



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 02 APRIL 2019

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THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

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

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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Deputy Speaker	Lesjongard, Georges Pierre
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 02 of 2019

Sitting of 02 April 2019

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

The National Anthem was played

(Madam Speaker in the Chair)

OBITUARY – MR HURRY PARSAD SHAM

The Prime Minister: Madam Speaker, it is with deep regret that we have learnt of the demise, on Wednesday 27 March 2019, of Mr Hurry Parsad Sham, former Member of Parliament, at the age of 81.

Mr Sham, who was also known as Sham Panchoo, was born on 27 October 1937 at Curepipe. He joined politics in 1967. He stood as a candidate for the 1967 General Elections in Constituency of Beau Bassin and Petite Rivière under the banner of the PMSD, and was returned Third Member to serve the said Constituency.

In 1969, he stood as a candidate for the Municipal Council Elections in Ward II of the town of Quatre Bornes and was elected to serve as Municipal Councillor.

In 1974, he became Parliamentary Secretary of the Ministry of Local Government, a post which he held until 1976. Mr Sham also contested the General Elections in 1976 under the banner of the *Unité des Travailleurs Libéraux* in Constituency No. 12, Mahebourg and Plaine Magnien, and was not elected.

Madam Speaker, may I request you to kindly direct the Clerk to convey the deep condolences of the Assembly to his family.

The Leader of the Opposition (Mr X. L. Duval): Madam Speaker, I associate myself to the tribute made by the hon. Prime Minister to late Mr Hurry Parsad Sham, known affectionately to his friends as Sham Panchoo.

Sham Panchoo was elected to the National Assembly as a Member of the PMSD in 1967, but although he left the Party for a short while, it is to be remembered that he returned to the PMSD and, upon his death, Madam Speaker, he insisted that his body be laid surrounded by two blue PMSD flags.

May I also request the Clerk to convey our condolences to the bereaved family.

Madam Speaker: Hon. Members, I associate myself to the tribute paid to late Mr Hurry Parsad Sham, former Member of Parliament, by the hon. Prime Minister and the hon. Leader of the Opposition, and I direct the Clerk to convey to the bereaved family the deep condolences of the Assembly.

PAPERS LAID

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

A. Prime Minister's Office

- (a) Certificate of Urgency in respect of The Building Control (Amendment) Bill (No. II of 2019). (In Original)
- (b) The Declaration of Assets (List of Exempted Statutory Bodies) Regulations 2019. (Government Notice No. 52 of 2019)
- (c) The Declaration of Assets (Prescribed Forms) Regulations 2019. (Government Notice No. 53 of 2019)

B. Ministry of Energy and Public Utilities

The Radiation Safety and Nuclear Security (Appeal) Regulations 2019. (Government Notice No. 51 of 2019)

C. Ministry of Social Security, National Solidarity, and Environment and Sustainable Development

The Environment Protection (Amendment of Schedule) (No. 2) Regulations 2019. (Government Notice No. 54 of 2019)

D. Ministry of Agro-Industry and Food Security

The Annual Report of the Mauritius Cane Industry Authority for the period 01 January 2016 to 30 June 2017.

E. Ministry of Industry, Commerce and Consumer Protection

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 7) Regulations 2019. (Government Notice No. 48 of 2019)
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 8) Regulations 2019. (Government Notice No. 49 of 2019)

F. Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping

The Merchant Shipping (Prevention of Pollution by Oil and Noxious Liquid Substances in Bulk) Regulations 2019. (Government Notice No. 47 of 2019)

G. Ministry of Ministry of Labour, Industrial Relations, Employment and Training

The Non-Citizens (Employment Restriction) Exemptions (Amendment) Regulations 2019. (Government Notice No. 50 of 2019)

ORAL ANSWERS TO QUESTIONS**NATIONAL EMPOWERMENT FOUNDATION (NEF) - DIRECTOR OF AUDIT'S
REPORT - COMMENTS**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the National Empowerment Foundation (NEF), he will state if he has taken note of the comments made by the Director of Audit in her Report for Financial Year 01 July 2017 to 30 June 2018 and, if so, indicate if he has since had any meeting with the Board of the NEF to discuss the issues raised.

Mr Wong Yen Cheong: Madam Speaker, I thank the hon. Leader of the Opposition for his interest in the activities of the National Empowerment Foundation (NEF) inasmuch as he himself was from May 2010 to August 2011 the Minister of Social Integration and Economic Empowerment.

His Private Notice Question gives me the opportunity to state facts on the NEF and my Ministry, in light of the comments made by the Director of Audit.

Madam Speaker, in fact, I have not waited for the comments of the Director of Audit to have meetings with those responsible for the NEF, and I shall continue to do so to find workable solutions to problems encountered by the NEF.

Madam Speaker, I wish to inform the House that as soon as I took cognizance of the comments of the Director of Audit in her Report for the period 01 July 2017 to 30 June 2018, I personally chaired a meeting with the Chairman of the NEF Board, the Chief Executive Officer of the Foundation, other officials of the Foundation and my Ministry on Thursday 28 March 2019, to look into the comments made by the Director of Audit and to take remedial actions on the observations made.

It was noted that the Financial Statements for the period 01 January 2016 to 30 June 2017 have already been prepared and are presently being examined by the National Audit Office.

The Financial Statements for the period 01 July 2017 to 30 June 2018 have already been submitted to the National Audit Office in January 2019 by NEF.

The Committee also took note that there was a backlog wherein the Financial Statements for the years ended 2012, 2013 and that of 2014 were never submitted.

I am pleased to inform the House that the Financial Statements for the year 2012 have already been audited by the National Audit Office and filed at the Registrar of Companies. The Financial Statements for the period ended 31 December 2013 would be released shortly by the National Audit Office. As regards the Financial Statements for the year ended December 2014, same is at the level of the National Audit Office for audit purposes.

The Financial Statements for period ended 31 December 2015 and period 01 January 2016 to 30 June 2017 have already been prepared and are being examined by the National Audit Office.

Madam Speaker, when this Government took over in December 2014, it was noted that the situation was chaotic at NEF.

Madam Speaker, with regard to the Action Plan, the Foundation submitted same in July 2017. However, the Ministry requested the NEF that the Action Plan be submitted in a prescribed format with detailed information. Same was submitted in February 2018.

Since July 2018, quarterly progress reports are being submitted by the NEF. May I emphasize that my Ministry is monitoring the implementation of projects/activities through regular meetings.

Madam Speaker, the goals of my Ministry have been achieved.

As regards social housing, out of the Rs221 m. provided for the Financial Years 2016/2017 and 2017/2018, an amount of Rs115 m. has been earmarked for the construction of 126 fully concrete housing units, which are ongoing and are expected to be completed by June 2019. An amount of Rs19 m. has already been earmarked for 19 additional housing units and construction works are expected to be completed by December 2019.

Another Rs50 m. has been earmarked for the construction of 50 housing units throughout the island.

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, please!

(Interruptions)

Yes, it's Question Time! Please sit down!

(Interruptions)

Hon. Shakeel Mohamed, you cannot interrupt the hon. Minister. I have gone through the Director of Audit's Report and whatever the hon. Minister is saying is relevant to the Report. Allow him to reply!

(Interruptions)

Now, you can't argue with me. Please!

Mr Wong Yen Cheong: Another Rs50 m. has been earmarked for the construction of 50 housing units throughout the island.

The contract has already been awarded and construction work will start in May 2019. A second tender for construction of 24 housing units with an estimated cost of Rs24 m. has already been launched and the offers are presently at the evaluation stage. This makes a total of 219 houses.

Madam Speaker, the current Budget 2018/2019 also makes provision for the construction of 6,800 housing units by the NHDC over the next two years and 10%, that is, 680 housing units are reserved for SRM beneficiaries. This makes a total of 899 housing units.

Since December 2016 to June 2018, over 10,000 families, representing more than 40,000 beneficiaries, have been supported through the various Income Support and Empowerment Schemes under the Social Integration and Empowerment Act 2016, out of which some 2,000 beneficiaries have moved out of poverty since December 2016.

Madam Speaker, the main schemes and programmes implemented by the Ministry of Social Integration and Economic Empowerment for the fiscal year July 2017 to 30 June 2018 are as follows –

- Some 10,000 households have been assessed to be eligible under the Social Register of Mauritius and have signed a Marshall Plan Social Contract.
- The main support includes an income support in the form of a monthly subsistence allowance to the 10,000 households and educational support to 17,000 schoolchildren. The educational support is provided in the form of a monthly child allowance, school materials, school premium, free examination fees...

Mr X. L. Duval: On a point of order.

Madam Speaker: Hon. Minister, please resume your seat.

Mr X. L. Duval: Can the hon. Minister please show us where the child stuff is shown in the Audit report? He is taking time, Madam Speaker, and he is not covering the question. He is going above...

Madam Speaker: I totally agree with the hon. Leader of the Opposition, because I don't think anywhere in the Audit's Report mention is made about school. Please proceed and go according to what is relevant to the question.

Mr Wong Yen Cheong: Madam Speaker, I have been reading from the Audit Report, Subsistence Allowance at 15.3.1. Subsistence Allowance is all the allowances together.

- School materials for the sum of Rs33,688,808 have been distributed to children of pre-primary, primary, secondary schools and pre-voc institutions.
- School Premium Scheme, amounting to Rs7,225,000 has been paid to children of SRM households, who have passed the School Certificate and the Higher School Certificate examinations.
- Crèche Scheme, representing Rs1,312,700 has been provided in respect of children of SRM households as an incentive to encourage unemployed mothers to take up employment or undergo training. This Scheme pays a maximum...

(Interruptions)

Madam Speaker: Don't interrupt him!

(Interruptions)

Please! Hon. Minister, I have just told you that you have to be relevant to the main question. If there are supplementary questions which are being asked on these issues, you may come on this, but please be relevant to the main question.

Mr Wong Yen Cheong: Madam Speaker, I see that there is an item 15.3.3 on social contract, but all these comprise social contracts. So, I have to answer to it.

Mr X. L. Duval: Madam Speaker, if I may, the point by the Director of Audit on the social contract - and shame on the Minister - is that he has not controlled any of it. That is the point that he should answer. Why has he not monitored the social contract? What is happening with education has not been raised!

Madam Speaker: Hon. Leader of the Opposition, it is the Minister's time that you are biting in. Whenever he will be irrelevant, I will draw his attention to it. You will have time to ask your supplementary questions. Several times, I have said that Question Time is not Statement Time. So, that applies both to the hon. Leader of the Opposition and the hon. Minister. Please, you may proceed, hon. Minister.

Mr Wong Yen Cheong: The social contract also stipulates about the Child Allowance Scheme.

(Interruptions)

So, what do you want me to do? I have to...

Madam Speaker: Allow the hon. Minister to finish!

(Interruptions)

Mr Wong Yen Cheong: Come on! Shut your mouth! Come on! Shut up man!

Madam Speaker: Allow the hon. Minister to finish! I am here to see whether he would be relevant or not! Please proceed, hon. Minister! And I will not allow anybody to obstruct the business of this House! Please proceed, hon. Minister!

Mr Wong Yen Cheong:

- Fully Concrete Housing units of 40/50m² each are being built throughout the island for families living in absolute poverty and who are owners of a plot of land but do not have the means to build a housing unit.
- The Ministry has worked towards the necessary institutional arrangements through the setting up of a National CSR Foundation with defined priority areas and restructuring on functioning of NEF.
- Financial support has been provided to 173 NGOs for the implementation of 231 projects...

(Interruptions)

Madam Speaker: I am here to decide!

Mr Wong Yen Cheong: ...in the 10 approved priority areas of intervention through the National CSR Foundation for a total amount of...

(Interruptions)

Madam Speaker: Hon. Thierry Henry, please do not interrupt the hon. Minister! This is the last time I am drawing your attention to it. Please proceed, hon. Minister!

Mr Wong Yen Cheong: Madam Speaker, echoing the statement of the Director the Audit herself at Section 15.1 of her Report, the vision of my Ministry unflinchingly remains the eradication of extreme and chronic poverty to create an inclusive and more equitable society. Its mission remains steadfastly to support and empower the vulnerable groups registered and found eligible for social aids under the Social Register of Mauritius. The constant and consistent aim is to mainstream them in society and improve their quality of life in a sustainable manner through the provision of an effective and efficient service delivery, imbued in equity, fairness and impartiality.

Thank you, Madam Speaker.

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Thank you, Madam Speaker. Madam Speaker, in 2017, the Prime Minister made this speech –

« L'absence d'un logement entraîne la misère. »

I will table the article. *Pour le Premier ministre -*

« Les beaux discours ne valent rien si aucune action concrète n'est prise pour aider ceux qui se trouvent au bas de l'échelle. »

Given this beautiful *discours* of the Prime Minister two years ago, Madam Speaker, I would like to ask the hon. Minister why is it that by two months ago, January 2019, only 45 houses out of the already meagre contract of 116 houses had been constructed by the Ministry. Can I ask him that? Why 45 as at January, two months ago?

Mr Wong Yen Cheong: I have just mentioned the total housing and it was not - how many houses the hon. Leader of the Opposition said? 45? I am sorry, but I do not have the same figures here. That has been written by me, and this is what I am saying and stating in Parliament. Thank you.

Madam Speaker: Hon. Minister, give the figures that you have.

Mr X. L. Duval: Madam Speaker, this is in the Audit Report. This is very frustrating, Madam Speaker. This is what the Audit Report says at page 247. Should I read it for you, hon. Minister? Your own Audit Report? Ministry's Reply –

“Regarding the quarterly progress reports (...) 45 houses have been completed by January 2019.”

How Madam Speaker? What sort of *incompétence* this time? The hon. Minister does not even know what his Ministry has written. So, my question is this. Why only 45 houses, according to his own Ministry - I am trying to be calm Madam Speaker - have been constructed out of 116 that he had planned and launched two and a half years previously? That is the question.

Mr Wong Yen Cheong: The construction of 73 housing units has been completed as at date. The remaining 38 units are expected to be completed by June 2019. 13 units to be constructed by December 2019. This will complete the number of houses that have been promised by my Ministry to be completed. They have already started, but, of course, the money is still here, we have not paid for it. That is why it is in the Report.

Mr X. L. Duval: Madam Speaker, I will ask in French. *Pourquoi est-ce qu'il n'y a que 45 maisons qui ont été construites jusqu'à janvier 2019 alors que 116 maisons auraient dû avoir été construites à juin 2018? La question c'est pourquoi ? Why?*

Mr Wong Yen Cheong: Madam Speaker, I have already stated that all the money has been earmarked and the process...

(Interruptions)

Madam Speaker: Allow the hon. Minister ...

(Interruptions)

No, the hon. Member cannot ask him to resume his seat. He has to give his reply. Please proceed and give your reply, hon. Minister.

Mr Wong Yen Cheong: There are procedures for building houses - I wonder who else - when you start constructing houses, with all the workers here in Mauritius. We have already earmarked the money, the contractors have already been identified, they are under construction, and there have been delays in it. Thank you.

Mr X. L. Duval: Madam Speaker, I will ask it differently. In the last Government, I was Minister of Social Integration for six months in 2011. I will ask this, Madam Speaker. Why did the previous Government, in the same time period, a shorter time period, construct 3,707 houses of different types in the same time, same period, and he has only constructed 45

houses, Madam Speaker, whilst the hon. Prime Minister has said that this is essential to prevent poverty? This is the question.

Mr Wong Yen Cheong: I thank the hon. Leader of the Opposition for this question. The houses that were being constructed at that time, when the hon. Leader of the Opposition was Minister there, were with corrugated iron sheets and wood. There was no flooring, no toilets, no kitchen, and most of them - I brought pictures the other day.

(Interruptions)

Madam Speaker: Order! Order, hon. Rutnah!

Mr Wong Yen Cheong: And we have facts also that I am going to lay in the Library of the Assembly. It is...

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed!

(Interruptions)

Mr Wong Yen Cheong: Did somebody tell me 'liar'?

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, I have said order! Can everybody calm down, please? Can everybody calm down on both sides of the House? Hon. Shakeel Mohamed, from a sitting position, I will not allow you to make comments. If the hon. Leader of the Opposition will give the floor to other Members, you will have ample time then to ask your question, but from a sitting position, I do not want to hear remarks. Yes, hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, I would like to ask the hon. Minister whether there were not 602 houses, concrete built, in the last four years of the previous Government and over 3,100. Indeed, they were CIS houses. This is the situation.

Madam Speaker, I would like to ask this to the hon. Minister. He has mentioned the NHDC allocating 10% of the houses to the poor. Is he just aware that not one single poor person under the SRM has received not one single house since the election? He ought to be flushed down the toilet, Madam Speaker. He is saying...

Madam Speaker: Hon. Leader of the Opposition, no!

(Interruptions)

I am sorry! This is very unparliamentary! Please, withdraw!

Mr X. L. Duval: I will remove it, Madam Speaker. But not one single NHDC house has been delivered to the poor under SRM. Isn't that, Madam Speaker, despicable? Isn't that a shame on the hon. Minister?

Mr Wong Yen Cheong: *La vérité blesse*, Madam Speaker, with regard to what we said about the CIS. I am glad that the hon. Leader of the Opposition recognises that it was CIS houses, and none of these people - about thousands of people are still on the poverty list. And we are the one, the Government that comes in, and now these people are outside. They have been given a house and they are also given support after the house.

(Interruptions)

I will come to the question of the hon. Leader of the Opposition about the NHDC. The number that I have received from NHDC is already here. There are 34 houses that we are giving to the people now.

(Interruptions)

And of course, if they have to say about earmarking, we better make sure...

(Interruptions)

Madam Speaker: Order! Hon. Adrien Duval!

Mr Wong Yen Cheong: The process of having a good decision is not about a sprint, it is about a marathon and we make sure that when we give something, the person, the family is outside poverty. That is why we do not rush. Maybe the hon. Leader of the Opposition thinks we have to rush about it. But here, there are 34 housing units that we are going to deliver within the next two weeks.

Mr X. L. Duval: Madam Speaker, the truth is that over the last four years, not one single NHDC house has been given to the poor under SRM. That is the truth. Whatever will happen in the future, that is the future. Madam Speaker, given the severe criticism that has been made by the Director of Audit on NEF, two years in a row now, why has not the hon. Minister decided to sack, with immediate effect, the CEO, Mr Clive Auffray? Instead of sacking him, he has given him a huge pay rise of over Rs50,000.

Mr Wong Yen Cheong: We will appreciate that under the former Government - I will come to it later - there was such a situation at the NEF that all the employees were completely demotivated, and that is why ...

(Interruptions)

there was a report from BDO. We had to come forward with the restructuring of the NEF and it forms part of it, and that is what we have done.

Mr X. L. Duval: Madam Speaker, does the hon. Minister know - I am going to say what I am going to say, Madam Speaker - that Mr Clive Auffray who is a lawyer, spends his day receiving his private clients at the NEF offices to the dismay and the annoyance and the anger of the NEF staff who have reported this? Does the hon. Minister know that he receives his private clients during daytime at the NEF offices?

Mr Wong Yen Cheong: I do not have such a report that comes on my table.

Mr X. L. Duval: Madam Speaker, this is an offence, according to me, under the Prevention of Corruption Act. I will ask the hon. Minister whether he will refer this matter, which I have just said now, to the ICAC.

Mr Wong Yen Cheong: There is no use because I have never received such report, Madam Speaker.

Mr X. L. Duval: Madam Speaker, let us now come to the subsistence allowance. Is it a fact that, as the Director of Audit has said, there is absolutely no control on the large amounts of money being paid to 8,000 families and that a lot of the social contracts have been lost in a way according to the Director of Audit? I hope the hon. Minister has read it and he has seen it. Therefore, I am going to ask the hon. Minister how is it that for years and years, millions are being paid to these families without any assessment, without any monitoring and training. This is what the Director of Audit has said.

Mr Wong Yen Cheong: Madam Speaker, the figures speak for themselves. 2,000 people have been removed from the pocket of poverty and this is done because there has been assessment. We know what we are doing with the money and we are here to assess properly the people to it.

Mr X. L. Duval: Madam Speaker, is he saying that the Director of Audit was wrong, incorrect in saying that there is no monitoring, that money has been paid, that the whole of the people have been removed till June 2020? He was saying that 2,000 people have been

removed. Is he saying that the Director of Audit was incorrect, was wrong or *de mauvaise foi*?

Mr Wong Yen Cheong: I leave it to the hon. Leader of the Opposition to question the Director of Audit, not me.

Mr X. L. Duval: Madam Speaker, I would like to ask the hon. Minister about the extension of the whole of the Social Contract Scheme to June 2020 which, as he was saying, was to allow monitoring which had not been done before. Was this extension to June 2020 just a pure electoral measure and that when we come to 2020, which will be after the General Elections, all these social contracts should just be cancelled?

Mr Wong Yen Cheong: Madam Speaker, when someone, a family, a person signs the social contract, it is for an initial period of two years. But we have realised that some families take more time to be outside, and they are poor families. These families will appreciate the remark of the hon. Leader of the Opposition that we have to remove these poor people out of the threshold of poverty when they are not ready to get a work.

(Interruptions)

Madam Speaker: Order!

Mr X. L. Duval: Madam Speaker, I would like to ask the hon. Minister whether he understands what a social contract is and what the point of a social contract is. It is to give money and in return to ask for training, to ask for betterment, to ask for change so that after the one year, which it was meant to be, the person can by himself come out of poverty.

Now, that is the point of monitoring, assessment and evaluation. If he has not understood that, he has not understood the point of social contract. So, I ask again, Madam Speaker, whether he is questioning the Director of Audit who has laid severe blame on himself, his Ministry for the non-monitoring of the activities of the NEF and also on the large amounts of money that are being paid monthly to these poor persons who are receiving no training in return.

Mr Wong Yen Cheong: Madam Speaker, I must say something about the monitoring. For the past years, we have been waiting for the PRB, for the restructuration of the NEF, and it is a fact that we did not have the number of officials on the terrain to work, the staff. Now, we are still in the process of recruiting since we have received the report on the restructuration. And we need to do further monitoring of some families.

Mr X. L. Duval: This is what the Director of Audit says. I do not understand what the hon. Minister is answering. She says that a monitoring and evaluation system should be set up without delay. This report was published last week. It should be set up without delay to enable an assessment of each beneficiary. He is coming up to say it has already been done. So, I do not understand, Madam Speaker. Anyway! Time is going by, Madam Speaker. I want to ask the hon. Minister whether he has taken cognizance of a report published in Washington called the Social Progress Report. I am sure he has read it. It is a report on social integration. In that Social Progress Report, Madam Speaker, unfortunately, for Mauritius, *l'île Maurice a dégringolé*. We were 34 ...

Madam Speaker: Hon. Leader of the Opposition, you are biting into your own time. You have got only three minutes left. So, do not make statements, ask questions.

Mr X. L. Duval: Now, it is 43rd. So, we have lost nine places in the mandate of this Government as far as social integration is concerned and I presume that it be laid at his door.

Mr Wong Yen Cheong: Madam Speaker, when Government took over in December 2014, at the request of the Ministry of Social Integration and Economic Empowerment, the Internal Control Unit at the Ministry of Finance and Economic Development carried out an internal audit at the National Empowerment Foundation. The nine reports of the Internal Control Unit highlighted major shortcomings of the implementation of the Child and Family Development Programme. The Placement and Training Programme, the Training Integrated Housing Project, financial statement, annual reports, management of activities, cash management, suspected case of fraudulent acts in the implementation of the housing units in Rodrigues and lack of control...

Madam Speaker: Hon. Minister, be brief in your reply also!

Mr Wong Yen Cheong: I am answering all the monitoring ...

Madam Speaker: No, but the hon. Minister should be concise and brief in his reply.

(Interruptions)

Mr Wong Yen Cheong: When I see how the NEF was, the situation, and now what we are doing today, there is such a big difference, Madam Speaker. That is why I want to mention all that, and it is important for the public to know what was before and what we are doing today.

Madam Speaker: Hon. Minister, you can come later with a statement on the matter. Last question, hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, in all my 30 years as MP, I have never seen such a damning Audit Report on any Ministry, on any Minister. Never! I would like to ask the hon. Minister whether he has had any discussions with the hon. Prime Minister concerning his poor performance or whether, at any time, the hon. Prime Minister has asked him to resign. This is what he should do.

Madam Speaker: Hon. Leader of Opposition, I cannot allow this question because the hon. Minister cannot reply for a conversation which has been held between himself and the hon. Prime Minister. You have one minute left.

Mr X. L. Duval: I have the same question, Madam Speaker. I am asking the hon. Minister whether, following the Audit Report, the Prime Minister who has had this Committee now - I understand another Committee - has talked to his Minister who has had the worst Audit Report in history, and whether the hon. Minister has been asked to resign or whether he has been patted on the back and he has done very well! That is my question!

Madam Speaker: That is a private conversation. I don't think I can allow this question. Time is over!

Hon. Members, the Table has been advised that PQ B/85, in regard to the Board members and staff of parastatal bodies, will be replied by the hon. Minister of Financial Services and Good Governance.

PQ B/120, in regard to the amount of funds invested in the film entitled 'Serenity', will be replied by the hon. Prime Minister, time permitting.

Hon. Osman Mahomed!

CRIMEA STREET, VALLÉE PITOT – NDU – UPGRADING WORKS

(No. B/76) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Crimea Street in Port Louis, at the level of the Central Water Authority water reservoir, and the nearby lanes and alleys, he will state if the National Development Unit is contemplating any asphaltting works, creation of new parking slots and provision of other amenities thereat and, if so, indicate the –

- (a) budget earmarked therefor and
- (b) expected start and completion dates thereof.

The Prime Minister: Madam Speaker, the National Development Unit had awarded a contract on 03 July 2018 for the upgrading of Crimea Street, Vallée Pitot for an amount of Rs11,371,268.43 inclusive of VAT. The main components of the project are –

- (i) road resurfacing over a length of approximately 600 metres from the junction of Mamelon Vert Street to the Central Water Authority water reservoir;
- (ii) construction of concrete road over a length of 70 metres near the junction of Inkerman and Crimea Streets, and
- (iii) construction of 150 metre drain along Mamelon Vert Street and Crimea Street with grating and reinforced concrete covers.

The project was completed on 16 November 2018.

Regarding the nearby lanes and alleys, at the request of hon. Mrs Jadoo-Jaunbocus, the Ministry of Housing and Lands has initiated action for vesting of land in the Ministry of Local Government and Outer Islands to enable the NDU to proceed with the upgrading works. After vesting of the land, the details scope of works and cost estimates will be worked out. The expected start and completion dates are July 2019 and September 2019 respectively.

Madam Speaker, as regards amenities projects, again hon. Mrs Jadoo-Jaunbocus has supported the request made by the inhabitants for the construction of a children playground and a Jannaza Platform. Action will be initiated by the NDU for the implementation of these two projects during the course of this year.

The NDU does not have any project for the creation of parking slots in view of the absence of appropriate space.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Can I ask the hon. Prime Minister whether, in regard to the specific location where the CWA water tank is, engagement taken prior to hon. Gowkaran Oree becoming PPS, whom I am thankful to, because he is being quite collaborative so far...

Madam Speaker: The hon. Member is taking the time of the House.

Mr Osman Mahomed: Yes. Whether regarding the CWA water tank land, excision of part of this land is being envisaged to create additional parking lots, as promised.

