety of tourists, both foreign tourists and local tourists. Proper signage is, of course, an imperative but I wish to stress that we need to strike the right balance. I am sure *ce n'est pas l'intention de monsieur le député de demander à ce que tout soit bétonné*. So, we need to find the right balance but I welcome the suggestions made and I do undertake to follow-up with the relevant ministries and stakeholders so that in due course, these issues are addressed in the best interest of the locality and of the country. Thank you, Mr Deputy Speaker.

**The Deputy Speaker:** Grateful, Deputy Prime Minister. Thank you very much. Have a safe trip back home!

*At 10.08 p.m., the Assembly was, on its rising, adjourned to Friday 08 December 2023 at 4.30 p.m.*

## WRITTEN ANSWERS TO QUESTIONS

### HENRIETTA – DOG ATTACK INCIDENT – INQUIRY

**(No. B/1646) Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the incident whereby a 4 year old girl was attacked by a rottweiler whilst being on her way to school in Henrietta on Monday 20 November 2023 around 0845 a.m., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been initiated thereinto and, if so, where matters stand.

*(Withdrawn)*

### MR B. L. – ALLEGED DRUG POSSESSION CASE – INQUIRY

**(No.B/1647) Ms N. Ramyad (Third Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether,

in regard to the arrest of Mr B. L. on 04 November 2022 for an alleged case of possession of drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry initiated thereinto.

*(Withdrawn)*

### **EDUCATIONAL INSTITUTIONS – BOMB THREATS – INQUIRY**

**(No. B/1649) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the successive bomb threats received in more than 30 educational institutions on Thursday 16 November 2023, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been initiated thereinto in order to trace the sender of the threatening emails and, if so, the outcome thereof.

*(Withdrawn)*

### **MV WAKASHIO GROUNDING – COURT OF INVESTIGATION REPORT – RECOMMENDATIONS & IMPLEMENTATION**

**(No. B/1652) Ms J. Bérenger (First Member for Vacoas & Floréal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Report of the Court of Investigation set up to look into the grounding of the MV Wakashio, he will state the findings of the Inter-Ministerial Committee set up to examine the recommendations contained therein, indicating –

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

*(Withdrawn)*

### **SIM CARD REGISTRATION – TURNKEY MIDDLEWARE SOLUTION**

**(No. B/1653) Mr F. David (First Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the procurement of a turnkey middleware solution for SIM card registration, he will –

- (a) for the benefit of the House, obtain from the Information and Communication Technologies Authority, information as to the start and closing dates of the bidding exercise therefor, indicating the –
- (i) number of bids received;
  - (ii) name of the successful bidder;
  - (iii) date of the award of the contract and value thereof, and
  - (iv) the date the system was installed at the Government Online Centre, and
- (b) table the technical specifications thereof.

*(Withdrawn)*

#### **MAURITIUS & MALDIVES – OUTER CONTINENTAL SHELF – TERRITORIAL SOVEREIGNTY – LEGAL ENTITLEMENT**

**(No. B/1655) Mr K. Lobine (First Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Judgment delivered on 28 April 2023 by the Special Chamber of the International Tribunal for the Law of the Sea, he will state where matters stand as to –

- (a) the vindication and safeguarding of our territorial sovereignty with regard to our entitlement to the outer continental shelf beyond 200 nautical miles in the Northern Chagos Archipelago region, and
- (b) soliciting the expertise of the United Nations Commission on the Continental Shelf (CLCS) on the legal entitlement of both Mauritius and the Maldives to an outer continental shelf lying beyond 200 nautical miles of both countries respective coasts.

*(Withdrawn)*

#### **STC – RATION RICE – STOCK AVAILABILITY & SHORTAGE**

**(No. B/1686) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Commerce and Consumer Protection whether, in regard to ration rice, she will state if she has been made aware of any shortage thereof in some retail outlets and, if so, she will, for the benefit of the House, obtain from the State Trading Corporation, information as to the –

- (a) the actual stock thereof;

- (b) frequency of distribution in supermarkets and shops, and
- (c) measures envisaged by the Corporation to avoid any shortage thereof for 2024.

*(Vide reply to PQ B/1661)*

### **DOMESTIC VIOLENCE – PERPETRATORS’ REHABILITATION – FOLLOW UP**

**(No. B/1688) Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Minister of Gender Equality and Family Welfare whether, in regard to the rehabilitation of perpetrators of domestic violence, she will state the number of perpetrators having been rehabilitated as at date, indicating if any follow up is carried out upon the completion of the programme therefor and, if so, give details thereof, and if not, why not.

*(Withdrawn)*

### **ASSISES DE L’ENVIRONNEMENT – ENVIRONMENT PROTECTION ACT – AMENDMENTS**

**(No. B/1691) Ms J. Bérenger (First Member for Vacoas & Floréal)** asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the Environment Protection Act, he will state where matters stand as to the proposed amendments to be brought thereto as recommended by the *Assises de l’Environnement*, indicating when same will be introduced in the National Assembly.

*(Withdrawn)*

### **CHILD PORNOGRAPHY – FINDINGS & ACTION PLAN**

**(No. B/1692) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière)** asked the Minister of Gender Equality and Family Welfare whether, in regard to child pornography, she will state the findings of the Multidisciplinary Committee set up to analyse this phenomenon, indicating the Action Plan devised, if any, to combat same.

*(Withdrawn)*

### **PUBLIC BEACHES – CAMPING – CONDITIONS**

**(No. B/1693) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to camping on public beaches, he will, for the benefit of the House,

obtain from the Beach Authority, information as to if conditions therefor have been changed and, if so, indicate –

- (a) the penalties applicable for non-compliance, if any, and
- (b) the list of public beaches where same is authorised, indicating the conditions attached thereto.

*(Withdrawn)*

### **CHILDCARE FACILITIES IMPLEMENTATION**

**(No. B/1695) Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Minister of Finance, Economic Planning and Development whether, in regard to the budgetary measure announced in the Budget Speech of 2023-2024 to make it compulsory for all companies with more than 250 employees to provide the necessary childcare facilities in the workplace, he will state where matters stand.

*(Withdrawn)*