The Prime Minister: Well, I do appreciate that the hon. Member recognises the work of hon. Oree - *bravo!* - and his collaboration, but I must say that, first of all, there is no tank there. There is a CWA concrete reservoir. Both hon. Oree and hon. Mrs Jadoo-Jaunbocus have been discussing with the Central Water Authority and the CWA has informed both of them and me also that they have plans for the future because the water requirement, of course, will be much more than what it is today and, therefore, they will need the space that is available right now. Furthermore, I am told that it is also difficult right now to start with a project, although the space is available. But if we are going to spend money and, eventually, CWA will require that land which is already theirs to build other infrastructure for the provision of water, therefore, it is not possible.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: As regards amenities, can I refer the hon. Prime Minister to a matter which I raised in Parliament on 10 November 2015, when hon. Dr. Husnoo was Minister of Local Government, about a drain along Crimea Street, but since then has been passed to the NDU, whereby the inhabitants there are drawing the attention of the Prime Minister in letters dated 27 February 2018, of the impending risks of chikungunya and dengue.

Madam Speaker: Hon. Osman Mahomed, several times, I have said that your questions are usually of excessive length. We have got so many questions and we would have wished the hon. Prime Minister to reply to as many questions as possible which are on the agenda. So, please be brief in your question!

Mr Osman Mahomed: Can I table for the attention of the hon. Prime Minister letters that have been addressed to him since February 2018 for necessary consideration and action? Thank you.

The Prime Minister: I can inform the hon. Member that according to my information, there has been replacement of drain covers and there has been upgrading of some drains also. Of course, I can give the information, the precise location where these works have been carried out.

Madam Speaker: Next question, hon. Ramano!

AIRPORTS OF MAURITIUS LTD GROUP OF COMPANIES

(No. B/77) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether he will state if Government is envisaging the setting up of an Airports of Mauritius Ltd. Group of Companies, comprising the Airports of Mauritius Ltd., the Airport Logistics, the Airport Terminal Operations Ltd. and the Mauritius Duty Free Paradise Ltd. and, if so, indicate if negotiations have been/will be held with the trade unions in relation thereto.

The Prime Minister: Madam Speaker, I am informed by the Officer in Charge of Airports of Mauritius Co. Ltd that Airports of Mauritius Co. Ltd is already a Group of Companies as defined in the Companies Act 2001. Airports of Mauritius Co. Ltd, being the parent company, has majority shareholding in the following subsidiary companies, namely –

- (i) Airport Terminal Operations Ltd;
- (ii) Mauritius Duty Free Paradise Co. Ltd;
- (iii) Airport of Rodrigues Ltd;
- (iv) Airport Logistics Ltd.

Furthermore, Airports of Mauritius Co. Ltd prepares Group Financial Statements in accordance with International Accounting Standards and Section 212 of the Companies Act 2001.

Madam Speaker, in the circumstances, the question of setting up another entity as the Airport of Mauritius Ltd Group of Companies does not arise.

Madam Speaker: Hon. Ramano!

Mr Ramano: Merci, Madame la présidente. Avec l'achat de 20% d'actionnariat par *Air Mauritius* d'AML, est-ce que c'est une opération saine qu'*Air Mauritius*, en tant qu'opérateur privé, soit partie prenante d'une part d'AML et d'autre part de ce *group of companies*, allant de la gestion des logistiques aéroportuaires, des terminaux, et aussi du *duty free*?

The Prime Minister: Madam Speaker, I must say that, first of all, with regard to the difficult financial situation of Air Mauritius and taking into account what has been the practice in other countries with regard to airlines, we have seen that they have not been

restricted only to the business of carrying passengers. In other countries like Dubai and so on, they have also invested in, let's say, operations that are incidental to the airline business and, of course, airport being the main place where people have to come for taking a plane, therefore, we have thought it fit that they should also invest and be part of these companies.

Mr Ramano: Madame la présidente,...

Madam Speaker: Last question !

Mr Ramano: J'ai deux autres questions, avec votre permission. Madame la présidente, de cette liste de compagnies, il manque l'aéroport de Rodrigues, mais je pense que, *grosso modo*, on se retrouve avec plus de 1,500 employés. Est-ce que l'honorable Premier ministre est en mesure de nous dire si, avec ce regroupement de toutes les compagnies, il est pertinent d'avoir une grille salariale, prenant en considération qu'il existe aujourd'hui une disparité énorme entre le *Mauritius Duty Free Paradise* et *Airports of Mauritius Ltd* ?

The Prime Minister: I mentioned Airport of Rodrigues, which is also part of the companies. But, with regard to the *grille salariale*, of course, the hon. Member will have to come with a specific question, because I don't have the information about the differences, if ever there are with regard to salaries, wages and terms and conditions of employment of those who are employed by those different companies.

Madam Speaker: Hon. Ramano, next question!

Mr Ramano: J'ai une dernière question supplémentaire, Madame la présidente.

Madam Speaker: No, next question! We have already spent four minutes on this question.

Mr Ramano: Okay.

SIR SEEWOOSAGUR RAMGOOLAM INTERNATIONAL AIRPORT – NEW PASSENGER TERMINAL

(No. B/78) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the construction of the new passenger terminal and of the expansion projects at the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain

information as to if the services of the *Aéroport de Paris Ingénierie* for consultancy services have been retained therefor.

The Prime Minister: Madam Speaker, I am informed by the Officer in Charge of Airports of Mauritius Co. Ltd that Airports of Mauritius Co. Ltd has not retained the services of the *Aéroport de Paris Ingénierie* for consultancy services with regard to the construction of the New Passenger Terminal and of the expansion projects at the Sir Seewoosagur Ramgoolam International Airport.

It is to be pointed out that all airport infrastructure developments are carried out in accordance with an Airport Development Plan, which is updated when the need arises. In September 2018, the Airports of Mauritius Co. Ltd, the Airport of Rodrigues Ltd and the Airport Terminal Operations Ltd have signed a Memorandum of Understanding with *Aéroport de Paris International S.A.* to, *inter alia*, update our Airport Development Plan that will pave the way for future development and expansion of the existing facilities at the Sir Seewoosagur Ramgoolam International Airport to cater for the increase in the passenger traffic for a time horizon up to 2040. It will also cater for the development of the airport into an international aviation hub as well as developing its vicinity into an airport and cargo city in an integrated manner.

The *Aéroport de Paris International S.A.* has submitted its report on 05 March 2019, which is currently being examined by the Airports of Mauritius Co. Ltd.

Madam Speaker: Next question, hon. Jahangeer!

PROCUREMENT POLICY OFFICE – BIDDING DOCUMENTS

(No. B/79) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to public procurement, he will, for the benefit of the House, obtain from the Public Procurement Office, information as to if consideration will be given for the refund of the cost of the public tender documents purchased, in case the tender exercise is cancelled.

The Prime Minister: Madam Speaker, I presume that the hon. Member is referring to the Procurement Policy Office.

In cases where the public body has decided to cancel a bidding exercise, the public body will, henceforth, have to refund the purchase cost of the bidding documents. A directive

to that effect will be issued by the PPO. I would, however, wish to inform the House that the question of reimbursement of cost of bidding documents does not arise where procurement is being carried out under the e-procurement system, where procurement transaction is already free of charge.

Madam Speaker: Hon. Bhagwan, next question!

EDB - OVERSEAS MISSIONS - EXPENDITURE

(No. B/80) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to overseas missions, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the total expenditure incurred in relation thereto as at to date, indicating in each case the –

- (a) purpose thereof and country/countries visited;
- (b) composition of the delegation, and
- (c) amount spent in terms of air tickets, *per diem* and other allowances.

The Prime Minister: Madam Speaker, the information requested by the hon. Member is being compiled by the Economic Development Board and will be placed in the Library of the National Assembly.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I have one supplementary question. Has the hon. Prime Minister given directives to the EDB for a time limit for us to have these replies?

The Prime Minister: Yes, I am pretty sure that - I don't want to be too committal - at least, by next week or the next 14 days, we should be able to have all the information to be tabled in the National Assembly.

May I also just remind the hon. Member - because I just checked this morning - that with regard to all the commitments I have taken to table information, especially with regard to missions and so on, I have so far tabled.

Madam Speaker: Next question!

PMO - SENIOR ADVISERS/ADVISERS - OVERSEAS MISSIONS - EXPENDITURE

(No. B/81) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to overseas missions undertaken by senior advisers/advisers attached to the Prime Minister's Office, he will state the total expenditure incurred in relation thereto since 01 January 2018 to date, indicating in each case the –

- (a) purpose and country/countries visited, and
- (b) amount spent in terms of air tickets, *per diem* and other allowances.

The Prime Minister: Madam Speaker, the total expenditure incurred on overseas missions undertaken by Senior Advisers and Advisers attached to the Prime Minister's Office, in that capacity since 01 January 2018 to date, amounts to Rs1,528,257 excluding *per diem*.

The information requested by the hon. Member with regard to parts (a) and (b) of the question is being tabled.

Madam Speaker: Hon. Bhagwan!

MINISTERS - OVERSEAS MISSIONS - EXPENDITURE

(No. B/82) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to overseas missions undertaken by his good self, the hon. Deputy Prime Minister, Minister of Energy and Public Utilities, the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues and other hon. Ministers, he will state the total expenditure incurred in relation thereto since 01 January 2018 to date, indicating the –

- (a) purpose thereof and country/countries visited, and
- (b) amount spent in terms of air tickets, *per diem* and other allowances.

The Prime Minister: Madam Speaker, I am tabling information regarding missions undertaken by myself. Information regarding other Ministers is being compiled and will be placed in the Library of the National Assembly.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I have one supplementary question for the hon. Prime Minister. Can the hon. Prime Minister inform the House whether he has given any time limit for the other information to be tabled?

The Prime Minister: Well, that information will be tabled pretty soon, again.

Mr Bhagwan: Can the hon. Prime Minister, at least, give the assurance to the House that we will have the reply before the dissolution of Parliament? Because when I went to the Library for a PQ which I asked on 27 March, the document was laid on 12 October. So, can the hon. Prime Minister give the assurance to the House that we will have the reply before the dissolution of Parliament?

The Prime Minister: We have tabled. But, Madam Speaker, the hon. Member is saying that we have tabled the information, although it has taken some time. But, again, I am sure he is aware - let me remind him - there was a question that was asked by a Member of the Opposition at the sitting of 23 November 2004 and that Member asked why is it that the information that was being compiled since 2000 had not been laid in the National Assembly in 2004. The then Prime Minister replied that he will have to wait further, and that Prime Minister was hon. Bérenger at that time.

(Interruptions)

Madam Speaker: Next question, hon. Uteem!

(Interruptions)

EDB - STRATEGIC PLANNING AND ECONOMIC DEVELOPMENT DIRECTORATE

(No. B/83) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Strategic Planning and Economic Development Directorate of the Economic Development Board, he will, for the benefit of the House, obtain from the Board, information as to the –

- (a) composition thereof, indicating the qualifications and salary package of each member thereof, and
- (b) number of reports prepared and submitted to Government since 2017, indicating in each case the strategic and policy advice given.

The Prime Minister: Madam Speaker, the Economic Development Board has been established under the Economic Development Board Act and came into operation in January 2018, following the merger of the Board of Investment, Enterprise Mauritius and the Financial Services Promotion Agency.

The EDB has, since May 2018, a new organisational structure with three Directorates and two Strategic Units, namely –

- (a) a Strategic Planning & Economic Development Directorate;
- (b) an Investment & Trade Development Directorate;
- (c) a Doing Business & Licensing Directorate;
- (d) a Strategic Business Unit for Global Outreach, and
- (e) a Strategic Business Unit for the Africa Strategy.

As the House may be aware, the EDB is mandated to provide strong institutional support for strategic economic planning and ensure greater coherence and effectiveness in economic policy formulation, in accordance with section 4(a) of the Economic Development Board Act.

It is, therefore, through its Strategic Planning and Economic Development Directorate that the Board carries out economic research at the macro-economic level, ensures coordination across Government agencies and maintains constant dialogue with stakeholders on economic matters with a view to –

- (a) formulating macro-economic policies so as to achieve the growth objectives of Government for becoming a High-Income economy;
- (b) identifying opportunities in new economic sectors and engaging with international partners to develop strategic alliances to create the appropriate ecosystem for these sectors, and
- (c) advising on the development of major projects which are of significance or strategic importance to the economy.

Madam Speaker, I am tabling details concerning the composition, qualifications and salary package of members of the Strategic Planning Team. I am informed by the EDB that the post of Head of this Directorate is still vacant as the candidate selected to occupy the post

in January 2019 has declined the offer. Efforts are ongoing at the level of the EDB to recruit the best possible candidate for that important post.

In the absence of the Head, the overall responsibilities of the Directorate fall under the Deputy Chief Executive Officer of the EDB.

With regard to part (b) of the question, I am informed that the Strategic Planning and Economic Development Directorate has, since its inception, been working across the organisation to advise and advocate policies to Government, including, *inter alia* –

- (a) the Mauritius Artificial Intelligence Strategy;
- (b) the Openness Strategy through a report submitted to the National Economic and Social Council, and
- (c) the review of several schemes, including the Occupation Permit, the Speed to Market Scheme, the Mauritius Diaspora Scheme, the Urban Regeneration Scheme and the business environment reforms.

The Directorate has also, over the past six months, engaged extensively with stakeholders with a view to finalising the UN-Government of Mauritius Strategic Partnership Framework. This Framework sets out Mauritius strategic priorities, supported by the UN system and is in line with the Sustainable Development Goals (SDG), including Samoa Pathway and the Africa Agenda 2063.

Furthermore, the Directorate is currently engaged with the World Bank with a view to developing a national sectoral planning framework under a Reimbursable Advisory Services Agreement. In this context, consultations are currently being held for the development of a national planning framework for the manufacturing and digital sectors as well as the elaboration of a blueprint for the agro-industry, including the cane industry.

Madam Speaker, I am also informed that the Directorate is very active on numerous fora such as the Steering Committee for the implementation of the Tourism Strategy 2018-2021 and is advising Government on a regular basis on matters of strategic importance such as Liquefied Natural Gas (LNG) regional value chain, the Africa Strategy, improvement of the ease of doing business as well as participating in negotiations on international relations such as the Comprehensive Economic Cooperation and Partnership Agreement with India and the Free Trade Agreement with China.

The EDB has also been entrusted with the responsibility to coordinate the activities of the Commission for Economic Affairs of the National Economic and Social Council. This Commission has been mandated by Government to provide a permanent forum for multi-stakeholder dialogue, collaboration, coordination and action to generate economic growth that is distributed across the Mauritian society while creating opportunities for all.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Prime Minister mentioned that he is tabling a copy of the composition. If he can do so.

The Prime Minister: Sorry.

Mr Uteem: May I know from the hon. Prime Minister - he has mentioned that the Head of Directorate is vacant - what would be the recruitment method used? Because I did not see any advertisement in any local Press. Is EDB going to make *appel de candidatures* internationally to occupy that position?

The Prime Minister: I do not have the information, but I am pretty sure it is going to be a very transparent process where it will have to be advertised and, therefore, candidates will be interviewed. They will look at their qualifications and the best one will - as I have said, they are looking for the best candidate - be chosen.

Madam Speaker: Hon. Uteem!

Mr Uteem: When presenting the Bill in Parliament, the hon. Prime Minister stated that the Economic Development Board was supposed to replace the people in the Department of Economic Development and Planning, which I quote –

“I would not say it has not worked at all, but has not delivered up to the level that Government has wished.”

So, this was the criticism that the hon. Prime Minister said about the current situation at the level of his Ministry. So, may I know from the hon. Prime Minister whether he is now satisfied that this Directorate is delivering strategic advice to a level that the Government has reached?

The Prime Minister: I have now been informed that the advertisement has been made in the local Press as well as internationally for the recruitment of the Head of that unit.

With regard to the performance, well, I think the answer speaks for that question because there have been numerous instances where the EDB has provided their views, has even made recommendations which Government, of course, has taken into consideration. So, of course, we need to further - let me say this, Madam Speaker - consolidate this Directorate because I believe that as soon as we can recruit this Head of the Directorate, it will become, of course, even more performing and more efficient.

Madam Speaker: Hon. Ganoo!

NATIONAL ASSEMBLY - WOMEN REPRESENTATION

(No. B/84) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to women representation in Parliament, he will state the measures that will be taken to encourage same prior to the holding of the next general elections?

The Prime Minister: Madam Speaker, as the House is aware, Government has already proposed measures to address, in an effective manner, the under-representation of women in the National Assembly. These measures are embodied in the Constitution (Amendment) Bill (No. XXII of 2018), which is already before the House.

It is a matter of regret that the Bill has, so far, not secured the required majority for it to be passed by the National Assembly. However, as I stated in my reply to Parliamentary Question B/4 on 26 March 2019, Government is willing to consider constructive counterproposals on the Bill, provided they do not call into question the fundamental aspects of the Government electoral reforms proposals.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Precisely, Madam Speaker, the purpose of this question and several questions and interventions in the past which I have made myself, is that we must delink this issue of women representation in Parliament and the other proposals in the Electoral Reform Bill which is before the House, as the hon. Prime Minister just said. Pending the Electoral Reform Bill or if the Electoral Reform Bill is not voted, can the hon. Prime Minister consider the possibility of proposing a standalone constitutional amendment to target women representation in the House? Because we are lagging behind and we should, like in the Local Government elections ...

Madam Speaker: Please, we have understood your question, hon. Ganoo! We are short of time. So, I would request the hon. Prime Minister to reply.

The Prime Minister: Yes, Madam Speaker. Let me remind the House that the Constitution (Amendment) Bill is still alive - it is not dead - and, therefore, that aspect of the proposal is already contained in that Bill. Let us see what happens. We still have time. Parliament will still be sitting, and I can assure the hon. Member it will be sitting for quite some time. So, let us see whether we can, at least, have this opportunity to get the required number of votes, hopefully.

(Interruptions)

Never say *jamais*, you never know! But then, of course, Government will decide on the right course of action.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: A last question. Can the hon. Prime Minister, therefore, give a commitment to this House, an undertaking, in case the Electoral Reform Constitution (Amendment) Bill is not adopted, does not go through the House, that before the next elections, he will come before this House with a separate piece of legislation to amend the Constitution for better women representation in our House?

Madam Speaker: It is the same question which is being asked.

The Prime Minister: Madam Speaker, I can give commitment to the House with regard to only the fact that I can rely on the number of votes that we have on this side of the House. I cannot give commitment on votes which are required from the Opposition. I would ask the hon. Member that he better gives me a commitment, gives us a commitment. Then, we will ...

(Interruptions)

Madam Speaker: This is anticipation.

FILM REBATE SCHEME - FUNDS DISBURSED

(No. B/86) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the

Film Rebate Scheme, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the –

- (a) amount of funds disbursed to film production companies in terms of qualifying production expenses, indicating the beneficiaries thereof, and
- (b) figures showing the economic benefits to the Mauritian economy since the implementation thereof.

(Withdrawn)

EDB - MAHEBOURG WATERFRONT - PROPOSALS

(No. B/87) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed request for the development of the Mahebourg Waterfront, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the proposals received, if any, giving details thereof.

(Withdrawn)

EDB - SPEED TO MARKET SCHEME - FUNDS DISBURSED

(No. B/88) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Speed to Market Scheme, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the amount of funds disbursed thereunder, indicating the number of beneficiaries thereof and the name of the beneficiary having obtained the biggest amount, indicating same.

(Withdrawn)

Madam Speaker: The Table has been advised that PQs B/86, B/87 and B/88 have been withdrawn. Hon. Members, time is over!

For hon. Ministers, the Table has been advised that PQs B/92, B/94, B/105, B/124, B/125 and B/137 have been withdrawn. PQ B/123, in regard to the renovation of *Pont Cavendish* at Ville Noire, will be replied by the hon. Minister of Tourism.

Hon. Osman Mahomed!

CEB (FACILITIES) CO. LTD - OPERATIONAL COSTS

(No. B/89) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the CEB (Facilities) Co. Ltd., he will, for the benefit of the House, obtain therefrom, information as to –

- (a) if same is functioning as per an approved Business Plan and, if so, table copy thereof;
- (b) the total operational costs thereof as at to date;
- (c) the latest audited accounts thereof and table copy thereof;
- (d) the number of staff recruited thereat as at to date and the number thereof planned for recruitment by 2019, and
- (e) the achievements thereof, if any.

The Deputy Prime Minister: Madam Speaker, with regard to part (a), the CEB (Facilities) Co. Ltd was incorporated on 03 March 2017. The CEB Board decided that the company would operate a customer call centre and take over the hotline service of CEB. The company prepared a Financial and Operational Plan which was approved on 31 March 2017 by its Board. The call centre also provides hotline services to CWA.

I am further informed by the CEB that in May 2018, it decided that the CEB (Facilities) Co. Ltd should provide other services such as tree lopping, security and cleaning.

After the appointment of the General Manager, the Company prepared a comprehensive Business Plan, which was approved on 03 July 2018. It is operating in accordance with the approved plan.

I have been advised that the Strategic Business Plan contains sensitive business and commercial information, which if made public, would be detrimental to its interest. I am not, therefore, in a position to table a copy thereof.

With regard to part (b), I am informed that the total operational cost of the company for two years that is 24 months from March 2017 to February 2019 amounted to Rs31,371,329.

As regards part (c), I am informed that instead of retaining a private audit firm, the CEB (Facilities) Co. Ltd chose to have recourse to the National Audit Office for the auditing of its accounts. On 03 May 2018, CEB (Facilities) Co. Ltd submitted to the National Audit

Office its accounts for period March to June 2017. The National Audit Office then requested that the accounts be submitted for a period of 16 months - that is March 2017 to June 2018.

I am informed that on 17 December 2018, the company forwarded the accounts for 16 months to the National Audit Office. On 26 March 2019, the National Audit Office submitted its comments and CEB (Facilities) Co. Ltd is now in the process of working on its reply to the National Audit Office.

With regard to part (d), I am informed that CEB (Facilities) Co. Ltd has recruited 47 employees mainly for the operation of the hotline services.

As it intends to expand its activities, namely to provide security, cleaning and tree lopping services, the company will require additional workforce. The requirements are presently being worked out.

As regards part (e), CEB (Facilities) Co. Ltd has set up and is operating a call centre which provides 24 hour, non-stop hotline services to the CEB and the Central Water Authority. Since the beginning of its operations, the call centre has handled 967,614 calls from customers. The tree lopping service is expected to start on a pilot basis in May 2019 and, for that purpose, it is now establishing necessary organisation structure, operational systems, procurement of equipment and material and procedures for hiring personnel for new services.

Mr Osman Mahomed: So, unfortunately, I won't be having the two documents that I have asked to be tabled for this loss-making company so far. Can I ask the hon. Deputy Prime Minister the rationale for creating this company, a utility customer care centre which is paying Rs5 m. per year for this facility - CEB is paying for that - when before CEB was paying much lesser than Rs1 m. for the same service to Mauritius Telecom? What is the rationale of creating such a company that is loss-making and yet costing more to the CEB?

The Deputy Prime Minister: Well, I am not sure about these figures. I have to check before I can confirm the accuracy of these figures. In 2015, the Board of the CEB took a strategic decision, that is, that these activities like cleaning, security, tree lopping would not continue to encumber the Board of the CEB as it had done in the past. That was a strategic decision, that was a Board decision, and they decided to have separate business units for these operations. They decided - and it came to Parliament - that these business units would take the form of wholly-owned subsidiaries. That is the logic of this and, as any company is entitled to do, they are progressing in this direction.

Now, about the figures, yes, there is room for discussion about this, whether it is more or less than Mauritius Telecom that they were paying to Mauritius Telecom, I am not too sure, I have to check and verify before I can reply to you.

Madam Speaker: Hon. Osman Mohamed!

Mr Osman Mahomed: Yes. Can I ask the hon. Deputy Prime Minister why is it that this company, which is still loss making today, is paying Rs3 m. per year for transportation of 47 workers day and night, when during the day, the workers could have taken the normal bus, what is the rationale behind this? Is it because there is a dealing with a company? Has it to do with protection of *petits copains*? This is what people are saying.

The Deputy Prime Minister: It has got something to do with the treatment that you give to your employees. I mean, we live in Mauritius, we need to encourage employees to come. I don't know which *petits copains* you are talking about. Regarding the transportation of employees, I will give you the figures. It is Rs5,855,000 I believe, and according to the company, money well spent.

Mr Osman Mahomed: Last question! So, Rs5 m. for 47 workers. Can we have the name of the contractor delivering this service, please?

The Deputy Prime Minister: Well, I don't have it. If you ask me a substantial question, I will come with it.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. In its financial year, I see we have a provision for our construction of a multi-purpose building for swimming pool, sauna, *massage* at Côte d'Or for Rs150 m. which we alternately transferred to CEB facilities. So, will this project go ahead?

The Deputy Prime Minister: I am sorry, I didn't catch the question. But let me add that all the figures that I have given, Rs5 m. of transport was for two years, so that Rs5 m. must be divided by 2, that is, Rs2 m. per year. I am afraid I did not catch the question on Côte d'Or.

Madam Speaker: Hon. Bhagwan! Hon. Baboo, last question!

Mr Baboo: Can the hon. Deputy Prime Minister confirm that proper recruitment procedures have been followed and if possible to table the list of staff recruited and their qualifications, please?

The Deputy Prime Minister: The list of staff, I cannot do that. The law doesn't allow me to do this. But for recruitment procedures, if the hon. Member will ask a proper question, I will come with it. I suppose it must have gone to the usual process which is adopted by CEB, but I don't know. The question was not asked.

Madam Speaker: Next question, hon. Osman Mahomed!

CEB (GREEN ENERGY) CO. LTD - GENERAL MANAGER

(No. B/90) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the CEB (Green Energy) Co. Ltd., he will, for the benefit of the House, obtain therefrom, information as to the procedure followed for the recruitment of the General Manager thereof, indicating the name, qualifications and terms and conditions of employment of the incumbent.

The Deputy Prime Minister: Madam Speaker, I am informed by the CEB (Green Energy) Co Ltd that, for the purpose of recruiting its General Manager, it published advertisements in the Press and on CEB's website that was in July 2017. In addition, on 21 July 2017, it had requested a recruitment agency, to provide a list of potential candidates.

At the closing date on 14 August 2017, the company had received nine applications in response to the public advertisement and a list of eight candidates from the recruiting agency.

Following a screening exercise, 10 candidates were found to be eligible and qualified for appointment. These 10 candidates were interviewed by the Board of the company on 11 December 2017. Following these interviews, two candidates were shortlisted.

On 15 January 2018, the members of the Board of CEB (Green Energy) Co Ltd, interviewed the two candidates and recommended the appointment of Mr Maheshwur Raj Dayal as General Manager.

Mr Dayal, aged 41 years, is a Chartered Engineer with the UK Engineering Council and a Member of the Institute of Electrical Engineers of UK (IEE). He holds a Masters in Engineering (MEng) from the University of Dundee, with First Class Honours. He was awarded the National Scottish Graduate award in 2003 for outstanding performance throughout university and displaying excellence in Engineering.

He has served in various positions in the field of energy in Scottish institutions, namely –

- (i) in 2002, he was in part time employment with NCR FSG Ltd, which is involved in developing transformational transaction technologies;
- (ii) from 2003 to 2010, he was Executive Electrical Engineer at Hoare Lea Consulting Engineers of UK which deals with complex engineering and design challenges for buildings and environmental and sustainability services.
- (iii) From 2013 to 2015 Transmission Planning Outage and Operations Manager in the same company and from 2010 to 2013 as Lead Transmission Investment and Network Development Manager;
- (iv) From 2015 to 2018 as Senior Transmission System Planning and Investment Manager at the Scottish Hydro Electric Transmission plc which involved, amongst others, management of existing and future transmission systems for the northern part of Scotland and connection to 2.5 GW of renewable energy to the grid.

I am informed by CEB (Green Energy) Co Ltd that Mr Dayal draws a salary of Rs120,000 monthly, a car allowance of Rs8,750 and a travelling allowance of Rs10,000. He is entitled to a performance bonus of up to one month's salary after 12 months satisfactory performance and to sick and annual leave benefits as specified in the Employment Rights Act.

Mr Osman Mahomed: Thank you. The notice of vacancy specified a degree in Engineering and 15 years of experience with, at least, five years at senior management level and Mr Maheshwar Raj Dayal was registered on 13 February 2012, therefore, reckoning only five years of experience at the time of application. Can I ask the hon. Deputy Prime Minister whether he would be prepared, for comparative sake, to table the qualifications of the second applicant so that we can compare notes?

The Deputy Prime Minister: Well, I could do that. It would be very unfair to that other candidate to table his CV because it pales compared to the CV of Mr Dayal. It is not good that his name becomes public and that is most unfair and I would be doing this under Parliamentary Immunity. Now, the advert tells us that you needed 15 years of experience with, at least, five years at senior level preferably in the field of energy. It is not 15 years' experience after registration at local level, and he had the requisite experience. He had his experience in Scotland and, of course, he was not registered in Mauritius. He was registered in Scotland.

(Interruptions)

Madam Speaker: Order!

Mr Osman Mahomed: The Board of this company is chaired by Mr C. T. Naidoo who also chairs the panel of interview and who is also the Chairman of this company, subsidiary, and is also the Chairman of the Board of CEB. Can I ask the hon. Deputy Prime Minister, since we had the chance to discuss about this before, whether this lack of devolution is not an issue which tantamount to basic good governance principle because he chairs the panel of interview, he chairs the subsidiary and he chairs the Board of the CEB. How does it work?

(Interruptions)

The Deputy Prime Minister: I agree there is room for discussion on this, but this is a start-up company and it had to start somewhere. Mr Naidoo is not alone in this Board. There are, I believe, Mr Bikoo, the Technical Director of my Ministry, there is probably Mrs Appanah on this Board, I am not too sure. On an appropriate occasion, I will give the list of the Board Members; I don't have them right now in my mind. But the whole interview was conducted by the whole Board of the company and not by one person.

Madam Speaker: Next question, hon. Osman Mahomed!

NHDC LTD – HUMAN RESOURCE MANAGER

(No. B/91) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Housing and Lands whether, in regard to the recruitment of a Human Resource Manager at the National Housing Development Company Ltd., he will, for the benefit of the House, obtain from the Company, information as to the –

- (a) name and qualifications of the incumbent thereof and table copy of the Curriculum Vitae and qualifications;
- (b) date the said person joined the company, indicating –
 - (i) in which capacity;
 - (ii) salary at entry point and present package drawn, and
 - (iii) mode of recruitment thereof at entry point and in current position.

Mr Jhugroo: Madam Speaker, I am informed by the NHDC Ltd that on 01 September 2018, one Miss A.B., was appointed by the company as Human Resource Manager.

Regarding part (a) of the question, the information is being tabled.

As regards part (b)(i) and (ii) of the question, I am informed by the NHDC Ltd that Miss A.B. joined the Company as Human Resource Officer on 16 May 2016, on a 3-year contract basis, with a monthly salary of Rs45,000.

The present package drawn by her as Human Resource Manager is as follows –

- (i) a monthly salary of Rs79,950;
- (ii) a monthly travelling allowance of Rs24,000;
- (iii) eligibility to purchase her own car up to 1600 cc with a cash grant every five years, towards the payment of customs duty and Value Added Tax (VAT), and
- (iv) clothing allowance of Rs10,000 per year.

Madam Speaker, with regard to part (b)(iii) of the question, I am informed by the NHDC Ltd that in March 2015 it had issued an internal advertisement for a post to fulfil Human Resource functions in the Administrative Department. However, following an internal interview exercise carried out, none of the candidates who had applied was found suitable for the post.

Subsequently, the post of Human Resource Officer was advertised in the Press in June 2015 with a salary of Rs26,300 for a one-year contract, renewable subject to performance and organisational needs. An interview exercise was carried out in September 2015 for this post, following which an offer was made to one Mr K. D., who was ranked first. However, the latter declined the offer made.

Consequently, an offer was made to Miss A.B. who was ranked second at the interview. She also turned down the offer as she took up employment elsewhere.

The post of Human Resource Officer was re-advertised in February 2016. In order to attract suitable candidates, the NHDC Ltd reviewed the conditions of employment by proposing a 3-year contract and a salary range between Rs45,000 and Rs57,000, negotiable. During this recruitment exercise, Miss A.B. was ranked first in the interview out of 11

candidates and she was appointed by the Board of the NHDC Ltd as Human Resource Officer with a salary of Rs45,000 with effect from 16 May 2016.

Madam Speaker, I am informed by the NHDC Ltd that on 07 August 2018, Miss A.B. submitted her request for leave without pay for a period of two years to take up employment as Human Resource Manager in Metro Express Ltd with a monthly salary package of Rs100,000. The matter was referred to the Human Resource Committee of the Board of the NHDC Ltd.

The HR Committee examined the request at its meeting held on 16 August 2018. The proposal from Management in respect of the duties performed by Miss A.B., namely the fact that she has designed the Performance Management System, redressed the general working conditions, set up training plan, staff welfare and recognition programme and implemented HR procedures for better organisational efficiency was taken into consideration.

The HR Committee considered that Miss A.B. was a valuable asset to the Company and opined that negotiation be held with her for a similar package (to that of Metro Express Ltd) for appointment as Human Resource Manager. The post would have to be created and the salary would be as per prevailing conditions of service for Managers at the NHDC Ltd (that is, a starting salary of Rs79,950). The other alternative proposed by the HR Committee was to approve the application from Miss A.B. for leave without pay and initiate action for her replacement.

At its meeting held on 28 August 2018, the Board of the NHDC Ltd approved that Miss A.B. be appointed as Human Resource Manager with effect from 01 September 2018.

Madam Speaker: Hon. Minister, I appreciate that you are providing valuable information to the House but, however, your reply I believe is too lengthy and if you could circulate the reply that would help the House.

Mr Jhugroo: At its meeting held on 28 August 2018, the Board of the NHDC Ltd approved that Miss A.B. be appointed as Human Resource Manager with effect from 01 September 2018 on a 6-months' probation period based on the proposal made by Management and recommendations made by the HR Committee.

Mr Osman Mahomed: Thank you. I will certainly read the reply with a lot of interest, but I note that she refused a job when she was ranked 07 and that job was not offered to the second, but anyway. Can I ask the hon. Minister whether he has had the chance to read the letter that the staff of the NHDC has written to ICAC on 23 October 2018, copied to him,

explaining their grievances with regard to the recruitment of this lady and her fast track promotion from HR Officer to HR Manager in record time, never to be seen before in NHDC, let alone in NHDC, but any parastatal in this country?

Madam Speaker: Hon. Member, I will not allow this question given that you yourself said that there is a letter which has been referred to ICAC. I don't think it would be appropriate for the Minister to comment on a letter which has...

(Interruptions)

Please, resume your seat! It would not be appropriate for the Minister to comment on a letter which has been sent to ICAC. He may only say whether he has taken cognizance, he is aware or not, and that is the end of the matter.

Mr Jhugroo: Madam Speaker, let me remind hon. Osman Mahomed, former MD of the NHDC, with regard to conditions of service of employment on Chapter 2...

Madam Speaker: No! Hon. Minister, I am sorry. The question that has been asked is whether you are aware that there is a letter which has been sent to ICAC. You should say either you are aware or you are not aware.

Mr Jhugroo: I am not aware, Madam Speaker!

(Interruptions)

Mr Osman Mahomed: Sorry, I did not hear. Is he aware or not?

Madam Speaker: He said he is not aware.

(Interruptions)

Mr Osman Mahomed: So, can I for his ...

Madam Speaker: Well, that is a matter that has to be dealt with between the hon. Minister and yourself but not to be tabled.

Mr Osman Mahomed: Yes, one copy to the hon. Minister.

Madam Speaker: The hon. Member has got another question?

Mr Osman Mahomed: Can I ask the hon. Minister whether he would agree with me that in promoting Mrs O. B. from HR Officer to HR Manager, the record at the level of the NHDC has been broken because all other Managers have reached their position after long

service at the NHDC mostly an average after 15 years they have been promoted to the post of Manager?

Mr Jhugroo: Let me remind the hon. Member, when he was MD of NHDC...

(Interruptions)

Let me remind him what he has done!

(Interruptions)

Madam Speaker: Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, please resume your seat! Do not address the hon. Member, you address the Chair.

Mr Jhugroo: *Le donneur de leçons*, let me remind him what he has done. One Mr I. Sooria was promoted Manager in two months when he was MD.

(Interruptions)

Madam Speaker: Do not mention names! Hon. Minister, please do not mention names!

(Interruptions)

Order! Order, please!

Dr. Boolell: Madam Speaker, you were on your feet when he was given the reply. Was he allowed to give that reply? When you are on your feet, he should have sat down!

Madam Speaker: Now, it is up to me to see how I regulate the works of the House. I asked the Minister not to mention names because you cannot mention names of people who are not in this House and they cannot defend themselves.

(Interruptions)

Mr Osman Mahomed: On a point of clarification, the information just stated by the hon. Minister is not correct.

Madam Speaker: So, if you are saying that the information is not correct, would you come with a Motion on this matter to this House?

Mr Osman Mahomed: Yes, I definitely will!

Mr Jhugroo: Madam Speaker, I can table with regard to the recruitment of Managers.

(Interruptions)

Now, with regard to conditions of service at the NHDC at Chapter 2 because he is well aware as former MD, at paragraph 2.1.1 – Appointment, vacancies can be filled by appointment of qualified serving officers or by public advertisement according to the criteria laid down in the relevant schemes of service. At 2.1.2 – All appointments made by the company shall be subject to the approval of the Board, however, priority of consideration will be given to best serving officer according to performance appraisal. Qualified and experienced employees of the company provided they fulfil all the requirements of the post.

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed! Do not ...

Mr Jhugroo: She is not a *marchand du pain*! Go and see her qualification! She has got a Master in Human Resource!

(Interruptions)

Madam Speaker: Don't point fingers!

The Table has been advised that PQ B/114 and B/115 have been withdrawn. I suspend the sitting for one and a half hours.

At 1.09 p.m., the sitting was suspended.

On resuming at 2.43 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Jahangeer is not there. So, we proceed. Hon Ameer Meea!

WASTEWATER MANAGEMENT AUTHORITY - PUMPING STATIONS - MAINTENANCE

(No. B/92) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Wastewater Management Authority, he will, for the benefit of the House, obtain therefrom, information as to the names of the contractors having obtained maintenance contracts for pumping stations for the period 2016 to 2018.

(Withdrawn)

CCTV SURVEILLANCE SYSTEM - SOCIAL SECURITY OFFICES

(No. B/94) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Rental of Complete CCTV Surveillance System for all Social Security Offices in Mauritius, Medical Appeal Tribunals and Head Office at Renganaden Seeneevassen Bldg., Port Louis (MSS/OAB-09/2018-19), he will state the –

- (a) name of the successful bidder, and
- (b) contract value thereof.

(Withdrawn)

COCOTERIE, ROCHE BOIS - DRUG PROLIFERATION - MEASURES

(No. B/95) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Cocoterie, in Roche Bois, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an increase in drug proliferation thereat has been observed and, if so, indicate the remedial measures that will be taken in relation thereto.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that the number of drug cases in the Cocoterie region has increased. This is mainly due to an increase in the number of cases of synthetic drugs detected thereat. To that effect in 2018, 45 cases of drugs have been reported out of which 23 cases were related to synthetic drugs compared to 16 cases in 2017 out of which 8 were related to synthetic drugs.

With regard to the second part of the question, Police including ADSU have taken several remedial measures to curb the proliferation of drugs in the region comprising, among others, the following –

- (i) ADSU is working jointly with other units and branches of the Force to carry out preventive patrol in the region;
- (ii) regular targeted crackdown operations are being conducted in collaboration with NCG Commandos, GIPM and Police Dogs Unit;
- (iii) a zero tolerance and an intelligence-led approach have been adopted to combat the drugs scourge in the country including the region of Roche Bois;

- (iv) aggressive sensitisation campaigns are being conducted in the educational institutions, community centres and in public places on the ill-effects of illicit drugs;
- (v) ADSU has increased its presence and is keeping surveillance in the affected areas. To that effect, suspicious persons and vehicles are being systematically searched;
- (v) ADSU has increased its presence and is keeping surveillance in the affected areas. To that effect suspicious persons and vehicles are being systematically searched;
- (vi) Modern equipment is being used such as Remotely Piloted Aircraft (Drone), night vision binocular and other sophisticated equipment to identify drug peddlers, prolific offenders suspected to be involved in drug trafficking offences, and
- (vii) The capacity of frontline officers is being improved.

During the period 2015 to date 89 cases of drugs have been established in the region. 91 persons have been arrested out of which 22 persons have already been sentenced by the Court.

Madam Speaker, the Government is fighting the drug scourge with unflinching resolve. We are giving results which are attested by numerous seizures of drugs to the tune of Rs5.7 billion since 2015 to date and many arrests. The nation can rest assured that the drug mafia is being put at bay.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. Madam Speaker, the House will recall that I raised this issue of drug proliferation in Cocoterie region on 09 October 2018, and the problem with this region specifically is that there is an organised gang operating on a daily basis.

This was clearly depicted by a news broadcast from ION News. So, therefore, can I appeal to the hon. Minister Mentor that this gang, more specifically in Cocoterie Roche-Bois region, there have been more frequent ...

Madam Speaker: Hon. Ameer Meea, I said that the object of question time is to ask for supplementary information. If you already have the information, then this is not the forum for it, you can come with it at adjournment time.

Mr Ameer Meea: I do not have this supplementary information which I am going to ask. My question to the hon. Minister Mentor is: how many raids, how many visits have ADSU and the Police performed in this region, that is, Cocoterie, Roche-Bois?

Sir Anerood Jugnauth: Well, all the forces I have just mentioned are active everyday in the region.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, with due respect to hon. Minister Mentor, I myself I said it before, I have been there last Sunday and I witnessed how this business is going on and this is affecting not only the people of Roche Bois but all the surrounding of Port-Louis because this is a *place d'approvisionnement*. So, my question again, because it seems to me as if the ADSU and the Police is being helpless in this case ...

Madam Speaker: Look, I have said question time is not statement time. Hon. Ameer Meea, I am addressing myself to you. This is not statement time, this is a matter which could have been raised at adjournment time.

Mr Ameer Meea: Madam Speaker, I have raised it at adjournment time and nothing happened. That is why I came here today with a Parliamentary Question.

Madam Speaker: Can you be specific with your question and not provide information. Ask for supplementary questions, but do not provide information.

Mr Ameer Meea: Madam Speaker, this is a question of National importance.

Madam Speaker: Please sit down and do not argue! I have given my ruling on this and I have said that if you have information, the object of question time is not for you to provide information, it is for you to fish out information from hon. Ministers.

Mr Ameer Meea: My question to the hon. Minister is: - and this is not information, it is a question - has the mastermind, the people behind this gang been arrested? Because this is of public domain, everybody knows in Port Louis where they sell drug. Have these people been placed behind the bars?

Sir Anerood Jugnauth: The hon. Member has been personally witness to certain things. Well, he should have reported it to the Police.

(Interruptions)

Madam Speaker: Hon. Ameer Meea, you are from a sitting position and you cannot argue with the hon. Minister.

Sir Anerood Jugnauth: The hon. Member has been saying it is open, everybody knows it, there is a gang and there is one at the head of the gang. Well, he should have disclosed all this to the Police.

Mr Ameer Meea: Madam Speaker, it is really a pity because the Government has a Police, they have the ADSU, they have NIU, they have so many officers...

Madam Speaker: Hon. Ameer Meea, ask your question! You do not have a question. Hon. Shakeel Mohamed, you have a question.

(Interruptions)

No, I have given the floor to hon. Shakeel Mohamed!

Mr Mohamed: Madam Speaker, thank you very much. I would like to ask the hon. Minister Mentor why is it - since this is not the first time the question has come to this House and since it is not the first time that hon. Ameer Meea has put the question to him with information as, Madam Speaker, says - that he seems to have not at all reacted to it but is only content with giving interesting answers, but as far as action is concerned, which he is responsible for and what he is paid for as a salary, why is he so not doing a thing and is totally passive when it comes to doing his job?

Sir Anerood Jugnauth: I have just answered. I have given the names of all the sections of the Police that are looking into these actively everyday. What does he expect, this hon. Member?

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed!

(Interruptions)

Hon. Shakeel Mohamed!

(Interruptions)

Hon. Shakeel Mohamed, I am addressing myself to you. I think you have to be moderate in your statement and especially from a sitting position...

(Interruptions)

Hon. Shakeel Mohamed, this is the last time I am warning you. You have to be moderate. I think we need to have certain decorum in this House and this is not the way to address a hon. Member.

(Interruptions)

Sir Anerood Jugnauth: *Mauvais mal élevé!*

(Interruptions)

Madam Speaker: Who said that? This is also unparliamentary, I think you have to withdraw that also. You have to withdraw.

(Interruptions)

Hon. Shakeel Mohamed, are you picking up a quarrel from a sitting position?

(Interruptions)

Please! I asked him to withdraw.

(Interruptions)

He did. He has withdrawn, I have seen him withdraw. Okay, next question, hon. Ameer Meea!

Mr Ameer Meea: With this kind of attitude, I prefer next question!

MAURITIUS - UNITED ARAB EMIRATES - EMBASSY - SETTING UP

(No. B/96) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the proposed setting up of an Embassy of the United Arab Emirates in Mauritius, he will state where matters stand.

Mr Bodha: Madam Speaker, I wish to inform the House that the United Arab Emirates has not yet made any formal request for the opening of a diplomatic mission in Mauritius.

In a letter dated 17 January 2018, our High Commissioner in Maputo informed the Ministry that Dr. Rashid Al Afari, the *Chargé d'Affaires* of the Embassy of the United Arab Emirates in Mozambique, had verbally conveyed that its Government was considering the opening of a diplomatic representation in Mauritius.

From supplementary information which has just been supplied to me, there was a meeting between my predecessor and Sheikh Al Nahyan, the Minister for Foreign Affairs of the UAE in April 2018 where the UAE Government said that they were very interested in having a better representation in Africa. And subsequently the UAE authorities requested information pertaining to immunities, privileges and facilities that would be granted by the host State, that is, Mauritius.

Sheikh Abdullah Al Nahyan was to undertake an official visit in October 2018 to Mauritius. However, the visit was postponed due to a pressing regional crisis. The UAE Government has, in November 2018, requested the *agrément* of the Government of Mauritius for the appointment of his Excellency Ambassador Al qahtani, the current ambassador to the UAE to Maputo as non-resident ambassador of the UAE to Mauritius and the request is being under process.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: I do not have any supplementary on this.

Madam Speaker: Next question, hon. Ameer Meea!

SUPER CASH BACK GOLD – POLICY HOLDERS

(No. B/97) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to the Super Cash Back Gold policies of the former BAI Co. (Mtius) Ltd. and the Bramer Asset Management Ltd., he will, for the benefit of the House, obtain from the National Property Fund, information as to –

- (a) the number of policy holders who have not been repaid, indicating the –
 - (i) reasons therefor, and
 - (ii) amount of money invested by late Mr G. P. therein, indicating the quantum refunded and why he has not been fully refunded, and
- (b) where matters stand as to the realization of the assets thereof.

Mr Sesungkur: Madam Speaker, as the House is aware, the Super Cash Back Gold was the most popular insurance product proposed by the then British American Insurance Co. Ltd and represented 80% of the total net premium received by the company.

According to the investigation carried out by nTan BAI Group in 2016, some Rs45.8 billion were received by the British American Insurance Company for the Super Cash Back Gold policies between 2007 and 2013. The Super Cash Back Gold Scheme was being kept artificially afloat by the British American Insurance Co. Ltd. The nTan report established that the British American Insurance Co. Ltd. was already bankrupt as far back as 2010 had incurred losses to the tune of Rs14.7 billion as at 2013.

I wish to inform the House as at to date, the National Property Fund Ltd. has repaid approximately 20,400 Super Cash Back Gold policyholders and Bramer Asset Management Ltd. investors for an amount of over Rs17 billion.

Madam Speaker, as I stated in my replies to previous questions on the same subject matter put by the same hon. Member, this Government acted promptly to protect our financial system and acted humanely to safeguard the interest of 140,000 policyholders and around 1,000 employees.

Madam Speaker, with regard to parts (a) and (a)(i) of the question, I am informed by the NPFL that out of 5,035 Super Cash Back Gold individual policyholders, 4,980 have turned up and completed their formalities for repayment. Of these, only two policyholders have not yet been repaid. Their applications are currently being processed for payment. The remaining 55 individual policyholders did not turn up to complete repayment formalities.

Moreover, there were 54 entities which held Super Cash Back Gold policies. 52 of them completed their repayment formalities and they have all already been paid. The remaining two entities have not completed the repayment formalities.

As regards the Bramer Asset Management Limited investments, there were 320 individual investors and 78 entity investors. Of these, 302 individuals and 61 entities have completed repayment formalities while the remaining 18 individuals and 17 entities did not turn up. As at date, only two Bramer Asset Management Limited individual investors have completed the repayment formalities, have not yet been paid and their applications are under process for payment. Whereas, all entities have been repaid.

Madam Speaker, as regards part (a)(ii) of the question, following legal advice received, it would be a breach of the Data Protection Act to disclose personal data pertaining to one individual as it is tantamount to putting such information in the public domain. As such, no information regarding Mr G.P. could be disclosed.

With regard to part (b) of the question, I am informed by the NPFL that as at date, none of its assets has been realised. An exercise for the evaluation of its assets has now been completed and action is being initiated for the disposal of same. Thank you.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes, Madam Speaker. I understand that in the case of Mr G.P. the hon. Minister cannot give the information, I mean, the figures. Can I ask the hon. Minister if he is aware that the case of Mr G.P. is very similar to the case of the brother of Mr Prakash Maunthrooa, whereby a huge amount was invested and in both cases both persons were involved; they have been cleared by the FAU, by the MRA, by the Integrity Reporting Board? And I have all the letters and all the documents which I shall not table, but I will give it to the hon. Minister because it seems that he has not all the information. So, can I know exactly without getting into the precise details why there is this *deux poides deux mesures* in the case of Mr Maunthrooa and in the case of Mr G.P.?

Mr Sesungkur: Madam Speaker, I don't know whether there has been *deux poides deux mesures*. As I have said in my reply, there are only certain information that I can give to the House and the others, of course, I will try to find out because I don't manage the NPFL myself on a day-to-day basis. So, I will have to get back to the company to find out.

Madam Speaker: Okay, the hon. Member will have the information.

Mr Ameer Meea: Yes, I know that the hon. Minister does not manage it on a daily basis, but it falls on the purview of his Ministry. So, in the case of Mr G.P., he passed away, it is only *ses héritiers*, his heirs who are now doing all the procedures, the NIC wrote them an official letter and they came to NIC Office in December, they signed all the papers and the officers told them that the money will be deposited in two weeks. Now it is being four months and they do not have any reply.

Madam Speaker: Question please!

Mr Ameer Meea: Therefore, can I ask the hon. Minister if he can look into the matter and see to it that justice is being done to these people?

Mr Sesungkur: Positive, Madam Speaker.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister keeps referring investors have been paid. May I know from the hon. Minister, were these investors paid 100% of their investment? Were they given options? Were they forced to accept discounts? Also, if he is able to tell us what is the percentage of people who were not paid in full, they have been paid only 80% or less?

Mr Sesungkur: Madam Speaker, on many occasions, I have given full details about the scheme, the proposal which Government came up in an attempt to alleviate the plight of so many investors who wouldn't have been paid a penny if we apply common sense and normal rule. The Government has made an effort, an exceptional effort and, as mentioned in my reply, we have disbursed around Rs17 billion to compensate those people, invitations were made to all the policyholders, all the investors, Super Cash Back Gold and Bramer Asset Management, and approximately if my mind does not fail, we have paid more than 99%. There is only a few who did not take advantage of the proposal. So, it was voluntary for those who did not take advantage to come up. We didn't exert any pressure on them, it was voluntary, they came up, they made their request to get paid the amount which was proposed by Government. There hasn't been any pressure, it was voluntary. I am happy that today such a problem of such a huge magnitude, we have more or less handled it and the clients, the investors have been paid. I think it is a big achievement for this Government.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Merci, Madame la présidente. Si ma mémoire est bonne, le 19 mai 2017, le ministre avait dit, dans une déclaration concernant les avoirs de la BAI, que les *assets* ont été vendus à des prix beaucoup plus bas par rapport à la valeur réelle. Il avait même dit qu'une enquête allait se faire au niveau de son ministère et que les personnes concernées allaient être sanctionnées. Cela fera deux ans dans un mois. Est-ce qu'on peut savoir quelle est la position en ce qui concerne cette enquête, s'il vous plaît?

Mr Sesungkur: Je ne me rappelle pas avoir dit que les actifs ont été vendus à un prix bas. Je me rappelle avoir dit que les actifs Britam, qui est une entité basée au Kenya, a été vendue à un prix qui ne reflète pas sa valeur. Donc, il y a une enquête qui est en cours, il y a une investigation. Donc, après l'investigation, après cette Commission d'enquête, les actions vont être prises.

Madam Speaker: Next question, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, I have a last supplementary on this one, I had only two.

Madam Speaker: No, next question! 10 minutes already on this question, hon. Ameer Meea! So, next question, please!

Mr Ameer Meea: Time passes very quickly on my turn. So, B/98!

PETROLEUM PRODUCTS - MANGALORE REFINERY - SUPPLY

(No. B/98) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the procurement of petroleum products from Mangalore Refinery, he will state the measures Government proposes to take in the wake of the sanctions to be imposed by the United States of America on Iran to avoid disruption in the supply of petroleum products in Mauritius.

Mr Gungah: Madam Speaker, the State Trading Corporation (STC) has been procuring refined petroleum products from Mangalore Refinery and Petrochemicals Limited (MRPL) since 2006.

Although MRPL sources its crude oil from different countries, the refined petroleum products are produced by MRPL in India. The petroleum products which are exported to Mauritius are, therefore, of Indian origin.

I am informed by the STC that its marine insurer has confirmed that “Any processed product that has been produced from Iranian Origin Crude Oil shall at all-time be covered”.

With regard to US Sanctions imposed on Iran, MRPL has confirmed that, as it is a Public Sector Undertaking, its crude lifting will be done as per guidelines of the Ministry of Petroleum and Natural Gas of the Government of India and the petroleum products will be shipped to Mauritius accordingly.

Madam Speaker, the current contract between the STC and MRPL will expire on 31 July 2019.

However, for period beyond 01 August 2019, the Government has agreed that the STC has recourse to tenders on the international market. Thus, on 25 March 2019, the STC has launched a tender exercise for the Supply of Petroleum Products for the period 01 August 2019 to 31 July 2020, and the closing date is 29 April 2019.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. As the hon. Minister just stated to the House, it has been 13 years that Mauritius has been buying petroleum products with Mangalore Refinery, and it is a contract of about Rs26 billion per year, therefore can I ask the hon. Minister what is the reason, what is the rationale behind this decision of Government of not buying the petrol from Mangalore Refinery?

Mr Gungah: Madam Speaker, the recourse to a tender exercise is, of course, more transparent. And secondly, I must say that there is also a possibility now of procuring petroleum products, that is, white oil and black oil from two different suppliers.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: As we are aware that in such a technical issue of buying petroleum products, does his Ministry, STC has the appropriate expertise and knowledge because in this type of discussion, as we have witnessed it in the past, if we don't have these expertise and in a bargain, in a deal, Mauritius can be worse off in terms of negotiation, and it has happened in the past? So, can I ask the hon. Minister if he is satisfied that STC can negotiate this contract with appropriate expertise?

Mr Gungah: Obviously, Madam Speaker, STC has appointed a consultant to work on the tender documents and the tenders have been launched. I have had the opportunity of going through the document and it looks to me very professional.

Madam Speaker: I will give the floor to hon. Adrien Duval first, and then I come to you.

Mr A. Duval: Thank you, Madam Speaker. Madam Speaker, I am glad that the Minister is talking about transparency. Will he, this time, lay the contract that is awarded on the Table of the Assembly in the name of transparency so that we can peruse the different clauses, and then ask questions?

Mr Gungah: Madam Speaker, we will cross the bridge when we reach it.

Madam Speaker: Hon. Ameer Meea, last question!

Mr Ameer Meea: The hon. Minister mentioned that there will be international tenders in relation to this issue. Fair enough! But he also mentioned that petroleum products can be procured from two suppliers. May we know the names of these two suppliers?

Mr Gungah: Madam Speaker, tenders have been launched and the suppliers have the opportunity of bidding either for two types of petroleum products, that is, white oil or black oil or both of them. We have seven products that we import...

(Interruptions)

Yes, they can purchase. STC has the opportunity now to buy from two suppliers instead of one.

Madam Speaker: Hon. Armance!

NATIONAL ENVIRONMENT FUND – BOARD MEMBERS – REMUNERATION & BENEFITS

(No. B/99) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the National Environment Fund, he will, for the benefit of the House, obtain therefrom, information as to the composition of the Board thereof, indicating the remuneration and benefits drawn by each member thereof since June 2018 to date.

Mr Sinatambou: Madam Speaker, the National Environment Fund is currently administered by a Board which is set up pursuant to Section 61 (1) of the Environment Protection Act of 2002 as amended by Section 23(k) of the Finance (Miscellaneous) Act of

2018. Now, the composition of the Board is already stipulated by law and I presume that therefore the Member wishes to know the names.

The Board is administered by –

- the Deputy Financial Secretary, Mr Gérard Bussier who acts as Chairperson,
- the Permanent Secretary of my Ministry, Mr Nazir Soobratty,
- the Deputy Permanent Secretary of the Ministry responsible for the subjects of Local Government and Outer Islands, Mr Jayraj Ooro,
- the Permanent Secretary of the Ministry responsible for the subjects of Public Infrastructure and Land Transport, Mrs Dalida Allagapen,
- the Principle Tourism Planner of the Ministry responsible for the subject of Tourism, Mrs Lalita Sanspeur,
- the Senior Manager of the Land Drainage Authority, Mrs Premila Changia,
- the Deputy Permanent Secretary of the National Development Unit, Miss Mary Ching Kee Young, and
- the Account General, Mr Charanjivsingh Romooah.

There are also four co-opted members to serve the Board. They are respectively –

- Mrs Sarah Rawat Currimjee, Senior Adviser at the Prime Minister's Office,
- Mrs W. Elahee-Doomun, Lead Analyst at the Ministry of Finance and Economic Development,
- Mr Ken Arian, Senior Adviser at the Prime Minister's Office, and
- Mr Medavy Pillay Munien, Chairperson of the National Corporate Social Responsibility Foundation.

As regard to remuneration, the Chairperson is entitled to an all-inclusive monthly fee of Rs40,000. The Members and the Secretary draw an all-inclusive monthly fee of Rs20,000 and the co-opted Members are entitled of an all-inclusive monthly fee of Rs10,000.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. In a document I have in my possession here, it is noted that 'this Commission shall consist of the Prime Minister as Chairman', and now, I just noted from the Minister that Mr Bussier, the Deputy Financial Secretary is chairing the Committee.

Madam Speaker: Can you tell me from which document are you referring? Which document is that?

Mr Armance: It's the Bill, Part 2 of the Environment Act. I will table it. So, may I know from the hon. Minister why has this changed, because from the document I have here, this was supposed to be chaired by the Prime Minister and the Minister was supposed to be a Member of the Board?

I further go down, Madam Speaker, because on 03 May 2018 from the website of the NIC, I can see that the Prime Minister chaired a meeting and now he is telling that the Deputy Financial Secretary is the Chairman of the Commission. Can we please have some clarification?

Mr Sinatambou: I believe that there must be a misunderstanding because Section 23(k) of the Finance (Miscellaneous) Act of 2018 quite clearly repeals subsection 1 of Section 61 of the Environment Protection Act and stipulates in subparagraph (a) that, the fund shall be administered by a Board which shall consist of a Deputy Financial Secretary as Chairperson to be designated by the Financial Secretary.

Mr Armance: Can the hon. Minister please confirm to the House that the hon. Prime Minister chaired the Commission on 03 May 2018?

Mr Sinatambou: I believe that, once again, there is a misunderstanding on the part of the hon. Member...

Madam Speaker: No, the Commission...

Mr Sinatambou: If I may, Madam Speaker. I believe that the hon. Member is unfortunately referring not to the National Environment Foundation, but to the National Environment Commission which is actually chaired by the hon. Prime Minister.

Madam Speaker: Yes, this is different. Next question, hon. Armance!

NATIONAL ENVIRONMENT FUND – LAND DRAINAGE MASTER PLAN

(No. B/100) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the National Environment Fund, he will, for the benefit of the House, obtain therefrom, information as to where matters stand as to the –

- (a) acquisition of a high resolution and aerial 3D imagery Digital Elevation Model for the updating of the flood map and preparation of a full-fledge Land Drainage Master Plan and
- (b) constructions of drains in the 25 identified flood prone areas, indicating the location thereof.

Mr Sinatambou: Madam Speaker, I am informed that the National Development Unit has awarded a contract for the supply of a high resolution Digital Elevation Model and Aerial Imagery for the islands of Mauritius and Rodrigues on 16 November 2018 to the Australian Aerial Mapping Geomatics Property Ltd, a South African firm. The duration of the contract is six months and the expected completion date is 30 May 2019.

With regard to the preparation of a Land Drainage Master Plan, consultants from the Consortium Development Alternatives Incorporation (DAI) from Belgium are currently working on a terms of reference for the recruitment of a team of experts for the preparation of the Land Drainage Master Plan. The deadline for the finalisation of the terms of reference is the end of April 2019.

The main steps envisaged with a view to determining the scope of works to be undertaken according to the Terms of Reference include, *inter alia*, catchment, delimitation and characterisation, inventory of the existing drainage system, flow characterisation, main issues and vulnerability and action studies.

Once the Terms of Reference are finalised, the *Agence Française de Développement* will thereafter launch the bids. It is expected that the Land Drainage Master Plan would be ready by mid-2020.

Madam Speaker, as regards the construction of drains in 25 identified flood prone areas, I am informed that the construction of these drains is currently being undertaken in different flood prone areas across the island, namely at La Tour Koenig, Tranquebar, Roche Bois, Sainte Croix, Pamplemousses, Bois Rouge, Terre Rouge, Vale, Plaine des Papayes, Rivière du Rempart, Camp Thorel, Poste de Flacq, Montagne Blanche, Gros Billot, Plaine Magnien, Grand Bois, Bambous, Camp Fouquereaux, La Caverne, Eau Coulée, Candos, Roches Brunas and Coromandel. Those works are at different stages of implementation; the status, as at date, is being compiled and will be tabled.

Mr Armance: Thank you for the clarification about the drains. I would like to find out, since this Fund was allocated Rs2 billion, what amount has been used for the construction of the drains since June last year to now?

Mr Sinatambou: What I can say is that from the Rs2 billion, if my memory serves me right, an amount of Rs750m. has been earmarked for the construction of drains. However, as I just stated in my reply, the status is being compiled and will be tabled.

Mr Armance: One of the objectives of the Fund also was to equip the 12 local authorities. It is mentioned there; you can read it –

“Equip the 12 Local Authorities to undertake continuous maintenance and cleaning of drains, rivers and canals.”

Can we know what has been done so far?

Mr Sinatambou: As the hon. Member would realise, the Fund is administered by the Board, chaired by one of the Deputy Financial Secretaries. So, normally, the Fund being administered by the Board, all those replies will be at the level of the Board. So, I need advance notice to be able to find out the right information from that Board and furnish same to the House.

Mr Armance: Madam Speaker, I have put my question to this House long ago. I gave enough time for the Minister to give us an answer. He himself mentioned that there is a problem of drains in Mauritius. I will ask him if he can come back to the House with a statement giving information about the drains and all that has been done with the Fund from the NEF. Thank you.

Mr Sinatambou: When I made a statement about drains, it was to show that this Government has done more than any other Government before. Starting from 2015, where we reviewed the National Disaster Schemes; in 2016, that we passed the National Disaster Risk Reduction and Management Act of 2016; in 2017, when we passed the Land Drainage Authority Act, and in 2018 when we actually amended the Local Authority (Amendment) Bill. I say it again, the National Environment Fund is administered by the Board. I have to go back to the Board to get such details. So, if the Member would kindly come with a substantive question, I would gladly do the needful.

Madam Speaker: Next question, hon. Armance!

**NATIONAL EMPOWERMENT FOUNDATION - TRAINING &
PLACEMENT PROGRAMME**

(No. B/101) **Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Training and Placement Programme, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to the –

- (a) number of –
 - (i) job fairs organised since January 2018 to date, region-wise, and
 - (ii) people registered and placed following the job fairs, region-wise, and
- (b) amount disbursed for the organisation thereof.

Mr Wong Yen Cheong: Madam Speaker, the National Empowerment Foundation has a Training and Placement Programme for beneficiaries found eligible for support under the Social Register of Mauritius (SRM).

The House may wish to note that the National Empowerment Foundation does not provide employment opportunities as such to the unemployed but provides opportunities to enhance the employability skills of its beneficiaries, through the provision of training and placement services.

Madam Speaker, in this context, my Ministry, in collaboration with other institutions such as Mauritius Institute of Training and Development (MITD), the National Cooperative College (NCC) operating under the aegis of the Ministry of Business, Enterprise and Co-operatives, the Ministry of Agro-Industry and Food

Security and other NGO's, has elaborated a series of training and placement courses, namely Plumbing and Pipe Fitting, Electrical Installation, House Keeping operations, Eco Bag Making, Pastry Making, Bee Keeping, Hair Dressing and Beauty Care, Food Processing, Quail Farming, and Automobile Mechanics, amongst others.

With regard to job fairs, I am informed that since 2010, the National Empowerment Foundation (NEF) has been organising job fairs in order to provide a platform to enable direct interaction between job seekers and employers. However, it was noted that these job fairs were being organised without any registration of participants and necessary follow up.

Since 2017, the whole process on job fairs has been reviewed. The National Empowerment Foundation now carries out a profiling of its beneficiaries and looks for potential employers based on their specific needs. The Foundation then liaises with the job

providers to match the profile of its beneficiaries and job fairs are now conducted in a more organised manner. Personal invitations are sent to beneficiaries by the National Empowerment Foundation to attend the job fairs, which are also advertised in the Citizens Advice Bureau and public institutions in the region.

On the day of the job fair, the Foundation carries out the registration of its beneficiaries attending the event and also ensures follow up with potential job providers to monitor the outcome.

It is important to note that these job fairs are also open to the public at large and not restricted to SRM beneficiaries only.

Madam Speaker, I am also pleased to inform the House that apart from this classical method of organising job fairs, we are now also implementing the concept of “mini job fairs” to tackle the problem at grass root level, by going straight into regions where there are high concentrations of SRM beneficiaries.

Madam Speaker, my Ministry has from January 2018 to date organised 13 job fairs across the island. Some 5,339 participants, including 1,789 SRM beneficiaries attended the events.

A total amount of Rs564,275 has been disbursed as at date on these 13 job fairs. This amount relates mostly to expenses incurred for providing logistic support, advertising, and related costs for the organisation of the job fairs.

Madam Speaker, as regards to parts (a) and (b) of the question, I am tabling the information.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. Regarding training and placement, if you go back to the Marshall Plan against Poverty, it is well mentioned there that the goal of this initiative is to increase access to the poor to employment. So, I would like to find from the Minister how many people under the SRM have benefitted from the training and placement?

Mr Wong Yen Cheong: Madam Speaker, if the hon. Member listened to the answer, I just said 1,789 SRM beneficiaries attended the events.

Mr Armance: With regard to the job fair, on 23 June 2018, there was a job fair in St Pierre and it was more like a fancy fair than a job fair where the Minister brought in jumping

castle, medical check-up and all. So, may I know from him as to why this has changed now? Instead of having a job fair, he is doing a fancy fair.

Mr Wong Yen Cheong: Madam Speaker, if the hon. Member takes it for a fancy fair, then I will leave it to him and the public to decide.

Mr Armance: Regarding the training and placement, I would like to know from the hon. Minister what his Ministry is doing as follow-up on the placement?

Mr Wong Yen Cheong: Madam Speaker, as I said earlier, the Ministry itself we do not guarantee placement but we do follow-up so that we make sure...

(Interruptions)

Madam Speaker: Hon. Armance, you have asked your question!

Mr Wong Yen Cheong: I mentioned in my initial question also that we organise face-to-face with the people and then...

(Interruptions)

Madam Speaker: Hon. Armance! I won't draw your attention once more to what you have to do and what you do not have to do. I think you know fairly well by now the Standing Orders and I think there needs to be a decorum in this House and that I cannot accept that vulgarity prevails. Yes.

Mr Wong Yen Cheong: Madam Speaker, can he remove the words that he said "fesse to fesse"?

(Interruptions)

Mr Armance: Madam Speaker, I said "face-to-face".

(Interruptions)

Madam Speaker: Leave it to his appreciation! Yes.

Mr Wong Yen Cheong: Madam Speaker, I have already answered the question. Thank you.

Madam Speaker: Next question, hon. Jhuboo!

OCTOPUS FISHING - CLOSING SEASON

(No. B/102) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to

octopus fishing, he will state where matters stand as to the proposal for a reconsideration of the closing season thereof for 2019.

Mr Koonjoo: Madam Speaker, I wish to inform the House that in line with the provision of the Fisheries and Marine Resources (Fishing of Octopus) Regulations 2016, a two-month close period for the fishing of Octopus is in place from 15 August to 15 October since 2016.

The House may further note that my Ministry is contemplating to hold consultations with all stakeholders including the fishermen community before taking another firm decision on the introduction of a second closure.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Madam Speaker, thank you. I would like to thank the hon. Minister for clarifying this issue since he has himself created a lot of confusion when he announced the following –

« Le ministre a déclaré le 14 janvier qu'il n'y aurait très probablement pas de deuxième fermeture annuelle pour « ne pas bousculer les pêcheurs en cette année d'élections ».

Dr. Boolell: This is electoral redeem, Madam Speaker.

Madam Speaker: Hon. Dr. Boolell, the hon. Member had the floor, he had his question. Hon. Jhuboo, yes!

Mr Jhuboo: My question to the hon. Minister pertains to the regulations that he has introduced in 2016. I would like to know from him whether the regulations have produced the anticipated benefit as far as illegal fishing is concerned during the closure of the seasonal fishing.

Mr Koonjoo: Madam Speaker, there are two parts of the question that the hon. Member is asking me. First, as to whether there has been any improvement when this method was put into action. I have got the figures with me and I will put it that yes there has been improvement in the ...

(Interruptions)

Can the hon. Member please listen?

(Interruptions)

What is his problem? Every time I speak in the House, he has got problems?

(Interruptions)

Madam Speaker: Hon. Minister, please, I think you know that you should not engage in a conversation with any hon. Member, especially Members from a sitting position.

Mr Koonjoo: I have answered, Madam Speaker, concerning whether there has been an improvement in the tonnage or not. Let me tell the hon. Member that in 2009 there was 84 tons of octopus collected in Mauritius. After the introduction of this closure in 2016 - we started in 2015 - it went up to 38 tons; in 2017: 39 tons and in 2018: 118 tons.

Let me also add that the mean weight after the closure was in 2016 about 1550 tons; in 2017 it was about 1124 tons; in 2018 and I said 1354 tons, that is, there has been an overall increase in the tonnage after the method was introduced in 2015. Can the hon. Member repeat the second question, please?

Madam Speaker: That is why I said one question at a time.

(Interruptions)

Mr Koonjoo: He was talking about the illegal fishing. Yes, I have got the answer, but I can hand it to the ...

Madam Speaker: If you have the information, later you can circulate it.

Mr Koonjoo: It is not with me, but I know that there has been improvement in the collection of octopus especially so far it is concerned about the number of people we have caught as illegal fishermen.

Madam Speaker: Next question, hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. I have in my possession ...

Madam Speaker: Next question!

Mr Jhuboo: No, I have ...

Madam Speaker: We have spent five minutes already on this question!

Mr Jhuboo: I have got only one question, Madam Speaker.

Madam Speaker: Look, hon. Jhuboo, we have spent already 5 minutes on this question. Alright! I may grant you one additional question, but please be concise, be brief because, otherwise, it won't be fair to the others that questions are not replied.

Mr Jhuboo: Thank you, Madam Speaker. I have in my possession the regulations of our friends from the Rodrigues Regional Assembly and I have the regulations introduced by the Minister in 2016. In the regulation for the RRA, mention is made –

“No person shall collect, kill, fish, land or have in his possession any octopus etc.”

In his regulation, mention is made simply, ‘no person shall fish’. So, if one is caught with an octopus on his head walking on the street, he cannot be fined. So, will the hon. Minister agree with me that his regulation needs to be amended and properly drafted?

(Interruptions)

Mr Koonjoo: Madam Speaker, I must admit that there have been some mistakes in the regulations and we know about it, we will correct it in the future.

Madam Speaker: Next question, hon. Jhuboo!

MON TRESOR SMART CITY PROJECT - *ARET KOKIN NU LAPLAZ*- REPRESENTATION

(No. B/103) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to the Smart City of Mon Tresor Project of Omnicane, he will state where matters stand as to the representations made by *Aret Kokin Nu Laplaz* as regards to the allocation of *Pas Géométriques* thereto.

Mr Jhugroo: Madam Speaker, I am informed that the Economic Development Board has issued a Smart City Certificate on 08 September 2016 for the Mon Tresor Smart City Project of Omnicane Ltd which will be developed at Mon Tresor and La Cambuse over an extent of some 436 *arpents* of privately owned land. Thus, the project will be on freehold land and not on *Pas Géométriques*.

I wish to inform the House that as per records at my Ministry *Aret Kokin Nu laplaz* has not made any representation pertaining to the Smart City Project of Omnicane Ltd.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Well, I have a series of correspondence addressed to the Minister by AKNL. I would like to put a question to the Minister concerning the leasehold. Is it correct to say that Omnicane holds an agricultural lease on part of State land commonly known as *Pas Géométriques* in the vicinity of Omnicane?

Mr Jhugroo: This is another question. Never mind, I will answer it. There was Omnicane, there was an intention of the former Government to retrieve grazing leases in year 2007. So, in 2007, the then Government envisaged to retrieve all plots of State land and *Pas Géométriques* lease for grazing agricultural and barachois purposes. However, the lands could not be retrieved as three sugar estates applied for a Judicial Review before the Supreme Court challenging the Government decision and these cases are still ongoing.

Mr Jhuboo: So, if I heard the Minister correctly, can we have the confirmation from the hon. Minister once the agricultural lease is converted into industrial lease, there will be no construction allowed on the industrial lease?

Mr Jhugroo: What I can say on the status of the 436 *arpents*, this is a private land. EDB has already issued a Smart City certificate. Omnicane should secure all clearances from different authorities including, if need be, a Land Conversion Permit.

Madam Speaker: Next question, hon. Jhuboo!

FLAT ISLAND/GABRIEL ISLAND - CHALETS/LODGES - CONSTRUCTION

(No. B/104) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Tourism whether he will state if his Ministry has received a proposal for the construction of chalets/lodges on Flat Island or Gabriel Island.

Mr Gayan: Madam Speaker, in order to make my answer intelligible, I need to give some background information regarding this question. Flat Island was leased by Government with effect from 07 September 2007 to Discover Mauritius Ltd, a private company, fully owned by Government. It was then operating under the aegis of my Ministry.

The Director of Discover Mauritius Ltd was Mr Thierry Henry and the Chairman was Mr Robert Palani. The purpose of the lease for the development of an eco-tourism project over an extent of 135,000m² of the island. The duration of the Lease Agreement was for a period of seven years, from July 2007 to June 2014 and, among other conditions, DML, that is, Discover Mauritius Ltd., had no right to assign or sublet the whole or any part of its interest under the lease without the express permission in writing of the lessor, that is, Government, and it should preserve the historical sites and ruins in its original state.

However, without obtaining the authorisation of Government, the lessor, Discover Mauritius Ltd, entered into a Joint Venture Agreement with Island Monitoring Ltd in May 2008 for the purpose of developing an eco-tourism project on the island. Subsequently, Island

Monitoring Ltd. submitted an application to the Tourism Authority to operate a restaurant on Flat Island. The Tourism Authority issued a Tourism Enterprise Licence to the company on 21 April 2010 on the basis of the Joint Venture Agreement between Island Monitoring Ltd and Discover Mauritius Ltd and the lease agreement for Flat Island.

As a result of the breach of the conditions, the Ministry of Agro-Industry and Food Security cancelled the lease it had entered with Discover Mauritius Ltd on 13 May 2011.

Madam Speaker, being given that Island Monitoring Ltd was a holder of a Tourist Enterprise Licence with the Tourism Authority, in July 2014, the Ministry of Tourism informed the Tourism Authority that the lease agreement for Flat Island to Discover Mauritius Ltd had been cancelled. The application for renewal of the Tourist Enterprise Licence submitted by Island Monitoring Ltd in August 2014 was not approved and the Tourism Authority decided that the licence should not be renewed pending the receipt of a new lease agreement.

In February 2015, Island Monitoring Ltd requested the Tourism Authority to renew its Tourism Enterprise Licence so that it would continue to operate legally. In September 2015, the Tourism Authority renewed the licence in line with the policy decision of the then Deputy Prime Minister, Minister of Tourism, that a dispute between the landlord and a tenant who is the holder of a Tourism Enterprise Licence should not entail the suspension/revocation of the licence. Thus, a TEL was renewed in October 2015 and is valid up to 28 August 2019.

In May 2013, the Island Monitoring Ltd lodged a Complaint with Summons against the State and the Ministry of Agro-Industry and Food Security, to restrain the former Ministry from (i) evicting the company and expropriating the company's infrastructure and assets, and (ii) from entering into a new lease with another party. It also lodged a case claiming Rs100 m. damages from the State in April 2013.

In August 2017, Island Monitoring Ltd and the Ministry of Agro- Industry and Food Security opted for mediation as an avenue to resolve the dispute and to reach an amicable settlement in the matter. After various sessions held before the Mediation Division of the Supreme Court, an agreement was reached in March 2019 and Island Monitoring Ltd agreed to withdraw the case against Government subject to the signature of a fresh lease agreement.

Government has then approved that an extent of only 15 *arpents* of Flat Island be leased to Island Monitoring Ltd subject to conditions.

At the level of my Ministry, no proposal has been received regarding the construction of chalets or lodges on Flat Island or Gabriel Island.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Yes. En attendant, est-ce que le ministre pourrait déjà déposer le *lease agreement* d'*Island Monitoring Ltd* ? Est-ce qu'entre-temps, une demande - pas pour des chalets, mais une demande pour des *tent hotel*, donc, des structures qui ne sont pas permanentes - a-t-elle été effectuée au niveau de votre ministère ou peut-être celui du ministère de l'Agro-industrie ?

Madam Speaker: The Minister cannot reply for another Minister, I must draw your attention to that fact.

Mr Gayan: Madam Speaker, but I can say that in the original lease, there was something mentioned about the erection of tents, but that was not followed through.

Mr Jhuboo: Dans l'éventualité où un permis serait octroyé pour l'érection de tentes, donc, un hôtel construit autour de structures qui ne sont pas permanentes, pourrait-on avoir la garantie du ministre que toutes les normes environnementales seraient suivies à la lettre dans un écosystème aussi fragile que celui de l'île Plate?

Mr Gayan: Madame la présidente, il est évident que le gouvernement ne va accepter aucun projet aussi longtemps que toutes les normes, concernant la protection de l'environnement, ne soient pas respectées. Je crois ça c'est un acquis. Ça s'applique non seulement à Flat Island mais ça s'applique généralement partout dans le pays.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Is hon. Minister in a position to state to the House and the people, who are the Directors and shareholders of this Island Monitoring Ltd.?

Mr Gayan: Well, I don't have the list of Directors, of shareholders, but I know there was one Mr Fanchette who was heading that particular company. If you go to Youtube, you will find it.

Madam Speaker: Next question, hon Bhagwan!

CHEMIN GRENIER – MARKET FAIR

(No. B/105) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender

Equality, Child Development and Family Welfare whether, in regard to the construction of a market fair at Chemin Grenier, she will state where matters stand.

(Withdrawn)

HOTELS – TAXI DESK

(No. B/106) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Tourism whether, in regard to the hotels, he will –

- (a) for the benefit of the House, obtain from the Tourism Authority, information as to -
 - (i) the number thereof operating a Taxi Desk, and
 - (ii) if the Online Booking System is operational and, if so, since when and, if not, why not, indicating the hotels which are resisting the implementation thereof, and
- (b) state if he has received representations from the Federation of Hotel Taxi Association with regard to the hotels which are resisting and the actions initiated.

Mr Gayan: Madam Speaker, in April 2016, Government agreed that a taxi desk should be set up at the hotels with a minimum room capacity of 50. This measure concerns 85 hotels.

I am informed by the Tourism Authority that the status of implementation is as follows –

- (a) 40 hotels have already set up a taxi desk;
- (b) 12 hotels informed that taxi operators licensed to operate at their hotels were either satisfied with the current arrangements or not interested in a taxi desk;
- (c) 22 hotels are in negotiation with the different stakeholders to finalise arrangements for the setting up of a taxi desk, and
- (d) 11 hotels have not yet implemented the measure.

As regards part (a)(ii) of the question, the Tourism Authority launched a tender for the implementation of an online platform for taxi operators based at hotels on 16 October 2017. By the closing date of 08 November 2017, two proposals were received from the bidders: one

including development and maintenance costs and the other with no cost to Government subject to a commission being paid to the service provider per transaction. Following advice from the Public Procurement Office, that tender was cancelled as it could not be considered as a procurement *per se*.

Madam Speaker, a Technical Committee comprising different stakeholders, namely the Mauritius Tourism Promotion Authority, Central Informatics Bureau, Security Unit of the Ministry of Technology, Communication and Innovation, Government Online Centre and Tourism Authority was chaired by the Deputy Permanent Secretary of my Ministry on 02 April 2018 to look into the matter. The Committee recommended that the Tourism Authority being a regulator could not engage in such a business and that Tourism Authority does not have the technical expertise to manage and maintain such a platform. Moreover, it is not the mandate of the Tourism Authority to operate a platform and take financial charges for services rendered.

It was also observed that developing an e-commerce platform only for taxi based hotels would not be cost effective being given that five e-commerce platforms dedicated for taxi service were already in operation namely, Moris Taxi, Taxi Service Mauritius, Ala-lila, Alanoula and Yugo.

Madam Speaker, regarding part (b) of the question, my Ministry has received a complaint from the Federation of Hotel Taxis Association on 13 September 2018 but regarding primarily the intention of UBER to start operating in Mauritius.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the hon. Minister inform the House whether there is a monitoring Committee - I have heard from the reply - at the level of his Ministry, including the *l'AHRIM*, just to monitor the whole issue of this Taxi Desk, and whether there are scopes for further developing this project?

Mr Gayan: Madam Speaker, I have myself chaired meetings with the Taxi Federations, with *l'AHRIM* and all the stakeholders to see how we can change the business model of the taxis in Mauritius. Unfortunately, what is happening today with online booking that is going on, not only for taxis but for hotels, restaurants and other activities, it becomes very difficult for the taxis at base at hotels to get some customers looking for their services. So, it becomes difficult because they have already pre-booked whatever they want to do in Mauritius. I suggested to the Taxi Federation, why don't you pool resources together and

have a platform for yourselves. But this is Mauritius, people are very reluctant to change. I am still open to suggestions; we are prepared to help them to do that. But then, I also see federations of taxis going on radios and TVs and whatever, on the online stations threatening the Tourism Authorities, threatening that they are going to go with savers at the hotels. When this happens, this is broadcast all over the world and tourists hear about this. Do you think a tourist is going to take a taxi? Of course not! This is why I said to them, let us see how we can make the service attractive so that everybody wins in the game.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. There was a letter from the Tourism Authority that was issued to all the hotels. We had three meetings at Sensimar Hotel, in a very civilise way. The Tourism Authority collaborated.

Madam Speaker: What is your question, hon. Rughoobur?

Mr Rughoobur: My first question, Madam Speaker, is whether the hon. Minister would kindly investigate as to the reason for which the owner of the chain of hotels, Sensimar, said that it is not going to implement the measure in spite of the fact that it's a Cabinet decision? Will the hon. Minister kindly look into it?

Mr Gayan: Madam Speaker, I am not aware of this, but I'll certainly look into it.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Can I ask the hon. Minister of a particular case of a hotel in Le Morne, if he has received a complaint of the taxi drivers there whereby an employee of this hotel is driving a contract car and using it as a taxi? This contract car belongs to a private contract car company. This is an unfair competition to the taxi drivers and this is happening with the blessing the management of this hotel.

Mr Gayan: Well, I am not aware of this, Madam Speaker, but I do receive all sorts of complaints from all parties.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: My question would have gone on the same line. It concerns my constituency where there are operators working at Club Méditerranée Hotel. Can I ask the hon. Minister whether he has received any complaint from the taxi operators with regard to people at the hotel operating taxis themselves, whether he will ask the Tourism Authority to

inquire and if he can meet the operators of Club Méditerranée Taxi owners to look into the problem?

Mr Gayan: Madam Speaker, being a *député de l'endroit*, I have myself gone to Club Med with the taxi operators, and I briefed them what we had to say to the management of the hotel. I don't want to say anymore, but that meeting was not successful because the taxi drivers said they were happy with the system. So, there are so much we can do; but I am still open, but we are looking into how they can set everything right with the help of the NTA.

Madam Speaker: Next question, hon. Uteem!

CEB – FORT GEORGE – COMBINED CYCLE GAS TURBINE POWER PLANT

(No. B/107) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the contract for the Design, Supply, Installation, Testing and Commissioning of a Combined Cycle Gas Turbine Power Plant at Fort George, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to where matters stand following the recent decision of the Independent Review Panel.

The Deputy Prime Minister: Madam Speaker, with regard to that contract, an evaluation of bids by the Central Procurement Board, informed the Central Electricity Board on 14 November 2018 that it had approved the award of the contract to Mytilineos Holdings S.A. On 22 November 2018, CEB issued the Notification of Award to the successful and non-successful bidders.

Two aggrieved bidders applied to the Independent Review Panel for a review of that decision. These were TSK Electronica Y Electricidad SA and Wisons Engineering Ltd. On 27 December 2018, the IRP ruled that the bids ought to be re-evaluated. The CPB has not yet handed down its decision.

I wish to draw the attention of the House that one aggrieved bidder has made an application for Judicial Review of the decision of the Independent Review Panel.

The matter is now under judicial consideration before the Supreme Court. I have consulted you, Madam Speaker, on the matter because I consider that it would be inappropriate to comment on a matter, which is *sub judice*.

Mr Uteem: Madam Speaker, in this House, both hon. Jahangeer in July 2018 and myself in November 2018, we informed the Deputy Prime Minister of publicly available information relating to charges against Metka, corruption charges. But, in this very House, the hon. Deputy Prime Minister defended Metka. So, now, in light of the IRP's decision, will the hon. Deputy Prime Minister take up the matter with CWE and find out why this person, who was overtly disqualified, is allowed still to delay the process of revaluation?

The Deputy Prime Minister: The matter with CWE?

Mr Uteem: CPB!

The Deputy Prime Minister: CPB! I can't take any matter with CPB. The Independent Review Panel has made the comments and it has ordered the bids to be revaluated. CPB is, I am sure, aware of all these facts which were before the IRP; I can't do more than that.

Mr Uteem: In his answer to PQ B/1166 on 04 December 2018, the hon. Deputy Prime Minister mentioned that the cost of the project would be Rs6.9 billion. Can I know from the hon. Deputy Prime Minister, has CEB now been able to secure the financing to go ahead with this project?

The Deputy Prime Minister: Well, if a question is asked from the figures, I will prepare myself, but 6.9 is not for that part of the project before the CPB. I think...

(Interruptions)

Please! I am talking out of memory. I believe the figure was 3.5, but I am not too sure. I can't go into a debate on this because that does not arise out of the question.

Mr Uteem: Madam Speaker, I beg to differ. The hon. Deputy Prime Minister just said that despite the decision of the IRP, the Central Procurement Board is going on with the evaluation process. So, I am asking the Deputy Prime Minister, and he told us himself, 6.5. It's in Hansard. This is the figure he said, Rs6.9 billion, and he said that the proprietary funds would be Rs3.1 billion from CEB's proprietary fund. So, the balance 6.9 minus 3.1, that's Rs3.8 billion. So, I am asking the Deputy Prime Minister where is CEB going to have Rs3.8 billion to go ahead with this project?

The Deputy Prime Minister: First of all, the IRP has given the ruling that it has given. Now, Rs6.9 billion was the cost estimate for the whole project, that is, the two phases.

We are not talking of these two phases. We are talking of Phase I. So, let us stick to the question, and not going to the cost estimates.

Mr Uteem: I'm sorry! But you, yourself, hon. Deputy Prime Minister, when you answered the question on 27 November 2018, you mentioned that the award was for both Phase I and Phase II and, in fact I asked a supplementary question, I said: 'why are we also awarding Phase II when we have not taken a decision whether to go ahead with LNG?'. So, now, you are saying to this House that what you said in November 2018 was wrong?

The Deputy Prime Minister: I am not saying any such thing. I am just saying that it does not arise out of the question and that I do not have the facts available in front of me to be able to answer this question. This is not cross-examination, this is Parliamentary Question.

Madam Speaker: Hon. Bhagwan, last question!

Mr Bhagwan: Talking about this Combined Cycle Gas Turbine Power plant. Can the Deputy Prime Minister inform the House whether he has, by now, the figures as to how much the CEB paid for that study by Poten and Co. Ltd?

The Deputy Prime Minister: Poten and Partners has got nothing to do with CCGT; Poten and Partners deals with LNG. Please do not confuse the population!

(Interruptions)

Madam Speaker: Next question, hon. Uteem!

ISLAMIC CULTURAL CENTRE - INTERNAL CONTROL

(No. B/108) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Culture whether, in regard to the internal control carried out by the Ministry of Finance and Economic Development on the Islamic Cultural Centre in 2018, he will state –

- (a) if he has taken cognizance of the report submitted in relation thereto, and
- (b) measures taken, if any, in the light of the findings and recommendations contained therein.

Mr Roopun: Madam Speaker, in October 2017, my Ministry requested the Internal Control of the Ministry of Finance and Economic Development, to conduct an internal audit exercise at, *inter alia*, the Islamic Cultural Centre Trust, in a bid to –

- (i) evaluate the existing control systems and compliance with rules, procedures and regulations;
- (ii) make recommendations to improve the organisation's operations based on the findings and observations;
- (iii) promote operational effectiveness and efficiency in the organisation, and
- (iv) ensure that principles of good governance are being adhered to.

The Internal Audit report on the ICC was accordingly submitted to my Ministry in March 2018. Recommendations made relate essentially to human resource management, financial management and procurement procedures.

Ever since then, several meetings have been held between my Ministry, the Internal Control Unit and the ICC on the observations and recommendations made in the report, with a view to taking remedial actions, within set timeframes.

The ICC has been directed to take necessary measures to ensure compliance in the light of recommendations contained in the report.

I am informed that a follow-up exercise will be conducted by the Internal Control Unit by the end of April this year.

Mr Uteem: Thank you, Madam Speaker. The report was given on 30 March 2018, one year ago; very damning. In particular, the Internal Audit talks about, and I quote –

“Corruption offences under Sections 11 and 13 of the Prevention of Corruption Act 2002.”

So, in the light of these very serious findings of the Internal Committee, may I know from the hon. Minister whether at least that person who has been pinpointed has been dismissed or is he still involved in the ICC today?

Mr Roopun: Madam Speaker, upon receipt of the report, I gave clear instruction to my Permanent Secretary and also to the officers of the Ministry of Finance that whenever and in case there is any suspected offence, to refer the matter to the competent authorities. But, at the same time, I wish to point out that insofar as this officer is concerned, in November 2017 the issue was raised at the level of the Board and a warning was given to that officer. But, nevertheless, this has been my clear instruction whenever there is a suspected case of criminal offence, this should be fully investigated and whatever action needs to be taken

should be taken. But I must also add that after the receipt of the Internal Audit Report, there have been regular meetings between officials of my Ministry, the internal control officers and the ICC to ensure that whatever appears in the internal report is being looked into and to see how things have been and to ask explanation from whoever is needed.

Mr Uteem: I beg to differ with the hon. Minister. The ICC cannot give warning, this is a Police case. The ICC has to refer whatever recommendation, whatever finding has been made in that audit to the investigation, to the Police, to ICAC, to whoever. They cannot themselves decide to give a warning and cover up for the criminal conduct of staff of the ICC.

Mr Roopun: Madam Speaker, it was up to the Board to take necessary action in the light of the Audit Report and, of course, if the Board, after hearing explanations, finds that there is need to pursue further, it was up to the Board to do so. This has been reported to the Board and the Board asked for explanation, in the light of the explanation gave a warning. This is how the things went on.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister whether this terrible state of affairs does not stand from the fact that the ICC is being run by someone else, namely the hon. Soodhun, and I quote him saying in the papers...

Madam Speaker: No. Hon. Osman Mahomed, please can I refer you to the main question; you are bringing in extraneous matters which have nothing to do with this question. I am sorry; I am not able to allow this question! Yes, hon. Uteem!

Mr Uteem: Thank you. Has the hon. Minister taken into consideration the recommendation of that Internal Audit Committee at page 18 and I read –

“Based on the above summarised finding, it is recommended that the organisation of Hadj be shifted to another institution to safeguard the welfare of the pilgrims and to properly organise and coordinate Hadj activities.”

So, in light of this recommendation, may I know from the hon. Minister whether Government has taken a decision to take away the organisation of Hadj from ICC and give it to a new body which would be free from political interference?

Mr Roopun: Madam Speaker, the Internal Control Report was an internal exercise designed for the consumption of the Ministry and I do not know to what report the hon.

Member is referring to and it is a fact that there are various recommendations within the report given by the Internal Control and we are working on each and every recommendation. There are certain recommendations where administrative action should be taken; there are others where we are trying to find other means to improve the system and, of course, there are other recommendations which are policy decisions and this will be taken up at different levels, depending upon the recommendation which has been made.

Madam Speaker: Next question, hon. Uteem!

FSC - GENERAL COUNSEL - APPOINTMENT

(No. B/109) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the appointment of a General Counsel by the Financial Services Commission, he will, for the benefit of the House, obtain from the Commission, information as to the –

- (a) name, qualifications and terms and conditions of appointment thereof, including the total monthly pay packet, and
- (b) procedure followed for the appointment thereof.

Mr Sesungkur: Madam Speaker, I am informed that the Financial Services Commission has embarked on a capacity building exercise with the main objective to improve efficiency at all levels and also adopting a full Risk Based Supervision approach in all its activities. Following that exercise, the post of Senior Executive was restyled as Assistant Director to empower officers to fully support the FSC's Strategic Team in achieving its statutory objectives as a financial regulator.

As regards part (a) of the question, I am advised that following a recruitment and selection exercise initiated in November 2017, the Commission has appointed Ms N. N. as Assistant Director responsible for the Legal Cluster, also known as General Counsel, in line with international practice of financial regulators.

With regard to qualifications, terms and conditions of appointment and the monthly pay of Ms N. N., the information is being tabled.

Madam Speaker, with regard to part (b) of the question, I am informed that the recruitment of candidates to fill the vacancies for the posts of Assistant

Director in the different Clusters, was made through public advertisement in November 2017. It was followed by a selection exercise conducted by an Interview Panel set

up by the Board of the Financial Services Commission. Subsequently, the list of successful candidates was submitted to the Board for its approval. Thereafter, letters of offer of appointment were issued to them.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Can I know from the hon. Minister, he mentioned that recruitment, advertisement was done for the post of Assistant Director. My question is: was there any advertisement for the post of General Counsel at the Financial Services Commission?

Mr Sesungkur: Well, what I understand is the person is responsible for the legal cluster. Whether you call it General Counsel or you call it Assistant Director, the post is she is responsible for the legal cluster.

Mr Uteem: Is the hon. Minister aware that there was and still is a legal department in the FSC headed by a head of legal and now that person has been appointed General Counsel and head the Legal department and there was no advertisement for the post of General Counsel. So, may I plead to him why is it that it is not the head of legal that has been appointed General Counsel?

Mr Sesungkur: Madam Speaker, the Board, in its wisdom, I suppose they have taken the decision to appoint somebody to help the legal cluster and I trust their wisdom.

Mr Uteem: Madam Speaker, there is a lot of people in FSC and outside the FSC who would have loved to become General Counsel of FSC which is a very prestigious high earning position. May I ask the hon. Minister to query with the FSC and find out why was the appointment of a General Counsel done in *catimini*, behind the back of all eligible candidates in the FSC and outside the FSC?

Mr Sesungkur: I do not agree, Madam Speaker, that this appointment was done in *catimini*. I mentioned in the first paragraph that FSC embarked on a capacity building exercise and the Board has made it a point to choose the best candidate and I suppose the best candidate has been offered the position.

Madam Speaker: Last question, hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. The hon. Minister has remained silent on the qualification of that person appointed as General Counsel. May we know what are the

experience as a Lawyer, as a Law practitioner of that person first of all and secondly, if he can, on the same line, give us comparatively...

Madam Speaker: One question at a time!

Mr A. Duval: ... for the head of legal so that we might compare competency-wise.

Madam Speaker: Only one question will be taken!

Mr Sesungkur: The information has been provided through the document which has been tabled.

Madam Speaker: Hon. Quirin!

**ALBION FISHERIES RESEARCH CENTRE - ENVIRONMENT
PROTECTION ACT 2002**

(No. B/110) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Albion Fisheries Research Centre, situated near the Albion Public Beach, he will state if same operates in conformity with the Environment Protection Act 2002 and, if not, why not, indicating the actions taken in relation thereto.

Mr Sinatambou: Madam Speaker, I am informed that the Albion Fisheries Research Centre was established in June 1982 by the then Ministry responsible for Fisheries. It was constructed with the assistance of the Government of Japan under the Grant Aid Project.

At that point in time, the Environment Protection Act did not exist. In fact, the Environment Protection Act was enacted in 1991 and the formal procedures for the Environmental Impact Assessment mechanism were adopted in June 1993. Therefore, the construction and activities of the centre were not the subject of an Environmental Impact Assessment licence.

I am also informed that the main activities carried out by the centre include research and studies needed for the sustainable development and management of fisheries and marine resources, ecological surveys to monitor the status and health of coral reefs and seawater quality and for aquaculture development purposes.

The Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping is itself mandated under the Environment Protection Act to monitor seawater quality.

I am informed that close monitoring is undertaken on a regular basis by the laboratory of the centre to ensure compliance with the coastal water quality guidelines.

I am further informed that no complaint with regard to the operation of the Albion Fisheries Research Centre has been received at the level of my Ministry.

Mr Quirin: Donc, Madame la présidente dois-je déduire que l'honorable ministre n'est pas courant, n'a pas été informé de l'inconvénient qui est causé aux habitants d'Albion, principalement ceux qui font leur jogging sur la plage, car il y a des eaux usées qui sont déversées - qui proviennent justement de l'*Albion Fisheries Research Centre* - sur une partie de la plage. Est-ce que l'honorable ministre peut nous donner l'assurance qu'il demandera à ses officiers d'aller sur place, faire un constat de visu et bien sûr lui soumettre un rapport par rapport au problème que je soulève actuellement?

Mr Sinatambou: Yes, as I have just said, Madam Speaker, the information I received up till today is that no complaint with regard to the operation of the Albion Fisheries Research Centre has been received at the level of my Ministry.

(Interruptions)

Well, if I could be allowed to finish!

Madam Speaker: No, but the hon. Minister should address the Chair. He does not have to engage in any conversation.

Mr Sinatambou: On a point of order, Madam Speaker. Day after day, everyone on that side keep breaching Standing Order 39 (13) that they cannot interrupt someone who is speaking unless they raise a point of order or unless I give way. So what is this?

Madam Speaker: No! Hon. Minister, please, can you come back because we are nearly finishing with question time. In two minutes, we are finishing. Can you just come back to the main question and we finish with question time please?

Mr Sinatambou: This is why I cannot end and everyone keeps getting interrupted by them.

Madam Speaker: No, I am here to see to it that there is order in the House. You leave that to me. Reply to your question, please!

Mr Sinatambou: So, as I was just saying, the information I have received up to today is that no complaint with regard to the operation of the Albion Fisheries Research Centre has

been received at the level of my Ministry. However, since the hon. Member is stating that there are complaints, I would request him to please provide me the complaints and I will ask the Pollution Prevention and Control Division of my Ministry to go there.

MAURITIUS FOOTBALL ASSOCIATION – MANAGING COMMITTEE

(No. B/111) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Football Association, he will, for the benefit of the House, obtain therefrom, information as to if it has registered the Rules of 2012 thereof with the Registrar of Association and, if so, indicate where matters stand as to the organization of the election of the Managing Committee thereof.

(Withdrawn)

NATIONAL SPORTS AND PHYSICAL ACTIVITY POLICY - REPORT

(No. B/112) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the National Sports and Physical Activity Policy, he will –

- (a) table copy of the full report thereof, and
- (b) state the total sum disbursed for the elaboration thereof by Portas Consulting, indicating the recommendations implemented as at to date.

(Withdrawn)

CÔTE D'OR - MULTI SPORTS COMPLEX – WORK PROGRESS

(No. B/113) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the construction of the Côte d'Or Multi sports complex, he will state –

- (a) the progress of work thereof, indicating the expected completion date thereof, and
- (b) if the implementation cost thereof has increased and, if so, indicate the reasons therefor.

(Withdrawn)

COROMANDEL – SPORTS COMPLEX - AMENITIES

(No. B/114) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of

Gender Equality, Child Development and Family Welfare whether, in regard to the sports complex at Pavé D'Amour at Coromandel, she will state –

- (a) if all the amenities have been installed;
- (b) when same will be delivered, and
- (c) If the environment issues raised in relation thereto have been attended to.

(Withdrawn)

ALBION - CAMP CRÉOLE VILLAGE - FLOODING

(No. B/115) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to flooding problems caused by the river at the Camp Créole Village, at Albion, during heavy rainfalls, she will, for the benefit of the House, obtain information as to if remedial actions will be taken to prevent the recurrence thereof.

(Withdrawn)

Madam Speaker: The Table has been advised that PQs B/130, B/133 and B/134 have been withdrawn. I am further informed that PQs B/111, B/112 and B/113 have been withdrawn. Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

STATEMENTS BY MINISTER

PARLIAMENTARY QUESTION B/21 - CRIME STATISTICS

The Prime Minister: Madam Speaker, I have two statements to make. The first one, as Acting Minister of Defence and Minister for Rodrigues, I replied to Parliamentary Question B/21 at the Sitting of 26 March 2019. In the course of the exchange of arguments, an issue pertaining to statistics was raised. I would like to make a statement on the figures I mentioned in my reply for clarification purposes.

Hon. Mohamed and hon. Ganoo sought clarification on the crime figures referred to in my reply compared to those published by Statistics Mauritius.

I wish to inform the House that the record of all crimes committed in mainland Mauritius is kept at the Crime Record Office of the Police Department, which has a central repository of all cases. The Crime Record Office continuously compiles such data for future use and for dissemination to all authorities concerned.

I am informed by the Commissioner of Police that the record for the calendar year is submitted to Statistics Mauritius on a yearly basis. The crime statistics for a particular year is generally submitted in the month of February of the following year for publication by Statistics Mauritius in its report in the month of June. The report referred to by hon. Mohamed and hon. Ganoo relates to Crime, Justice and Security statistics released by Statistics Mauritius for the year 2017, whilst I have been referring to latest data provided by the Crime Record Office for the year 2018, which is yet to be published.

According to the Crime Record Office Report, the crime rate for the year 2018 has decreased to 4.3% as compared to 4.6% in the year 2017. The cases of Crime Against Property have decreased from 3,495 in 2017 to 3,088 in 2018 and Offences Against Property have also decreased from 12,594 in 2017 to 10,406 in 2018.

It is, therefore, clear that there has been a significant reduction in the crimes committed in the year 2018 as compared to year 2017.

Thank you, Madam Speaker.

PORT LOUIS - 'CANAL ANGLAIS' - UPGRADING

My second statement. The hon. Second Member for Port Louis Maritime and Port Louis East raised an issue on the bad state of 'Canal Anglais' at Adjournment Time at the sitting of 26 March 2019. I would like to make the following statement in regard to this issue.

Madam Speaker, in June 2017, the City Council of Port Louis carried out urgent repairs at the bed of 'Canal Anglais'.

However, in view of major structural defects and settlement of the Canal at several places, there is need to carry out structural assessment and geotechnical investigations of the canal.

The National Development Unit has, therefore, decided to appoint a consultant to carry out the study, design and supervision of the project, which will involve extension of the canal by approximately 200 metres and reconstruction of part of the canal.

Madam Speaker, the National Development Unit has already invited proposals on 19 February 2019 from potential consultants to, *inter alia* –

- (i) review the existing infrastructure;
- (ii) effect topographical surveys for determination of affected locations and establishment of catchment and project area;
- (iii) study of the project area, compilation of inventory of existing drainage and associated infrastructure, assessment of capability and flaws of existing systems;
- (iv) identification of actual causes of flooding and their historical evolution;
- (v) recommendations as regards geotechnical and other investigations which may be required, including interpretation of results;
- (vi) preparation of bidding documents for the appointment of a contractor for the construction of the works, and
- (vii) supervision of the works.

The bids were received on 26 March 2019 and are under evaluation. The appointment of a consultant is scheduled by May 2019.

Madam Speaker, after the submission of the detailed design report and the bidding documents, action will be initiated to call for tenders for the upgrading of ‘Canal Anglais’.

Thank you.

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

At 4.19 p.m., the sitting was suspended.

On resuming at 5.07 p.m. with Madam Speaker in the Chair.

PUBLIC BILLS

First Reading

On motion made and seconded, the Building Control (Amendment) Bill (No. II of 2019) was read a first time.

*Second Reading***THE MENTAL HEALTH CARE (AMENDMENT) BILL****(NO. I OF 2019)***Order for Second Reading read.*

(5.07 p.m.)

The Minister of Health and Quality of Life (Dr. A. Husnoo): Madam Speaker, I beg to move that the Mental Health Care (Amendment) Bill be read a second time.

It is a privilege and an honour for me to bring this Bill to the House this afternoon. The objective of the Mental Health Care (Amendment) Bill is to amend the Mental Health Care Act 1998 to keep up with the evolving needs of the mental health care users and providers and to safeguard the rights of people with mental disorders.

I wish to remind the House that, my Ministry is conscious of the toll that mental diseases can have on patients and their families. I am sure that, most of us must have come across people with mental health problem and we cannot remain insensitive to their unfortunate situation.

In Mauritius, the delivery of mental health services is as per the recommendations of the World Health Organisation and we endeavour to provide the best possible care with highly trained personnel. Over the years, we have gradually decentralised mental care services to regional hospitals.

Since 2017, we have introduced Community Psychiatric Nursing at Flacq Hospital. Following the positive feedback, the project has been extended to SSRN Hospital in 2018. This also helps to reduce stigma towards persons with mental disorder and to allow them to access to mental health services closer to their homes.

The psychiatric services at Brown Sequard Hospital were previously functioning under the Lunacy Act of 1906 up to 1998. The Act was repealed in 1998 and replaced by the Mental Health Care Act 1998.

The Mental Health Care Act 1998 provides for the necessary legal framework for mental health care, the conditions of admission of persons suffering from mental problems, the treatment and living conditions of patients at the mental health care centre, protection of mental patients, their rights and the principles applicable to accused persons who are found to

be not guilty because of mental disorder or are found to be unfit to plead to a criminal charge by reason of mental disorder.

(Interruptions)

Madam Speaker: It is the second time today that I hear the ringing of mobile phones so I'll ask kindly hon. Members to either switch off their mobile phones or put it on the silent mode.

Dr. Husnoo: After a number of consultations with officers of my Ministry with regard to the improvement of the conditions of patients with mental disorder, it has become evident that the current legislation contains several shortcomings which, amongst others, limit the psychiatrists in performing their duties in the best possible conditions as well as hamper the rights of certain categories of patients, namely the security patients.

With a view to addressing these issues, a team at my Ministry set out to work on amendments to be brought to the current legislation with a view to come up with recommendations which are in line with the mission of my Ministry, that is, to : "Improve the existing health services and to provide patient centered, accessible, equitable and an efficient health care".

Madam Speaker, if you would allow me now to highlight major amendments that are being brought in this Bill.

Madam Speaker, it is becoming increasingly difficult to identify Medical and Health Officers with five years of experience to work in the mental health care centre as specified in the current act. Moreover, it is considered that three years post-qualification experience, with at least six months experience in General Medicine and six months experience in General Surgery is sufficient to enable the Medical and Health Officer to perform his duties under the supervision of a psychiatrist. The definition of "Medical Officer" is being amended accordingly.

In accordance with Section 4 of the current Act, the functions of the Board comprise amongst others, policy making, planning and management of mental health care which are actually being carried out by the administration at the level of my Ministry. Section 4 of the Act is, therefore, being repealed and replaced to redefine the functions of the Board. With the amendments, the Board will have mainly advisory functions, such as promotion of mental health of patients and standards of good practice and protection of patients' rights. The Board will also make recommendations to the Ministry with regard to planning and

management of mental health, measures on continuing professional development and training of medical staff. The Board will furthermore make recommendations to the Minister concerning measures for the sound financial management of mental health care.

In line with Section 5 of the Act, the present Commission comprises of seven Members and meets twice a week. However, the Commission is burdened with routine administrative work concerning the admission, discharge and leave of mental patients. Thus, little time is left for important functions such as investigation into complaints and cases of breach of discipline. It is felt that the administrative functions can be performed more efficiently by a new Managerial Committee with a lesser number of persons while investigative and other functions will be done by the new Mental Health Commission.

Sections 5 and 6 of the Act are, therefore, being repealed and replaced to provide for a new Mental Health Commission with new functions to enable it to operate efficiently and effectively.

The new Commission will comprise of six persons and will meet once a month and as and when required.

The Chairperson of the Commission will be a Magistrate or a law officer of not less than 10 years' standing and will be appointed by the Prime Minister.

The new Commission will investigate into complaints from patients, their relatives and member of the public, will look into cases of breach of discipline or professional misconduct and violation of human rights of patients. It will also review matters relating to admissions, treatment and discharge of security patients who are unfit to stand trial by reason of mental disorder or who have been found not to be guilty by reason of mental disorder.

The Managerial Committee - Madam Speaker, new Sections 6A and 6B make provision for a Managerial Committee which will be chaired by the Medical Superintendent of the Mental Health Care Centre.

The other members will be -

2 specialists with at least 5 years' experience in the field of psychiatry and a Nursing Administrator.

This Committee will be responsible for mainly the administrative procedures, *inter alia*, for reviewing matters relating to –

- (i) the admission and discharge of security patients who are suspected of having committed a criminal offence, for example, minor drug-related offences such as larceny, theft, assault, breaching of Protection Order or who are in the custody of the Police or are detainees in a reform institution referred to in the Reform Institution Act, and
- (ii) the involuntary admissions, treatment, leave, discharge and continued treatment of patients.

This Committee will bring to the notice of the Commission any breach of discipline, professional misconduct and violation of patients' rights.

Madam Speaker, the current Act does not make provision for the voluntary admission of minors suffering from mental disorder. Psychiatrists have been functioning under a legal ambiguity concerning the admission of minors at the Brown Sequad Mental Health Care Centre (BSMHCC).

Subsection (4) of Section 13 is therefore being repealed and replaced to enlarge the definition of voluntary patient to include a minor patient whose legal guardian may consent to his or her admission.

Now, regarding the transfer of patients, currently, mental patients under Court Orders are confined in closed wards even though they are stabilised.

Section 20 is being amended by adding a new subsection (3) to empower the Commission to temporarily transfer a stabilised security patient to an open ward when it is satisfied that the stabilised patient does not represent any danger to himself or to others. The term "stabilised security patient" has been redefined.

Discharge of security patients - after the implementation of the Mental Health Care Act in 1998 and during the years that follow, psychiatrists have noted some weaknesses while applying the law on a daily basis; for example, under the current Act, some patients under Court Orders are condemned to stay confined for their lifetime at BSH. We will all agree this is against the human rights.

Although a patient suffering from mental disorder can be stabilised through medication, it is not possible for doctors to confirm that he/she has fully recovered. Under the present law, it is, therefore, impossible to discharge a security patient even though he is well stabilised and does not present a danger to himself or others. One of the reasons why amendments to Section 37 of the Act are being proposed is to see to it that stabilised security

patients under Court Orders are no longer confined for their lifetime at BSH under the law; that is bringing more humanity and dignity to the function of the psychiatric services in Mauritius. Provision is also being made under Section 37 for the Minister to discharge such stabilised security patients on recommendation of the Commission.

Section 39 - Neglect, abuse or cruelty - Section 39 of the present Act is being amended to provide for a fine not exceeding Rs100,000 and to an imprisonment not exceeding 5 years for cases of abuse or cruelty towards any patient or security patient by any Medical Officer, Psychiatrist, or any officer or other employee of a centre.

Madam Speaker, the proposed amendments to the Mental Health Care Act will make psychiatric care less cumbersome and more patient-oriented. The amendments will not only take into consideration human rights of the security patients but will bring more humanity into the care of psychiatric patients in general.

I strongly believe that these amendments will go a long way in alleviating the sufferings associated with mental disorder and help to create a more conducive and enabling environment for our patients.

Madam Speaker, before ending my speech, please allow me to point out that my attention has been drawn to a minor typographical mistake in Clause 6 (1) (c) of the Bill where the word 'psychiatrist' has been wrongly written as 'pshychaitrist'. This matter will be dealt with at the editorial stage.

With these words, Madam Speaker, I would like to commend this Bill to the House.

Thank you

Mr Roopun rose and seconded.

Madam Speaker: Hon. Abbas Mamode!

(5.20 p.m.)

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Yes, Madam Speaker. I am neither a doctor nor a...

(Interruptions)

You are one! Bobby is one!

(Interruptions)

Yes, hon. Bobby has got a certificate! Not a Mental Health Care Specialist, but I will make general comments on mental health and disorder.

Madam Speaker, it concerns an issue of protection of both the patient and the civil society. On one hand, there should be no abuse in incarceration of our citizens. Secondly, there should be proper procedure how to appeal, how we will protect the patient. On the other hand, society must be protected also.

This is why, Madam Speaker, in other jurisdictions, Mental Health Acts are very elaborated and comprehensive. For instance, the Mental Health Act in the UK coupled with the Mental Health Capacity Act comprises 240 pages in all and goes into great details. The Mental Health Act of 2015 in Australia is 330 pages long. In Mauritius, the Mental Health Act of 1988, which is being amended today, is only 17 pages. It is clear, Madam Speaker, to everyone that the very serious issue is not being treated seriously in Mauritius. Appropriate safeguard must be included in the legislation for both the mental illness and also for those persons with mental disorders which represent a threat to society. It is clear that shortcomings exist in our legislation. For instance, there is no differentiation between mental disorder and mental illness. We all know that someone...

Madam Speaker: Hon. Abbas Mamode, I am not pre-empting what you would say, but I would request you, as well as all other Members who will intervene on this Bill, to restrict themselves to the amendment which is being brought and not to open the debate.

(Interruptions)

But I said I am not pre-empting what he would say, but, as a general guidance, I am saying that everybody should restrict themselves to the amendment which is in front of us.

Mr Abbas Mamode: Madam Speaker, we all know that someone may have a mental disorder but may not be mentally ill, for instance, drug addicts. On the other hand, there are many aspects of mental illness which need to be handled separately, such as delusion and hallucination. Someone under drug may have a mental disorder but not mentally ill.

My point, Madam Speaker, is that our legislation, all 17 pages of it, is inadequate. I believe that we need a judicial body which will decide on incarceration of persons against their will.

Similarly, patients who have committed crimes should also be released upon a decision by a judicial body. It should not be left to an Administrative Commission to decide

on such issues even when it is chaired by Magistrate or a law officer. Similarly, there must be clauses in the legislation to allow a person to appeal against such decision in the human rights and the need to protect society.

Madam Speaker, the PMSD will not vote for the Bill and the legislation needs complete redrafting to come up with a serious and elaborate Bill on mental illness. Madam Speaker, for instance, the possibility of one of our citizens being incarcerated upon the simple decision of a non-specialist Doctor at Brown Sequad Hospital is unacceptable. At the minimum there should be two Doctors, one of which should be a psychiatrist.

Similarly, we deplore the fact that this Bill does not deal with children who are of a special category of their own. The Ministry of Health should, at least, have the best practices and come up with a new legislation, serious issues like Medical Tribunal Appeal procedure, protection of human rights, protection of society be treated and may we have a new legislation.

Madam Speaker, it is unacceptable that someone who is incarcerated in a Mental Health Hospital should be released by the simple decision of a commission. We all here agree that innocent persons should not be detained without valid reasons, but examples exist where mentally ill patients have been released and committed serious crimes.

Therefore, in the face of real danger to release someone by the decision of Court Order, a new Court Order should be obtained. For this reason, Madam Speaker, we urge that this Bill be withdrawn and replaced by a comprehensive piece of legislation.

Thank you, Madam Speaker.

Madam Speaker: Hon. Dr. Joomaye!

(5.27 p.m.)

Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac): Thank you, Madam Speaker, for giving me the opportunity to debate on this Bill. I will do a little bit of introduction, but I will try to dwell specifically on the amendments proposed. Let me, first of all, as a professional, give a humble opinion on what the situation is right now.

We are about to amend an Act which has been enacted in 1999 and which dates back some 20 years ago. So many things have changed since then. The society has changed, people have changed, their behavior has changed, mindset is different, there are new challenges in life, new problems faced by a socially and professionally as well as

economically dynamic society. Family structure is no longer the same and parental authority does not mean the same thing as 20 years back. Everyone in this House will recall that in those years when the Bill was being debated, cellphones were not as accessible, it was not of common use. Social media did not exist, the variety of drugs consumed were not the same, synthetic drugs were not yet there nor were substitution therapies like subutex.

There are now new offences, cybercrime, harassment on social media leading to suicide in some cases, use of synthetic drugs causes so many psychiatric disorders. So, we have to be prepared. The mentality of people has changed, the comprehension of psychiatric conditions has been widened, people understand and accept mental conditions in their environment. They understand the fact that it is a health issue and there is a need to seek medical care. Negligence, denial, delay to seek treatment are the biggest enemies in this pathology. This is the root of stigmatization of the psychiatric patient, which prevents him from being reinserted in normal life after a psychiatric event.

When I say people understand, I cannot omit to say that there still remain some short brains, some retrograde minds who are disrespectful towards psychiatric patients. I must recall someone who just delivered his speech saying delivering a *certificat de fou* to a Member of the House. So, what a shame! What a shame, Madam Speaker! What a shame for a seasoned politician, a politician 2.0! So, this attitude is highly condemnable and needs clarification. This is how in the remote years people having mental illness were considered different and were treated in awful ways. Children with Autism or mentally retarded were sequestered, sometimes beaten up and physically abused.

Madam Speaker: Hon. Dr. Joomaye, you have to come to the point please, to the amendment. We cannot allow you to continue with the general comment on mental health.

Dr. Joomaye: So, we all agree that it is high time that the Mental Health Act of 1998 and 1999 be amended. So, section 2 of the principal Act is being amended which opens the way for younger practitioners to work in Psychiatric Department. As the hon. Minister rightly pointed out, nowadays it is difficult to find a medical practitioner of five years of experience to work in the Psychiatric Department. We all know that we have a young medical staff in our hospitals, freshly recruited during this mandate. Over 800 Doctors have been given employment in our public hospitals since 2015. The shift system implemented has absorbed all the unemployed Doctors. We were definitely facing a crisis with so many unemployed young Doctors. Today this problem is solved.

This amendment of section 2 introduces also the concept of stabilised security patients. In the existing piece of legislation, security patients are defined as those who are unfit to stand trial by reason of mental disorder. Those patients who have been found not to be guilty by reason of mental disorder, those patients who are suspected of having committed a criminal offence or is in the custody of the Police or is a detainee in a reform institution referred to in the Reform Institution Act.

So, these security patients, up till now, did not have any chance to get out of this situation. The aim of amending this piece of legislation is to give a way forward for these patients so that they are not stuck lifelong. We need to treat those patients who are symptom-free and without safety issues in a different way and this is what is being catered for.

Section 4 amended is making the mental health Board and apex body - its role is now more to give guidelines, advice and strategies to policy-makers. It is no longer involved in the day-to-day management. The registration and hearing of complaints goes down to the level of the committee which reports to the Board.

Section 5 being amended redefines the purview of the Mental Health Commission. The Chairperson will now be from the Judiciary. Formally, it was the Regional Health Director. The aim is to take the matter with a different eye, to see differently, taking it away from the strict medical point of view. The Commission will have as task to overlook the daily operations of the whole mental health care system and will have investigative powers as well.

To be able to deliver efficiently, a legal framework for a Managerial Committee is being laid. This committee will specifically have to deal with security patients especially regarding admission and discharge and transfers within wards as well.

Finally, section 39 is amended and is bringing new penalties and terms of imprisonments to those who are found to be abusing on patients. We all agree that Rs5,000 fine was not enough and as well as two years' imprisonment.

With these few comments, I will conclude that these amendments are to me non-controversial, they can only contribute to the better delivery of health care as far as mental health is concerned. I will end by congratulating the hon. Minister for bringing these amendments to the House.

Thank you, Madam Speaker, for your attention.

Madam Speaker: Hon. Leopold!

(5.35 p.m.)

Mr J. B. Leopold (Second Member for Rodrigues): Thank you, Madam Speaker. I am standing tonight just to seize the opportunity to participate in this debate as I welcome the move of the hon. Minister of Health in improving the National Health Policy as to the improvement of Mental Health Care Service to patients with mental disorders. But my second reason, and I think it is very important, for my participation in this debate is to raise awareness on the problems of mental health patients, all the problems that they are facing which prevent them from having a normal life, as I should say, because people with mental health diseases are more likely to suffer from discrimination, and discrimination in the society and within the health care system compared to physical illnesses.

During acute episode of mental illnesses, such as anxiety and depression, panic disorder, personality disorders and psychotic disorders, among others, people with those conditions have difficulty to assert their rights and, therefore, their rights are most likely to be breached in the community which they belong and in the health care service itself. Therefore, Madam Speaker, necessary legal framework is important to maintain the requirable standard of care as patients with mental health issues in some cases may be given treatment against their will and sometimes have to be confined against their will. Therefore, with an unavailability of a proper legal framework to address those issues, serious threats to their rights may occur.

I am saying all that, Madam Speaker, because health itself is defined as being a good mental and physical condition but, despite all these facts, worldwide you will see that the parity of esteem between mental health and physical health are enormous.

Considering the fact that one in four persons, indiscriminate of sex or race, will have a diagnose of mental illness at some point during their lifetime. Therefore, it is time that mental health issues be given the requirable political support with the appropriate mental health services where patients are given the appropriate structure for their treatment. Psychiatric hospital, on its own, is not enough in the delivery of optimal care to patients with mental illness, but we have to develop a model of care where treatments be easily accessible, effective and given with respect and respect to human rights.

As mental disorders are affecting more and more people, contrary to what people think, mental disorders can be treated and most people with mental disorders are not violent and do not need to lock away. Those people need to be treated in primary health care setting

and structures within the community so as to lessen the social exclusion and, therefore, ensuring full participation of people with mental disorders within the community.

So, that is my bit of participation in this Bill. As conclusion, I would say that we need to continue giving awareness on mental health as well, mental health diseases so as to encourage people with mental health problems to come and seek treatment from the requirable structure which the Ministry of Health is putting in place. And importantly as well, we have to have proper financing, budgeting and planning and with this policy, good policy so as to breach that gap, that disparity between mental health and physical health so as to maintain a productive society in a sustainable way.

I thank you for your kind attention.

Madam Speaker: Hon. Mrs Monty!

(5.41 p.m.)

Mrs M. C. Monty (Third Member of Port Louis North & Montagne Longue):
Madame la présidente, merci de me donner la parole pour parler sur ce projet de loi qui je rappelle vient, avec l'intervention du ministre, dépoussiérer une loi qui date de 20 ans, mais qui a connu, comme on sait, une stagnation tenace datant du début du siècle avec le *Lunacy Act*.

Madame la présidente, on est fort heureusement éloigné de ce mot '*lunacy*' qui, lui-même, était lourd de connotations et donnait lieu à nombreux écarts de langage et de stigmatisation, les plus lourdes et les plus tenaces. Toutefois, Madame la présidente, il est triste de constater que de nos jours la folie du langage permet encore de compartimenter ceux souffrant de la maladie mentale ou de la déficience mentale. Il est vrai qu'on dit qu'il y a beaucoup plus de fous en dehors, dans la nature, qu'à l'asile, mais toujours est-il que c'est un sujet auquel on se réfère avec beaucoup de connotations négatives, avec moins de délicatesse et d'indulgence que ça devrait avoir. Les stigmatisations sont nombreuses, n'entendons pas les courageux psychiatres être traités de '*docter fou*' et dans nos propos se glissent souvent '*sa enn fou, enn coco piker, un toker, enn pagla*' ou alors dans des propos comme '*eta ale mental toi fer de bon*'. Le mot 'fou' est utilisé à tout bout de champ pour se référer à quelqu'un qu'on veut rabaisser, qu'on veut dégrader. Hélas, Madame la présidente, les stigmatisations autour de la maladie perdurent même si c'est un degré moindre; sont fous tous les déprimés, tous ceux qui souffrent de déséquilibre léger ou passager. La folie est un grand parapluie, Madame la présidente, abritant tout écart de comportement, même les crimes les

plus crapuleux, les comportements les plus odieux arrivent à être mis sous le compte de la folie.

Madame la présidente, la question est de savoir où commence la maladie mentale et où se termine-t-elle ? Comment se définit-elle ? De la schizophrénie ou du délire alcoolique, du psychotique ou au parano, le mal est varié et à différents degrés, et c'est là que se situe l'importance du spécialiste des maladies mentales. Je veux parler, ici, de la Commission et du *Board*. Les changements apportés permettent d'avoir un corps responsable partant de la bonne gestion, de la bonne marche des institutions, des admissions, des congés, des départs définitifs, des suivis, voire même des plaintes allant de la maltraitance, de la négligence ou tout simplement de la non-satisfaction au niveau des soins et du bien-être du patient.

I think, Madam Speaker, that it is quite important to stop and have a semantic analysis of the word 'care' which is found in the Bill and which replaces the word 'services'. The Bill, today, is about Mental Health Care Bill, an amendment brought to the Mental Health Act of 1999 so as to give a better structure to allow for better care of the mental patient.

What is care, can we ask? It is according to my understanding all that is provided to the patient from diagnosis to the therapeutic care, to attitude-based approach, human approach, community based approach, reintegration and social rehabilitation. Care, Madam Speaker, does not stop at the door of institutions.

Il faut par ailleurs rappeler la justesse du mot choisi pour remplacer '*Health Services*' by '*Health Care*'. A la partie (a) de la section 4 illustrant ainsi la noblesse du devoir, l'attention exigée et la délicatesse requise non seulement pour la maladie mais aussi pour les malades.

Il est bon de constater qu'après 20 ans, c'est au crédit du ministre de tutelle que revient ces nouvelles clauses qui viennent ajuster cette loi aux exigences de notre temps. Je me réfère, ici, à la clause 4, complètement refaite, où il est question justement à la troisième partie du paragraphe (d) du développement professionnel de tous ceux concernés, en partant du corps médical jusqu'au corps paramédical dans son ensemble. Toujours au niveau de la section 4 à la partie (e), il est ici question du suivi essentiel de l'inspection qui est un *must*, et qui ne peut plus ou ne peut pas se faire au petit bonheur, au gré des envies ou selon sa disponibilité.

It is mandatory and should be effected in a period of not less than six months which however in my opinion is insufficient, which could have been term wise. My question is : why not less than six months ? *Pourquoi espacer si longuement les visites d'inspection ?*

Madame la présidente, il s'agit du traitement des patients à leur besoins spécifiques et particuliers dans des conditions tout aussi particulières et rien ne doit être laissé au hasard. La vigilance est de mise et les changements apportés qui visent certainement à améliorer le service dans ce secteur, il y a le patient et sa maladie, le médecin traitant et les encadreurs.

Madame la présidente, si la réactualisation des clauses de cette loi vise à être le garde-fou contre les abus et assurer la protection des déficients mentaux, il serait bon que clarification soit donnée quant à la présence au niveau du corps régisseur de tous ceux pouvant comprendre le mal de tous ceux qu'il défende, afin de venir en aide de façon adéquate, utile et efficace. Plus que l'expérience, la spécialisation aussi doit être tenue en ligne de compte. Qu'en est-il de la gériatrie ? On connaît tous le vieillissement de la population, la vieillesse et tout ce qui en découle. Qu'en est-il de la présence d'un pédopsychiatre à siéger sur un des comités régisseurs ? La gestion du stress au niveau parental, l'impact sur les enfants, les foyers monoparentaux, les mères célibataires, les grossesses précoces et tout ce qui s'ensuit sont autant de facteurs à être tenus en ligne de compte quand il s'agit de l'incapacité de l'individu à gérer le trop-plein de souci, les troubles émotionnels et affectifs, d'où l'importance des spécialistes spécifiques au niveau de la gestion de la santé mentale et des structures à être mises en place pour traiter les patients, assurer le suivi de leur traitement, les préparer à la réhabilitation et la réinsertion sociale. Ce sont là, Madame la présidente, quelques interrogations par rapport à la mise en place des nouvelles structures des services à la santé mentale. Toutefois, je tiens encore à saluer l'initiative du ministre d'avoir touché à deux décennies de stagnation.

Pour conclure, Madame la présidente, disons que les structures les meilleurs du monde, elles peuvent être les meilleures du monde, mais c'est l'être humain qui demeure au centre de tout, qui donne vie à la forme. Et souhaitons que dans le fond, tous les partenaires de ce service essentiel et délicat soient portés par le besoin des déficiences mentales et que l'efficacité du service, comme clairement stipulé dans une des nouvelles clauses, soit rendu plus remarqué et plus remarquable au niveau des soins prodigués. Bref, formulons le souhait que l'éventail des soins puisse couvrir les nombreux besoins de plus en plus variés, de plus en plus complexes.

Sur ce, Madame la présidente, je vous remercie.

Madam Speaker: Hon. Dr. Boolell!

(5.50 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Madam Speaker, if I look you into the eyes...

(Interruptions)

...it is not because they are the apple of my eyes, but because I will seek your indulgence on two major concerns. One, I would ask you to give me some leeway because I intend to refer copiously to my notes and, two, since the hon. Minister has opened the debate, I think you should give us some leeway.

Madam Speaker: Just to reply to you, hon. Member, you will have noticed that I have given some latitude to all the orators to introduce the subject, but yet, we are today in front of an amendment Bill, and we will have, however, to restrict discussions to the amendment which is being brought. Having said this, I'll give you the latitude to introduce the subject, but not to broaden the debate on a whole as if we are in front of the whole Bill which is being debated.

Dr. Boolell: Madam Speaker, I know the Minister is very keen to address certain pressing matters, but the Minister has chosen to come with an array of amendments. In fact, I will call it a vast array of amendments. He has chosen to do so and I am sure the Minister would agree that, had he paid heed to the advice tendered to him by officers of his Ministry, he would have come with a comprehensive legislation.

What is the object of this Bill? It is to enhance the legal framework for the proper functioning of mental health care. When you look at the functions of the Board, it stands to reason that we need to promote standards of good practice and efficacy of mental health care.

Previous orators have, in their interventions, highlighted the merits of the Bill and the reason as to why we need to look at mental health care from a wide perspective. One of the main concerns is an ageing population and there is a sizable number of long-stay patients in institutional care. I would ask the questions: what is it that we intend to do to make the life of those long-stay inmates better? For how long are they going to be confined to the privation of long-term confinement? Is this in line with human rights, with basic human rights? And I call upon the Minister to see to it that those patients, in due time, of course, be transferred to

proper institutional care. Whether the care centre will be constructed on the premises of Brown Sequard Hospital, the Minister will have to say so; whether those patients will be under the care of the Ministry of Social Security, the Minister of Health will have to say so; but we have to do something. We cannot allow long-term inmates - and I have been told that there are as many as 400 probably – to stay in Brown Sequard Hospital. If we want Brown Sequard Hospital to be a hospital of repute, to dispense relevant and effective mental health care, this is an issue that has to be addressed upfront.

Madam Speaker, hon. Dr. Joomaye raised a very fundamental point. There is a moving societal landscape. It is constantly moving. And, as I have said earlier, we have an ageing population. There are more people over the age of 65 than under the age of 5 years in our population and the consequences are far-reaching. Families are no longer extended families. We are becoming a nuclear family society with the consequences that the State, the nation has to assume fully and live up to expected changes. These are the new social realities. And mental illness, Madam Speaker, accounts for 15% of the total burden of all diseases in many countries.

So, the policy has to change and one of the most inhumane legislation was the Lunacy Act which was repealed and replaced by the Mental Health Act of 1998, which remains today the principal Act. But hon. Dr. Joomaye is right to point out that these are changing times. We are talking of white wire nation; people are constantly on the net, who become addict to net, internet with the consequences and the prevalence of new diseases in society. Let alone those elderly who are neglected. We are no longer a caring society and I expect the Minister to come and say what it is that we are going to do to harness our resources, financial resources. I heard nothing mentioned with respect to budgetary allocation.

Madam Speaker: Within the ambit of the amendment!

Dr. Boolell: Of course! Madam Speaker, what did I say earlier? We are talking on how to promote standards of good practice and efficacy of mental health care. I would advise you to refer to what Sir William Reade said. We are talking of basic human rights. Let me quote what he said –

“As for the physical accommodation, apart from the Occupational Therapy Department, I have never seen such squalid and such demeaning physical surroundings even in the worst of prisons.”

And yet, as of now, we are referring kids to be admitted in wards where you have patients who are being treated for alcoholic or other psychiatric disorders. Is this in line with basic human rights? I expect the hon. Minister to tell us that fund would be disbursed to address this problem and there would be a renovation of additional ward or additional ward would be constructed. That is why I will come back to what I said earlier. If we construct home for the elderly, we can transfer those patients, long-term inmates and send them to institutions where they will have better care.

So, Madam Speaker, the other issue is one of discrimination, of stigma, of alienation and when a person suffers from a psychiatric disorder, do you know the discrimination that the person suffers from? Do you know that he does not get the care that he deserves and, worse, if he is a long-term stay in any institution? And those patients, they are entitled to some allowances and there is an Accounts Committee which takes care of the allowances that they are entitled to.

Now, if I ask and I put a question to the Minister, I would like the Minister to tell us what is the quantum of money that is in this account? Whether those patients are entitled to a personal account? There was a case of alleged misappropriation of funds which was referred to ICAC; we would like to know where matters stand.

Madam Speaker: No, hon. Member! No! I am sorry, I have given you latitude to expand on the Bill in the introduction to your speech, but now you are asking questions to the Minister which does not relate to the amendment. Either you figure it out as to whether the Managerial Committee or whether the Commission or be it the Board which is set up, either you figure it out that those functions are not mentioned in these amendments. This is acceptable.

Dr. Boolell: With due respect to you, Madam Speaker, I would ask you, I would advise you, or I would ask you kindly...

(Interruptions)

I have a right to advise her because the lady has made a mistake.

(Interruptions)

I would request...

Madam Speaker: Hon. Dr. Boolell, what you can do, instead of...

(Interruptions)

Please resume your seat!

(Interruptions)

Please resume your seat? Instead of advising me, you can relate your own speech to what is in the Bill and I think then the Minister will be in a position to reply better to your statements. Right!

Dr. Boolell: I would then refer you to section 6 paragraph (h) –

“(h) oversee the proper functioning of the Accounts Committee.”

That is why I made it a point to raise this matter which is of concern to relatives of all long-term inmates.

Madam Speaker: That is you are not satisfied with the functions of the Commission and that you want to ask questions on the functions of the Commission. This is acceptable.

Dr. Boolell: But that is what I have been doing.

Madam Speaker: This is acceptable.

Dr. Boolell: With all due respect if...

Madam Speaker: This is acceptable.

Dr. Boolell: We are all humane and human beings. To err is human, Madam Speaker. You have erred, so, you have to admit...

Madam Speaker: No...

(Interruptions)

Dr. Boolell: Madam Speaker, I will ask the Minister to inform the House as to whether the Commission that is being set up is a quasi-Judiciary Body. In fact, there is a Magistrate who will chair this Commission and he has wide powers. I would like to know what protection is being given to witness. I would like to know whether the person who is going to be convened to depone before the Commission, call it a psychiatrist, paramedic or nursing officer, what happens if he does not submit evidence or if he does not produce relevant papers, of course, papers which are relevant to an inquiry, an investigation. Whether he would have the right to counsel when he or she depones before the Commission? So, nothing is spelt out in the amendments which are before us.

The Board, Madam Speaker, has failed lamentably. The Board has not delivered. I do not recall of any report that has been submitted in this very House. So, if the Board has failed lamentably, we have to do away with the Board and I would ask the Minister to set up an Authority. In fact, the time has come for the mental health care to be a quasi-autonomous Body to ensure the organic link between a mental health care and general health care. With good oversight, the programs are well-budgeted and, of course, we can monitor the outcome and the output.

So, Madam Speaker, we do not know also which Body is going to monitor those private centres which exist. I have in mind, of course, private clinics and centres which advertise to admit patients for psychiatric treatment and those kids who are victims of drugs. But we would like to know what is the role and relevance of the function because there used to be a commission for each centre. Now, there is a main commission. So, I would like to know what are the powers that have been vested upon the commission and what about those homes which cater for the needs of the elderly, whether there is a good synergy between the Ministry of Health and Social Security to ensure monitoring and good surveillance.

I know, Madam Speaker, you did a lot of social work and you know what it means to cater for people who are in need and people who are in distress. Very often, those people were long-term inmates, some of them suffer from Alzheimer, senile dementia and you know the number of those persons who have been victims, who had the wills forged and yet we are talking of human rights.

And then come a time when probably many of us will be admitted or will probably spend our last days in nursing home. What rights do we have? Are our rights being protected? Our rights well and shrine! That is why we say there is societal change and it is a new landscape and we have to adapt to those changing circumstances. So the Bill has its *raison d'être*, but I would have expected the hon. Minister to go all the way and there is every reason for him to come with a full-fledged comprehensive Bill.

Madam Speaker, I feel sorry that you have not paid heed to the advice tendered to us by Sir William Reade. You were Minister of Health and I am sure you had taken cognizance of the findings of the report. That is why a question was put in 1998 by the then Leader of the Opposition, hon. Bérenger, as to the amount of money that has been earmarked and disbursed to improve health care in Mauritius. Unfortunately, I know the Minister will say that there is

a sizable percentage of GDP which is allocated to health care, but when you look at basic needs, much need to be done.

So, I appeal to the hon. Minister to have a fresh look, to redesign policies, to make policies more responsive to the needs of an aging population, of our youth which are restless, agitated and you know all this has a bearing upon our productivity.

So, the time has come to have a fresh look at policies, what is it that we need to do to adapt to those changing circumstances. That is why I say these are simply not basic amendments. These amendments are highly relevant. I do grant you there are some good things which have been introduced in this Bill. For example, the right of a patient to decide on his own - talking of voluntary patients - if he can exercise proper control on his mental health, on his health status, he can decide as to the treatment that he should be entitled to. That is fine. Previously, when I looked at section 13, there has been amendment brought to ensure that the right of a patient to decide upon the treatment following advice tendered to him by psychiatrist, the treatment that he would comply with.

Madam Speaker, the time has come also to wage an aggressive campaign and we have to sensitise the patient at large on the merits of health care. What is it that we need to do to ward off unfair criticisms or what is it that we need to do to do away with discrimination, with taboo, with stigma regarding our nation.

I have to pay tribute to one fine gentleman by the name of Brown Séquard and I have also to be thankful to M. Richon, the Director of the Blue Penny. Well, Emmanuel Richon who wrote a book in the process of destigmatisation, who wrote a book on the merits of this fine gentleman, Brown Séquard. Great gentleman, professor of Neurology, well renowned in the field of the physiology of the brain and he was amongst those who fought against discrimination. He was a proof abolitionist.

When he was in the States, he stood by those who said that slavish which had come to an end when it comes to implementation, when it comes to giving support to all those who are in favour of the fight being waged by the abolitionists that these people should be given the support. But he himself was victim of discrimination because his skin or his pigmentation was not very fair and yet his father was an Irish-American and his mother was of French descent. Allegedly, he had some Indian blood and that could be visible and it was discerning.

So, my appeal to one and all, we should not treat this legislation very lightly. There are merits, but the merits would have taken us a long way. The merits have been better had

we come with a comprehensive legislation. I will invite the hon. Minister to give serious thought and in due time, I don't know whether it can happen now, probably that will be the responsibility of the next Government to come with a comprehensive legislation which will do away with taboo discrimination and will enable us to bring those who suffer from mental disorder into the mainstream of society.

We have to look at this specific section of the Constitution and give differential treatment to make sure that our society become inclusive to take care of those who are needy and who are vulnerable.

Thank you very much.

Madam Speaker: Hon. Sinatambou!

(6.14 p.m.)

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Thank you, Madam Speaker. I would like first to congratulate the hon. Minister of Health and Quality of Life for bringing before this House, this afternoon, the Medical Health Care (Amendment) Bill (No. 1 of 2019) which purports to amend the Medical Health Care Act which was enacted in 1998, but which came into force in 1999.

I must say that while I was listening to my good friend, the hon. Member for Belle Rose and Quatre Bornes, and although he is a good friend of mine, I couldn't help feeling that his mind was going astray because this is a Bill, an *ad hoc* Bill, an amendment Bill with specific clauses purporting to bring *ad hoc* changes to the law, and we went into different areas. But, what I am sure, however, having known him for a long time is that he certainly does not suffer from any mental disorder. I must give it to him.

Madam Speaker: That's not in order.

Mr Sinatambou: We are just amusing.

Madam Speaker: No, hon. Minister, I don't think that's in order and that's fair to those who suffer from mental disorder. I don't think that's fair at all. So, I rather request you to withdraw these words. It would be more appropriate for you to withdraw these words, please.

Mr Sinatambou: Madam Speaker, I thought we could, at least, having been good friends. I only said that I am sure he does not suffer from it, but I will withdraw it.

Madam Speaker: Hon. Minister, I have given my ruling on that matter.

(Interruptions)

Hon. Minister, I have already given my ruling on that matter and I think it should have been most appropriate for you just to withdraw these words, we can proceed further, and I just hope that you won't be long because hon. Osman Mahomed has asked me for the floor, he has a statement to make.

Mr Sinatambou: I certainly withdraw; however, I take strong objection to one of the Members of the Opposition, having called me a clown.

Madam Speaker: I am sorry, I didn't get your point.

Mr Sinatambou: However, I take strong objection if I am telling a Member that I know he does not suffer from any mental disorder and I withdraw it. I do take strong objection...

(Interruptions)

Madam Speaker: Oh no! Hon. Sinatambou, can we close this matter? It will be simple for you just to withdraw these words. We close the matter. We pursue further.

Mr Sinatambou: No, Madam Speaker. I believe that this House is actually run for purposes of decorum and discipline. Someone cannot call me a clown from a sitting position and I am supposed to...

Madam Speaker: No, are you saying that somebody said that you are a clown. Who said that?

Mr Sinatambou: A Member sitting opposite me called to say that and that is why I take strong objection.

Madam Speaker: Who said that? I didn't hear. Can I know whether anybody on this side of the House said that the hon. Minister is a clown?

(Interruptions)

Who said that? Who said that? No, let me say that we will be wasting - in fact, hon. Minister, I am appealing to you, you just withdraw, otherwise we are wasting the time of the House. It is simpler for you just to withdraw these few words, then we proceed further.

Mr Sinatambou: I just hope that the person who said it knows that he was wrong, I will not insist.

Madam Speaker: But are you withdrawing these words? I gave a ruling; I said it is better for you to withdraw. Are you withdrawing? Okay!

Mr Sinatambou: I have already withdrawn, Madam Speaker.

Madam Speaker: Let us proceed!

Mr Sinatambou: So, going back to what I was saying is that I know that my good friend, the hon. Member for Belle Rose and Quatre Bornes, does mean well. However, this is not the basis of the legislation before this House, this afternoon. What we have is a number of amendments which are being brought before this august Assembly dealing with specific parts of the Mental Health Care Act.

First of all, at part 2 of the legislation where we are dealing with section 4, where the functions of the Board are being repealed and replaced, the same part 2 of the Act which deals with the administration side of the mental health care of this country is having in section 5 a repeal and a replacement whereby the Mental Health Commission is also being, as I said, repealed and replaced.

Clause 6, which is also a constituent part of part 2 of the Act which deals with its administration, we see that the functions of the Commission are actually being repealed and replaced. Now, what is actually to be known about this, is that when we compare the functions of the Board, we will see that an improvement is actually being brought to the extent that whereas the existing section 4 of the Act states a number of functions, the new section 4 actually builds on the existing section 4, except for section 4(1)(h) on grievance, and the reason is because it is explicitly excluded as it is taken at clause 6(1)(b) of that very Bill.

Now, what is also worthy to be noted is that part 3 of the Mental Health Care Act, which deals with the examination, admission and review of the existing system, is actually being improved, and this is where section 13 of the Act is concerned, it is actually being amended by virtue of clause 8 of the Mental Health Care (Amendment) Bill.

Now, clause 8, as it stands actually amends section 13 in the sense that it brings in an improvement in the definition of 'voluntary patient'. Indeed, what we understand is that the existing definition of 'voluntary patient' in section 13 of the principal Act is such that it

didn't allow for a minor patient to be actually part of the system, except where the legal guardian actually consented to his admission, but the definition of 'voluntary patient' did not have a specific legal provision to include a minor patient whose legal guardian could consent to this admission and this is what the law is now coming to improve.

Now, I must say one thing. I heard the Fourth Member for Port Louis Maritime and Port Louis East and the hon. Member for Belle Rose and Quatre Bornes stating that the Minister should come with a full-fledged legislation. If I recall exactly what the Fourth Member for Port Louis Maritime and Port Louis East stated, he stated that the PMSD will vote against the Bill because this Mental Health Care Act needs a complete redrafting, and the hon. Member for Belle Rose and Quatre Bornes stated that he also felt that there should be a comprehensive legislation as opposed to an *ad hoc* set of laws. Why do I say that this is wrong? This is wrong because both of them, both of those two parties have been in power for nearly 10 years during the existence of this 1998/1999 legislation and during their nearly 10 years of mandate, they never found it fit to bring a comprehensive set of laws, let alone a legislative amendment to the Mental Health Care Act.

So, it is, I won't say of bad faith, I think I should say that it is, at least, incoherent or inconsistent with what they did, to come now and say before this august Assembly that this law needs a complete redrafting, that this law needs to be comprehensively dealt with. It is ironical that the PMSD should actually urged that this Bill be withdrawn, if specially, now, we do see that there is a contraction even within the opposition when we hear my good friend, the hon. Member for Belle Rose and Quatre Bornes, coming to say that, if I can quote him, there are amendments which are highly relevant. So, which is which? The inconsistency is here to be noted.

Now, I think it should also be highlighted that Part 4 of the Mental Care Act, which actually deals with the treatment and discharge of patients, the conditions of living of those patients at mental health care centres is also being improved. And how? It is because when we look at the amendments being brought by the hon. Minister of Health and Quality of Life, he has brought another layer from the Board Commission. We now have the Managerial Committee which is established by the new Section 6A and 6B and, therefore, in Part 4, Sections 17, 18, 20 and 21, where we actually deal with the treatment and conditions of living of patients at mental health care centres, we now see that whether it be a treatment plan, whether it be the consent, the transfer of patients, this power, this authority is not only that of the Commission, but it is also to be exercised by the Managerial Committee. And we must

agree, very often, one complains when we have new authorities being set up, because any new authority means a new set of individuals, it means new manpower, it means additional expenses, but, in this case, I believe that we should congratulate the hon. Minister of Health and Quality of Life because from a set of 16 members - I think we had nine of the Commission and seven, if I am not mistaken on the Board and the Commission - we have now switched to 20 with the Board, the Commission and the Managerial Committee. I think that this new layer to improve the efficiency and effectiveness of the dispensation of mental health care is to be welcome with only an addition of four individuals, let's say, four Officer Holders who are going to help in the administration of the system.

I believe that we must also mention the improvement being brought to Part 5. Part 5 actually is to be found at Clause 14 of the Mental Health Care (Amendment) Bill whereby, once again, we see that when it comes to certain powers, Section 27 actually deals with the appointment of guardians. Once again, the powers are not only to be exercised by the Commission, but also by the Managerial Committee.

I would like to state that one of the most marked improvements which I myself as an individual, as a Member of Parliament, as a Member of the executive and as Minister of Social Security welcome, is the marked increase in the penalties. I believe that it is high time that people who abuse people with mental disorders actually pay a hefty penalty. It is unacceptable in the third millennium, in a so-called developing society that people with mental disorders should actually be abused with only the eventual liability of Rs5,000 fine. So, today, I believe that, as opposed to telling us that we should withdraw this Bill, the hon. Minister of Health and Quality of Life should be congratulated to have brought this marked increase of 20-fold. From Rs5,000, the fine is now Rs100,000 for anyone who actually ill-treats someone who suffers from a mental disorder, and the potential liability for imprisonment has also been increased from two years to five years.

May I also say that I believe that one can take objection to the claim that there is a big problem with the fact that there is no definition of mental illness compared to mental disorder, because when one looks at the definition of mental disorder being a significant occurrence of a mental or behavioural disorder, exhibited by symptoms indicating a disturbance of mental functioning, clearly that is inclusive of mental illness and, therefore I believe that any averment that mental disorder and mental illness are not defined is something wrong. I believe that is not case, because in Section 2 of the Mental Health Care Act, it is clear that the one is included in the other.

The other thing I need to say is that, clearly, from what we heard from the two Members of the opposition who spoke, where the complaint is that, in a way, this Mental Health Care (Amendment) Bill is piecemeal. If they wanted a comprehensive piece of legislation, therefore their complaint is that it is piecemeal. Now, I believe that true it is that it is an *ad hoc* piece of legislation. But the same people who said so today were in Government; for example, in 1998, when they were in Government, and then, there was what they called an Action Plan for Health Sector Reform, what they called *un Plan Global des Réformes*.

Now, all the hon. Members on the other side of the House, from that year of 1998 until this Government took Office, have been in Government. So, there was this *Plan Global des Réformes* which existed from 1998. I think it is to say the least incoherent that they should come today and say that it is piecemeal, when they had all the time, they had at least about 15 years to do the needful, having been in power on that side of the House during that span of time.

The other thing I should say is that my good friend, the hon. Member for Belle Rose and Quatre Bornes, spoke of funding when he referred to that particular part of Section 6 of the Bill. I must say that I am quite sure having seen the emphasis that this Government attaches to social welfare. I am quite sure, however, that if we compare figures, this Government has certainly spent more on health care services and probably mental health care than any other Government before it. So, I think this is worth stating.

One thing I must say is that the hon. Member for Belle Rose and Quatre Bornes also spoke of stigma and, at one stage, I myself was wondering whether the fact that there is a judicial dimension to mental treatment is not a form of stigmatisation, because we could argue, despite we have World Health Organisation Guidelines, despite we have a National Policy, or let's say a Government Policy that all patients should be treated alike. The fact that there is a judicial dimension to mental treatment, does that amount to stigma? Because not only is there an examination of the patient, a record being sent to a District Magistrate upon the admission of the patient and a validation of the admission by a District Magistrate. However, after reflecting on that subject matter Madam Speaker, I have come to the conclusion that I do not think we should consider that as stigma because the reason for the reference to the judiciary and the judicial validation of admission is based finally on the assessment whether the person constitutes a danger for his own safety or that of other persons as a consequence of his or her mental disorder. It is not that we want to discriminate against that person, but we have a duty to ensure that that person is protected from himself or herself

or that he is prevented or she is prevented from actually causing some sort of danger to others as a consequence of the mental disorder. So, that is not stigmatisation. As we say, prevention is better than cure.

And I would add that apart from this particular fact, that request for validation is a way of ensuring the protection of society at large. Now, if one speaks of the risk that because that is known and that, therefore, that person is stigmatised or discriminated against because the fact of his admission, etc. becomes known, his identity becomes known by reason of the referral under section 13 and the Second Schedule of the Mental Health Care Act. Then, maybe we did not have that 20 years ago, but now we have the Data Protection Act; anyone who keeps a record of such data, and it falls under the purview of the Data Protection Act, and, therefore, a data controller has no right to actually disclose any information on that particular person.

So, to me, therefore, the claim of stigma, which was raised by the hon. Member, does not stand because the law protects the people from disclosure and the reason for their referral is for their own protection, if not that of the rest of society.

So, this being said, Madam Speaker, I think I will end on a very good note. I do apologise if while I was trying to just say a joke, it was not well taken. I do apologise if I missed the point. But my good friend, the hon. Member from Belle Rose & Quatre Bornes said a very good thing about Charles-Édouard Brown-Séquard, a Doctor who was specialist in Neurology. What we ought to know is that he was born on 08 April 1817 in Port Louis; he graduated in Medicine in Paris in 1846 but he died surprisingly on 02 April 1894. That is, exactly 125 years ago. Today is the 125th death anniversary of his demise and such a coincidence that the Mental Health Care (Amendment) Bill is being brought before this House and hopefully pass later tonight.

With these words, I must reiterate my apologies to you, Madam Speaker, for what happened and I certainly wish to congratulate hon. Dr. Husnoo, the Minister of Health and Quality of Life, for bringing before this House what I consider to be a very good piece of legislation which fulfils the very objects which are contained in the Explanatory Memorandum and which is going to help improve the provision of mental health care in our country. I thank you very much for your attention.

Madam Speaker: Hon. Members, I will have to interrupt the debates to allow hon. Osman Mahomed to make a point of personal explanation. In fact, he has asked me to allow him to make this point of personal explanation today only, and I have acceded to his request.

PERSONAL EXPLANATION

NHDC LTD - MR I. S. - PROMOTION

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Madam Speaker, with your permission, I wish to make, as you mentioned, a personal explanation following what the hon. Minister of Housing and Lands, hon. Jhugroo, stated in the House during Question Time while replying to PQ B/91 of mine this afternoon in regard to the recruitment of a Human Resource Manager at the National Housing Development Company Limited.

While tabling a document, the Minister stated that when I was the Managing Director of the NHDC, I had promoted one Mr I. S. to the post of Manager in two months' time. This is not factually correct, Madam Speaker. I have perused the document which the hon. Minister tabled and therein it is clearly stated that Mr I.S. was promoted Manager in April 2006. I was appointed Managing Director of the National Housing Development Company Limited in 2010, four years after the promotion of the said Mr I. S. in 2006. So, what the hon. Minister has stated is not correct.

I thank you, Madam Speaker.

Madam Speaker: I will now ask the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Mrs Boygah!

(6.41 p.m.)

Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, at the very outset, let me congratulate the hon. Minister of Health and Quality of Life for bringing this Bill to the House.

Mr Deputy Speaker, Sir, Mauritius, under the British administration had the Lunacy Act 1906 which catered for health care aimed at people suffering from mental disorder. In 1998, the Lunacy Act was repealed and a proper legal framework was adopted.

The Mental Health Act 1998 enabled the creation of an institution that governs the admission, treatment, conditions of state of patients as well as conditions that apply to suspect leading mental disorder.

Mr Deputy Speaker, Sir, today the concern of the general public has changed when it comes to mental disorders while in the 90's our population became more and more aware of mental and behavioural health. Recent figures show that more and more Mauritians are suffering from mental and substance abuse disorder.

Mr Deputy Speaker, Sir, mental disorders being reported are –

- schizophrenia;
- depression disorders;
- Alzheimer;
- bipolar disorder, and
- alcohol and drug-related psychiatric conditions.

And I have some figures, Mr Deputy Speaker, Sir. According to WHO, in 2016, 4,681 patients were admitted to the Mental Health Care of whom 1,800, that is, 38.5% were admitted for alcohol-related psychiatric condition; 1,149, that is, 24.5%, for schizophrenia and 345, that is, 7.4% for depression disorders. The remaining patients were admitted for bipolar disorder, conduct disorders and psychoactive substance abuse.

To react to the growing concern of our citizens, Mr Deputy Speaker, Sir, and to the demand of the patients themselves, we need a new legal framework that will allow the authorities to recruit young and bright professionals in the institution that already exists.

There are certain provisions in the 1998 Act which have given rise to a number of practical problems. A Medical and Health Care Officer, for example, should have under the current law, a minimum of five years post-qualification experience to be posted in a mental health care centre. We need to be more flexible nowadays with an ageing population falling prey to mental diseases. We need to have more trained professionals in this field, not only in the mental health centre of Beau Bassin, that is, the Brown Sequad Mental Hospital but also all around the island.

Mr Deputy Speaker, Sir, as such, reducing the minimum experience required will allow the Ministry of Health to recruit Health Care Specialists more easily to help the country to meet the challenges ahead in this area. The Ministry believes that a general practitioner with not less than three years post-qualification experience, with six months of practice in

general medicine and six months practice in general surgery will be enough to be posted in a mental health centre for Doctors.

Mr Deputy Speaker, Sir, this, in the long run will be beneficial for Mauritius. It would allow a class of young Doctors in this field to gain more exposure to the needs of the population when it comes to mental disorders.

Mr Deputy Speaker, Sir, currently the five general hospitals in Flacq, Pamplemousses, Candos, Port Louis and Rose Belle are providing treatment to mild and moderate condition while severe cases are being referred to the mental health care of Beau Bassin, which has a bed capacity and can accommodate approximately 100 patients.

Mr Deputy Speaker, Sir, the 1998 Act also does not allow the trial leave for security patients, that is, those who are admitted because they are found to be mentally ill offenders sent from Court. According to the report from the Ministry of Health, some of them end up spending the whole of their life in the Brown Sequard Hospital. Though this may not be a major concern for many, once they have recovered, this segment of the population needs to be given a second chance.

Mr Deputy Speaker, Sir, the new amendments provide that the Mental Health Commission will be able to provide trial leave of security patients when they are stabilised. Such patients may be given discharge whereas previously they were required to be fully recovered sometimes which considered to be unrealistic.

Mr Deputy Speaker, Sir, the 1998 Act enables the creation of a number of institutions and units. Nonetheless, changes need to be made in order to allow the mental health centre to deliver more efficiently.

Now, day-to-day involuntary patients, admissions and discharges will be dealt by a Managerial Committee. The Mental Health Commission will function more like a Tribunal and will deal with complaints appeal, investigation and leave and discharge of security patients and will furnish a report every six months to the Board of all its decisions and other information as the Board requires. As I said, the Commission will act as a Tribunal and the Chairperson, as stated in the amendment, will be a Magistrate or a law officer of not less than 10 years standing.

Mr Deputy Speaker, Sir, Mental Health Commission will also send a report to the Board and when it concerns the Managerial Committee, it will meet twice a week when required and keep a record of all its proceedings and decisions and every six months it will

furnish to the Commission a report of all its decisions and such other information as the Commission may require.

Mr Deputy Speaker, Sir, the function of the mental health Board has also been streamlined such that planning of the mental health care which is normally done at the level of the Ministry of Health and Quality of life would not be included under the mental health Board.

There is a change in definition, Mr Deputy Speaker, Sir, which is very well welcome concerning the voluntary patients. Now, a minor patient must be accompanied and have the consent of his parents for his admission and treatment. Section 39, Mr Deputy Speaker, Sir, it is quite proper changes like the one brought to penalties being increased, that is, from 5,000 rupees and 2 years to 100,000 rupees and 5 years regarding officers abusing and committing act of cruelty against patients and this is most welcome.

To conclude Mr Deputy Speaker, Sir, I am sure that like I do other Members of this Parliament will agree that the Ministry of Health now will be prepared to tackle the challenges both future and current one when it comes to mental illness in Mauritius.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Rampertab!

(6.50 p.m.)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, from the outset I am pleased to be able to bring my modest contribution to the debates around the the Mental Health Care (Amendment) Bill (No. 1 of 2019. Indeed, as a Parliamentarian, I believe that it is my solemn duty to voice out on such an important issue which has been increasingly affecting our society. In fact, the perception around mental health care has evolved over the last few years and through this Bill, this Government will bring the much awaited changes needed to the mental health care institution and national policy. I would like to thank the hon. Minister of Health and Quality of Life for presenting this Bill here in the Assembly today.

Mr Deputy Speaker, Sir, for the last few years I have witnessed an alarming spike in the number of reported cases of individuals from old age groups, professions and backgrounds who, unfortunately, suffer either mild or severe, temporary or chronic forms of mental issues. What was previously taboo in our society is now being increasingly discussed

openly through numerous platforms such as social media, youth clubs and occupational health even within the family unit. We have also observed that attitudes towards mental health have been gradually changing due to individuals being more informed. But, unfortunately, historically, attitudes in our country have caused considerable damages in our society towards mental health patients. However, recently, new types of mental health issues such as stress, depression, anxiety, burnout or bipolar disorder are being added to the list of mental disorders.

Mr Deputy Speaker, Sir, undeniably at some point in their lives, some of the citizens have been affected by, at least, one type of mental issue and were mostly unaware of the issue and how it could be treated. Unfortunately, Mr Deputy Speaker, Sir, mental health issues leave a deep impact on patients and families, but also if left unchecked have both direct and indirect economic impacts which should not be ignored.

In fact, the World Health Organisation (WHO) estimates that depression and anxiety disorders cost the global economy one trillion dollars each year in lost productivity. Across the globe, there are more than 300 million people suffering from depression. The WHO estimates that 10% of the workforce has already been absent from work because of depression. There is an average loss of 36 working days when an employee is depressed and in addition the productivity of such a person tends to drop significantly as he or she faces difficulty in concentrating and making decisions.

In this context, Mr Deputy Speaker, Sir, depression has an impact on the economic development of any country. The cost of poor mental health are high, the total cost of mental illness is estimated around 3.5% of the GDP. People with mild to moderate mental illness such as anxiety or depression are twice as likely to be unemployed. They also run a much higher risk of living in poverty and social marginalisation. The facts are clear, Mr Deputy Speaker, Sir. It is time to act.

Through this Bill, Mr Deputy Speaker, Sir, this Government is setting the solid foundation for a more efficient and structured institutional framework. The Mental Health Commission is being updated and reinforced to better face the current and emerging issues of the Mental Health Care field in Mauritius. For instance, the amendment to section 2 of the main Act, ensuring that the Medical Officer has the appropriate experience of, at least, six months in general medicines or, at least, six months in general surgery is welcome.

In addition, the Medical Officer would be under the supervision of a psychiatrist to ensure that the care and treatment given to the patients is the best. More importantly, Mr Deputy Speaker, Sir, section 5 of the Bill makes provision for the purpose, aim, duties and composition of the Mental Health Commission to be significantly altered. The Mental Health Commission will now be resourced with Board members who will need to have relevant experience and skills in the field to also address the policies which will need to be designed to better help mental health patients in our country.

Mr Deputy Speaker, Sir, a key element for achieving a healthy workplace is the development of Governmental Legislation Strategies and Policies and we will rely on the Mental Health Commission to design such proposals. A healthy workplace can be described as one where workers and managers actively contribute to the working environment, like promoting and protecting the health, safety and well-being of all employees. A recent guide from the World Economic Forum suggests that intervention should take a three-pronged approach –

- (i) protect mental health by reducing work related risk factors;
- (ii) promote mental health by developing the positive aspects of work and the strength of employees, and
- (iii) address mental health problems regardless of cause.

Article 27 of the UN Convention on the Rights of Persons with Disabilities, which is known as CRPD, provides a legally binding global framework for promoting the rights of people with disabilities, including psychosocial disabilities. It recognises that every person with a disability has the right to work, should be treated equally and not be discriminated against and should be provided with support in workplace.

Mauritius, Mr Deputy Speaker, Sir, has its population at this major resource. The need to capitalise on human capital is more crucial than ever today, and in order to become the high-income economy we aim to be. Our accomplishments have been tremendous so far and further progress in terms of occupational psychology can take us to the next level. The Mental Health Commission will aim to promote the mental health awareness and services which can be provided to young job seekers and experienced professionals to ultimately enable them to reach their maximum potential. It is an achievement for this Government, Mr Deputy Speaker, Sir, that the Mental Health Care (Amendment) Bill is in line with the STG 3 on good health and well-being and SDG 8: decent work and economic growth.

Mr Deputy Speaker, Sir, it is good to know that lack of information and proper understanding of mental health and deep-rooted stigma has led to health insurance plans to place greater restriction on treating behavioural health disorders than on other illnesses. The Mental Health Commission should also take a step towards destigmatising mental health and openly talking about it and seeking help where required. It is also important that the mental health services be given equal importance as physical health services. Mental health parity laws can also require insurers to extend comparable benefits for mental and physical health care. It is also a fact that the majority of people whose mental ailments are reluctant to seek treatment because of their stigma.

Mr Deputy Speaker, Sir, this phenomenon is global according to WHO which estimates that, at least, 50% of people suffering from depression are not treated and that in the African region, lack of information and cultural barriers are major hurdles that deter people from seeking treatment.

Mr Deputy Speaker, Sir, let me conclude by saying that we, as Parliamentarians, should set the example. Mental health is not a joke and should in any circumstances be used to denigrate any individual. On the other hand, in cases of severe ignorance, mental health can be treated and the Mental Health Commission would be successfully entreating them.

Mr Deputy Speaker, Sir, the shaping of how we address our mental health care as a nation is essential for a future physically and mentally healthy society. Undeniably, the reinforced and restructured Mental Health Commission will be pivotal in spearheading the crafting and delivery of right policies to address both the current and emerging issues of our nation.

I thank again the hon. Minister of Health and Quality of Life for coming up with this piece of legislation which was long overdue.

Thank you for your attention.

The Deputy Speaker: Hon. Rutnah!

(7.00 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, men sometimes are master of their fate. The fault dear Brutus is not in our stars but in ourselves. Some are born mad, some achieve madness and some have madness thrust upon them. King George III who ruled England since

1760 to 1820 was mad. He is commonly known as the mad king who lost America, because he lost the war and eventually, King George III ended up secluded in Windsor Castle and he died there.

In Mauritius, response to mental illness varies amongst different cultures. We are a country of different cultures. Some people who will stand for the rights or put their views forcefully will be called mad. When I have held views, I have been called mad by people from this very Assembly. The other day, the Leader of the Opposition called my very good friend, the Chief Whip, to go and get a *certificat fou*, as if there is not going to be a by-election in Constituency No. 7. But he was right because he held that view and he stood by what he said and the Prime Minister confirmed: 'He is not mad, he simply told the truth'. He simply told the truth that others could not digest. I see my leader watching me, even King Ivan IV...

The Deputy Speaker: Hon. Rutnah, I think earlier, Madam Speaker gave a ruling with regard to this piece of legislation and requested Members who intervened to stick to the amendments in the Bill in front of us. I would request you to do the same. Maybe I will give you some introductory remarks that you can make, otherwise come back to the Bill. Thank you.

Mr Rutnah: I am grateful for your guidance.

I am talking about madness. So, lots of people have been called mad in our country, in our society for various reasons. This is because people hold various kinds of views on people. But let us look at history a little bit. Prior to 1906, there were, at least, eight ordinances, eight sets of laws one had to go through in order to decipher how to deal with people who were of unsound mind. But then, only in 1906, the then *procureur général* came with the Lunatic Act or Lunacy Act, wherein he revolutionised the way in which then people of unsound mind be treated and a set of structures were set in order to deal with people who are unsound in mind.

But then, from 1906 to 1998, a lot of events took in our country against people of unsound mind. Then, in 1998, when the late hon. Kishore Deerpalsing was Minister of Health, he introduced the new Bill, repealing the 1906 Lunacy Act in order to, so to say, modernise the law. But since 1998 to now, we have not done very much and that's why the criticisms after criticisms about the way in which patients were treated at the Brown Sequared Hospital. But when I hear hon. Abbas Mamode and hon. Dr. Boolell addressing this House, and in relation to what hon. Abbas Mamode said today, I anticipate that his views are only

restricted insofar as the PMSD is concerned in the opposition, because the PMSD has always viewed things or issues at its very extreme. They have decided not to vote, but, otherwise, I will try to persuade Members of this House, other opposition parties and those who sit on this side of the House to support this Bill and to vote for this Bill.

Hon. Abbas Mamode, while I am dealing with him, he said that his Bill has not made any provision to deal with children with a special category, although he does not define what is special category, what he means by special category, whether it's children in special needs or children who haven't got any parents. We don't know what he meant. For the sake of clarity, if I may refer him to Clause 8 of the present Bill, which amends Section 13 of the mother Act. At Section 13 of the principal Act which is amended by Clause 8 - Clause 8 (4) (b) state like this –

“includes a minor patient whose legal guardian may consent to his admission.”

So, there are specific provisions now in this amendment to deal with minors, with children. But what special provisions, what special category of children he is referring to, I am not aware.

Before dealing with the criticisms raised by hon. Dr. Boolell, if I may refer the House to the object of the Bill which is in two lines in the very Explanatory Memorandum which reads as follows –

“The object of this Bill is to amend the Mental Health Care Act to enhance the legal framework for the proper functioning of mental health care, and to provide for related matters.”

So, the operative words, Mr Deputy Speaker, Sir, are the ‘proper functioning of mental health care, and to provide for related matters’ together with, of course, the ‘legal framework’. Now, when we look at the Bill, Clause after Clause there is the introduction of this proper legal framework, which I will come to in a minute.

Now, dealing with criticisms that hon. Dr. Boolell raised - although I adopt everything that has been said by my very able and learned friend, hon. Minister Etienne Sinatambou, I adopt everything that he has said so far. Hon. Dr. Boolell criticised about long-term confinement, transfer to proper institution, institutional care at some point, but, yes, that is the position until now, since 1998. Since 1998 till now and even prior to it that has been the position, people have been kept in secluded wards where they should not be, or they have not

been given the opportunity to actually heal themselves out of those wards because of the strategy, because of the way in which those hospitals were functioning.

But let me remind hon. Dr. Boolell about a very interesting piece of article which was written by a Consultant Psychiatrist who practised - I don't know if she is still there - at Brown Sequard Mental Health Care Centre, Mridula S. Naga. She wrote –

“In 2005, a National Strategic Plan for Mental Health was developed and submitted; implementation is still awaited.”

That was in 2007! In 2007, implementation was still awaited. And implementation is still being awaited until the coming of this Bill.

And it goes on –

“This Plan was developed following a government White Paper on Health Sector Development and Reform of December 2002 (...)”

So, it was the MMM-MSM Government in December 2002 which started this White Paper work in order to see how the health care of mentally or people of unsound mind could be looked into.

“(...) and in keeping with guidelines from the World Health Organization (WHO), the White Paper proposed a National Plan for Mental Health, which was developed in consultation with local specialists and other groups with advice from WHO experts. The National Strategic Plan for Mental Health includes the setting up of fully fledged regional hospitals, community care, rehabilitation services, specialised units (e.g. a child and adolescent unit) and mental health promotion, among other things.”

This is what was said in 2002, and then reinstated in 2005, but, I am afraid, hon. Dr. A. Boolell's Party and hon. Abbas Mamode's Party, they were in power since 2005 onwards, until 2014, and they did nothing.

(Interruptions)

I am going to respond to you. In terms of the criticisms regarding the long-term confinement, Mr Deputy Speaker, Sir, let's look at Clause 11. Clause 11 of the Bill which amends Section 20 of the principle Act, in particular at subparagraph (b), then the new subsection (3) –

“Where the Commission is satisfied that the stabilised security patient does no more represent any danger to himself or to others, it may temporarily transfer a stabilised security patient to an open ward.”

It’s true that patients who are generally called the security patients they are the ones who are secluded for a very long time.

But now, this is what we call revolutionising the way in which we were keeping patients in secluded wards for long period of time, and mind you, it is compliant with provisions of human rights instrument and also in compliance with Section 8; Section 5 of our Constitution dealing with Liberty. I don’t know why hon. Dr. A. Boolell would say that there are breaches of human rights and violation, etc.

Let’s look, for example, at clause 6! Here, we can find just by looking at it two provisions dealing with rights and human rights. In the heading - Functions of Commission, at paragraph (b) –

“investigate any breach or suspected breach of discipline, professional misconduct and violation of human rights or patients’ rights.”

Then, we also see at subparagraph (f) –

“notify the Board, after an enquiry, of any breach or violation of human rights;”

There is provision, and the criticism about financial resources, that there is no mention of financial resources, nothing about budget! But we know that since this Government has come into power how much the health care sector’s budget has increased compared with what it was in December 2014 and now from that budget how much is spent on mentally unsound patients. The amount is colossal. I do not have it in mind because I do not write any script to come and read in this Assembly but I do not have it in mind because I did not know that such an issue will arise in this Assembly today, but we have to check. We have to look at the reality, what this Government has done insofar as the budget is concerned.

Now, to read what is said about resources, about finance, let’s look at clause 4 of the Bill! Clause 4 (d) says –

“make recommendations to the Ministry regarding –

- (i) guidelines for the planning and management of mental health care.”

Now, when one plans the management, in that planning, there is strategic management, budgetary management, otherwise, there would be no need to put this as one of the clauses, as one of the sections, as one of the subsections. Then we go on to the second part of it –

(ii) measures for the sound financial management of mental health care.”

So, there is provision. It all encompasses here that everything is being done in order to ensure that mental patients will be looked after. With this Government, whether able bodies or less able bodies, be it in mind and in physique, no one will be left behind. That I can assure because I know the strategy and the programme that this Government has for the people of this country without discrimination. That is the keyword. Whether you are someone of unsound mind or of less able physique, you won't be left alone, you won't be left behind. Equal opportunity will be given to all citizens of this country, irrespective of how they are and what race, creed or colour they belong to.

And criticism that there is no decentralisation! Come on! I hope hon. Dr. Boolell did not just come out of this criticism that there is no decentralisation and I anticipate he will accept that he made a mistake because, again, if I refer to the article I referred to earlier on...

Dr. Boolell: I do not think I raised the issue of decentralisation. In fact, what I said is that the long-term inmates in the ward should be transferred to residential care. That is what I said, to make room for new admissions. For example, I said that it is not fair for kids to be admitted in wards where there is a high incidence of adults who are being treated for alcohol.

Mr Rutnah: The hon. Member for Quatre Bornes is absolutely right. Amongst others, he said what he said, but he also said this, whether additional wards have been constructed so that it can be decentralised. But let me remind him about decentralisation! Psychiatric services were decentralised in 1997; essentially decentralisation meant opening psychiatric units in each regional hospital combined with the provision of outpatient services and liaising psychiatry. One or two psychiatrists were attached to each unit along with Medical and Health Officers who had work experience in this field. So, as far back as 1997, we have already decentralised and there is no need for this kind of criticism at this stage because at this stage we are dealing with a succinct area of the law and that is simply to deal with the amendments before us today.

What are the amendments proposing? The amendments are simply proposing there should be a Board and that Board has to be revamped so that to respond to the modern

society, to respond to the expectation of people of this country and it has got a number of clauses that when read altogether with the setting up of the Mental Health Commission, the functions of the Commission demonstrate that the Bill is modern, it is dealing with the problem in hand so that we do not continue to get the same criticism. Besides, people who are 'mad', so to say, at the end of the day, they are human beings. They have to be able to be treated like humans, with dignity. We cannot have people sleeping in their own urine because there was no proper strategic planning to care for them or some patients lying in their ward, excluded without food, without proper clothing, smelling wards. It is terrible sometimes. So, in order to respond and in order to improve the lives of people, the lives of people like us, but, unfortunately, they have got medical problems. Mental problem is a medical problem. We have to be able to respond positively to those who need us at a time when they are vulnerable.

So, Mr Deputy Speaker, Sir, to conclude, let me say this. I am very grateful to our very hon. Dr. Husnoo who has presented this Bill and to all his staff who have worked in order to mould, in order to create all these amendments together with lawyers of the State Law Office. This, at least, is a stepping-stone towards modernisation revolutionising the mental health and perhaps, in the days to come, there must be an overall of the whole system.

On this note, Mr Deputy Speaker, Sir, thank you so much.

The Deputy Speaker: Hon. Bérenger!

(7.24 p.m.)

Mr P. Bérenger (Third Member for Stanley & Rose Hill): Yes, Mr Deputy Speaker, Sir. Of course, I listened very carefully to the hon. Minister of Health and Quality of Life, and there are, in the amendments being proposed, positive things. But let me say that when I use such words, it is what hon. Rutnah has just said, 'a stepping stone' he says, I say that this has been *une occasion ratée*. I am very sad to say that, but it is a fact. What we are doing, after 20 years, is *une occasion ratée*.

I was Leader of the Opposition in 1998 and there was a very powerful debate in the House here because, as several Members have said before me, the Lunacy Act went back to - the name itself, the appellation itself, Lunacy Act of 1906. So, in 1998, when late hon. Deerpalsing was Minister and I was Leader of the Opposition, we were doing away with a piece of legislation 90 years old. We brought new ground, we did a great work in 1998, I must say, Government and the Opposition together. Great work! But now, we are 20 years

later, 1999, it came into operation 20 years later. The issue of Mental Health Care deserved better than what it is. There is progress, but it deserved better. It is *une occasion ratée*.

I believe that 20 years after we adopted the Mental Health Care Act of 1998 that came into operation in 1999, that was the occasion *de faire* - as we did in 1998 - *un vrai bilan* twenty years later where are we, what progress we have made, what remains to be done. And this is *l'occasion ratée* that I am talking about. But at the same time, I listened, for example, to hon. Mrs Monty. Congratulations on her speech! And it brings me back to 1998 because stigma still exists, as she said rightly. But go back 20 years we have progressed, 20 years ago, the stigma about Brown Séquard. *Envoye sa Brown Séquard!* It is still with us, there is still stigma. I do not agree at all with the lightweight words used by hon. Sinatambou. Stigma is still there, very painful stigma. Those who have known, who have had members of their family included in that category of human beings, the stigma is still there but we have progressed, let us acknowledge. 1998 seems centuries ago.

As I have always said, Mr Deputy Speaker, Sir, probably the best way of measuring how civilised a society is, is how it treats its people with mental problems. This is probably the best test. Even the expression used by hon. Rutnah makes me uneasy. Unsound mind! There is a lot of suffering in mental problems. Lot! We have progressed, but there is still stigma, there is still a lot to be done. We are doing some good things with these amendments, but I repeat, I believe that the best way of judging how civilised a society is, is how it treats its people with “unsound minds”, Mr Deputy Speaker, Sir.

Therefore, we have missed the occasion, I believe, *de faire un bilan depuis* 1998 up to today. We have missed the opportunity and I hope we do not miss it for too long. We could have also used this opportunity, like we did in 1998, to look at the quality of services that Brown Sequard and other hospitals – but Brown Sequard mainly - are providing. Here again, I must say the first time I visited the old Brown Sequard, I have spent a lot of effort in Parliament, in Government to have the old Brown Sequard hospital replaced. I always remember my first visit to the old Brown Sequard hospital. Patients locked up in a jail *avec des barreaux*. In those days, the abuse of electrical shock treatment. When I think of all that we have travelled a long way and we still have a long way to travel. We have come a long way since 1998, but the suffering is still there, the stigma is still there. We are missing an opportunity to take, but we are progressing, Mr Deputy Speaker, Sir. So, I think we are missing also an opportunity to review the quality of service. We have progressed, especially

in Brown Sequard, but there is a lot to be done to improve the service that we provide to people with mental problems in Brown Sequard especially.

I believe we missed the opportunity also of reviewing - the Explanatory Memorandum says to enhance the legal framework for the proper functioning of mental health care, but we are not reviewing thoroughly enough the very definitions in our law. We are adding some definitions, rightly so, congratulations and I will say a few words on that. But the definition of mental disorder is archaic. The definition of mental disorder included in the 1998 Mental Health Care Act is *dépassée*. This was an opportunity to modernise. 20 years is a lot of time.

The definition of 'security patient' also is *dépassée*. Therefore, I believe that *c'est une occasion ratée*. We are progressing, but *c'est une occasion ratée* also when we look at the legal definitions. It is a good thing that we are introducing a new category, a new definition – it is not a very nice expression but it means what it means 'stabilised security patient'. This is progress, yes. Before, indeed, people spent their life, we must say, locked up in Brown Sequard. So, there is progress. But we could have done much better after 20 years in not only reviewing the facilities provided but in reviewing the legal definitions that are to be found in our law also.

We are keeping the Board. I am given to understand that the Board that stays there - the Board is the Board - it is there and as rubber stamp for the Ministry. There is no big change there. There is big change as far as the commission is concerned. Before it was in the plural, I have enquired why because there was supposed to be different mental health institutions, therefore, there was a low-key commission chaired in those days. Now, it is upgraded, the commissions in the plural were chaired by a public officer holding the office of Regional Health Director. So, this is changing fundamentally, but now we have one commission chaired by a Magistrate or the equivalent. I find progress there also and they have a lot of responsibilities that I am sure they will exercise as they will have to. I am a bit uneasy how things are going to work out between the revamped commission and the Managerial Committee. It is not very clear but we will see as time goes by as the Managerial Committee is created and goes to work.

Therefore, Mr Deputy Speaker, Sir, I repeat, we are making progress, we have made a lot of progress over the last 20 years since we voted the legislation of 1998/1999, but we will never do enough to help people with mental problems. It has been something of an obsession

with me throughout my life. Physical problems, a broken leg, when you cure it, you treat it, but mental illness is something very difficult to understand and to treat.

Therefore, we are making progress, but I believe that this could have been a much bigger opportunity, *une occasion ratée*, as I say. I am not saying that *méchamment* because, as I said, we are making progress. I listened to the Minister carefully, I talked to my good friend, Dr. Arvin Boolell, I don't agree at all with the stand taken by the PMSD on this piece of legislation. *Une occasion ratée*, we could have done much more, we should have done much more, but we are doing some good through this piece of legislation. We will, therefore, vote. We ask the people who will hold places of responsibility in the new set up to do their work, and I don't know in how many months, I hope not years but, yes, we need. I think there is agreement on that, the last Government orator, hon. Rutnah, went so far to say that this is a stepping stone. He is saying the same thing as we are saying. We are progressing, there are good things. *C'est une occasion ratée*, according to me, we could have reviewed the whole thing. After 20 years, *c'est une occasion ratée*, but we shall vote this piece of legislation *en attendant mieux dans un proche avenir*.

Thank you, Mr Deputy Speaker, Sir.

(7.36 p.m.)

Dr. A. Husnoo: Mr Deputy Speaker, Sir, allow me, first of all, to thank all the Members for their contribution in the debate on the Mental Health Care (Amendment) Bill.

As I stated earlier, there are certain weaknesses in the existing Mental Health Care Act 1998 which are hampering the smooth day-to-day running of the Mental Health Care Centre, that's why we have brought up this amendment. If you'll allow me, Mr Deputy Speaker, Sir, I have seen the three Members of the Opposition have talked about that we should have brought a new Bill. You know, just bringing this amendment, Mr Deputy Speaker, Sir, when I was discussing the Bill with the officers, the Doctors, the Psychiatrists, they tell me just to bring this amendment, the discussions started in 2006, but no decision was taken until recently. It is not easy to bring change in mental health. It is not easy, it is such a complex subject, the medical aspect as well is so complex and now to add a layer of the legal aspect as well, it is not like other branch of medicine.

If I was going to work on that completely new Bill, we would not have been able to come now. That's why we decided to come with amendments because I feel it is better to come with it now than to wait after the General Elections for whoever is going to come to

bring the new Bill. In the meantime, these patients are suffering, are being locked up there like a cell for life. Can we continue like that? We could not, Mr Deputy Speaker, Sir! That's why we have decided to come with an amendment now. I agree with you, we have seen the Bill. We will need eventually a new Bill, I completely agree with you, but I don't believe it's *une occasion ratée* because I feel that we had to bring the amendment now. We should not wait another one year or two years to bring an amendment for these poor patients who are being locked up all the time.

I am going to take one or two things which have been mentioned by some of the orators. Now, the hon. Member for Port Louis Maritime and Port Louis East talked about the procedures, how to appeal so as to prevent abuse. I am going to take one or two items as we go along. The Mental Health Commission will function as a Tribunal, chaired by Magistrates, patients, who feel that they have been admitted without reasonable ground, can appeal to the Commission. So, there are safeguards for the patients. Another issue that was mentioned, the Mental Health Act of 1998 was only 17 pages. But we have just heard from hon. Bérenger how it has revolutionised the Mental Health Care Service. Just only with the 17 pages, it has revolutionised the service. As I say, a new Mental Health Legislation will be worked out, but it is going to take time, we don't have time to work it now. But, however, my Ministry decided to go for the amendment in view of the urgency of some issues for the proper functioning of the hospital.

As far as mental disorder and mental illness are concerned, I think the definition is not bad now. Okay, there can be some improvement and that will be taken in the next Bill as well. As far as patient to be released under Court Order, it is to be noted that the previous 1906 Lunacy Act, the Lunacy Board could release at that time, the Lunacy Board could release security patient. However, in 1998 legislation, they prevented the stabilised patient from even going on leave. Should we continue with that? 20 years later! We could not! That's why we have to come with this.

Patients with mental health relapse have committed crime in the world, as mentioned by the hon. Member. The issue of zero risk doesn't exist. Even for prisoners who are not mentally ill, who eventually get out of prison after serving the sentence, what guarantee do we have they won't commit another crime? Is that an argument to keep locking up a patient in the Mental Health Hospital because no one could assess the dangerousness of the patient? Of course, a psychiatrist would carry out a proper risk assessment prior to his discharge, they are going to be seen before discharge and they won't be discharged just to the community

like that. They will be given maybe a weekend leave and would be assessed by the doctors, by the specialists, by the social worker, by the welfare officer, by the community nurse, how they have been doing at home. It is a leave for a weekend, then we will go for a whole week leave, again under close supervision. If they manage that one week leave, then we will go for a month and eventually, we will see if we can release them under the care of the community nurse, obviously under supervision from our psychiatrist as well. So, it is not something we have taking lightly. We appreciate the problem, but we have to go in that direction; we cannot do otherwise, because this patient is locked up in a one ward for about 20, 30 years, they are not even allowed to go outside and to visit another ward, even now when they are stabilised patients.

Hon. Mrs Monty mentioned about pedopsychiatry. At present, we do not have a child psychiatrist. I know there is a shortage of doctors, be it for children, be it for geriatric patients as well, but things are moving in that direction. Even now in Mauritius, we don't have a child psychiatrist. We have sent people overseas for training and we are going to put the service. Sometimes I hear people saying that we should have so many things in Mauritius, but we have limited capacity, despite whatever we say. We are limited in our means. Things move slowly, but they are moving in the right direction.

Let me tell my friend - I don't know who mentioned it earlier as well, that we don't have a ward for children, they are mixed with adults. No, this is wrong - we have an adolescent ward in hospital and children are not mixed with adults. We are limited, but we are moving in the right direction.

Let me tell you one thing, I admit it myself, the mental health in Mauritius has been the Cinderella of the service. It's a fact. Not much attention was being given to these patients before. Some move has been done in the past and we are working in the same direction. We have given more money to improve the service at Brown Sequard Hospital, to improve the wards, the physical infrastructure. We are training the doctors. Even for the mental health, there was a shortage of psychiatric nurses; no training was being done. We are working on it to give the training. We did not have any tutor to give the training in Mauritius despite the shortage of psychiatric nurses. Now, we are finding tutors to give the lectures. As I said, it was the Cinderella of the service, not much were being done; it was a neglected service. We are trying to improve the service, Mr Deputy Speaker, Sir. For paediatric as well.

Mention was made about the Mental Health Commission, whether it is going to be a quasi-tribunal. I have been told that the law of evidence shall apply to the proceeding before the Commission. At Clause 6 (4), it is said –

“(4) The Commission may –

- (a) require, in writing, any person to appear before it to give evidence or produce such document or article as it may require;
- (b) take evidence on oath and, for that purpose, administer an oath.”

The powers are the same as the powers of the Medical Disciplinary Tribunal, established under the Section 16 of the Medical Council. So, it is more or less like the Medical Council.

A few points were raised by my colleague, hon. Dr. A. Boolell as well about the ageing population and about what we are going to do with patients who are locked up in the mental health hospital for 30 years, 40 years. It is a major issue. We can't keep people there, they are institutionalised; some of them can't even go outside. We have had brainstorming sessions with officers in the Ministry. We have been thinking whether we should contact the Ministry of Social Security and the halfway home for these patients who have been there for a long time. We want to have a place where discharged patients can be looked after, not by the medical people but by the Social Security, which is important. Some of these patients won't adapt in society as it is. These patients were just locked away in the Brown Sequared Hospital. They have to be in a sheltered environment. So, we have discussed this issue also, but it may take time as well. Maybe, next time, somebody is going to ask me a question and say that I mentioned about that, but nothing has happened.

Mr Deputy Speaker, Sir, it won't happen overnight, but we have been thinking about it, we have been discussing about it and we want to go in that direction. There are children admissions as well. My colleague mentioned about the proper functioning of the Accounts Committee. Yes, there were some problems with the Account Committee which is the money that belongs to the individual patient. I held two meetings on that issue and I have referred the case to the National Audit Office to make a complete review of all the records so as to retrieve the missing information. The guy who was looking after that issue has been transferred and we did not have records when he left. Mr Deputy Speaker, when we don't have records, we don't know how much the patient individually has. It's not an easy work; we contacted the National Audit to work on it as well.

Now, coming to private centres and private clinics, at present we don't have one private mental health care centre. We don't have one in the country, but if tomorrow we do have one, the Commission will deal with the private centre, if ever one of these centres is licensed. Before, we had so many commissions, like one commission to look after each regional hospital, but it's too many for Mauritius; we are a small country. We can't have one commission for each hospital, one for Brown Sequard Hospital like we have five regional hospitals, Suppose we have private health centres tomorrow, we will need another one to look after the private health centres, but, Mr Deputy Speaker, it does not make sense, that's why we will have one commission. We can manage with one commission to look after all the centres.

About the comprehensive legislation, we did mention about it. Hon. Bérenger talked about stigma. I completely agree; it may be less now, but it is still here in society. Mentally ill patients still face the stigma, but I must point out that it is not true to say that it is as in 1998. It must improve now as mentioned by hon. Bérenger. Society has evolved and now people are more understanding and are accepting mental health more easily. This is due to the work being done in the media to bring down the stigma and that's why we can now afford to bring patients to the community, to have community psychiatric service. Patients are accepted a bit more nowadays, that's why we are moving in that direction. We have decentralised, we have community psychiatric nurses to look after the patients at home at their place of residence. As far as Brown Sequard Hospital is concerned, I have mentioned about what we are doing to improve the facilities there.

Mr Deputy Speaker, Sir, mental health care is not an easy subject; it is a very difficult issue, and trying to put it into legal jargon, believe me, it is not an easy task. We have had so many discussions, so many drafts were made and started over again, but we have made a start. I would like to reassure all the Members and I would hope that whoever comes after the next General Elections would work on it, because we need a new Bill eventually to provide better care for the patients.

Mr Deputy Speaker, Sir, I will stop here. As mentioned by my colleague earlier, today is the 02 April and it is the 125th death anniversary of Brown Sequard and I think it is a fitting day to pass this Bill.

I commend this Bill to the House, Mr Deputy Speaker, Sir.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Mental Health Care (Amendment) Bill (No. 1 of 2019) was considered and 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 Mental Health Care (Amendment) Bill (No. 1 of 2019) was read the third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 16 April 2019 at 11.30 a.m.

Mr Sinatambou rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

MATTER RAISED

GLOBAL BUSINESS SECTOR - CAPITAL GAINS - TAXATION

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, it is impossible in 15 minutes to go over all the problems which the global business sector is currently facing. So, I would limit myself to a few of the problems.

Mr Deputy Speaker, Sir, as from yesterday, India can tax 100% of capital gains realised by a Mauritius entity, a Mauritius fund whenever it deposits its shares in India. For years, successive Governments and Ministers of Finance have resisted the pressure from the Indian Government to renegotiate the treaty. In 2015, there was a first protocol that was signed by the then Minister of Financial Services, who is no longer with us. The protocol was so awfully one-sided that the then Prime Minister, hon. Sir Anerood Jugnauth, had to go to India and ask hon. Narendra Modi, Prime Minister of India, to reconsider the protocol and a new protocol was signed in April 2016. So, the full effect of that amendment will now be felt

because as from yesterday, India can tax fully capital gains. But investors have not waited till yesterday to shift their investments.

According to the latest statistics published in India, reported in the 'Economic Times' of India and in the 'Financial Express' of India, for the period April 2018 to December 2018, last year, Foreign Direct Investment into India from Singapore was USD13 billion, Foreign Direct Investment from Mauritius was only 6 billion. Compared to the preceding year, Foreign Direct Investment in Equity from Mauritius into India had dropped by a staggering 55%.

So, my question to the hon. Minister of Financial Services is: why do investors prefer to use Singapore than Mauritius? Has there been any study carried out at the level of the Financial Services Commission, at the level of the Economic Development Board, at the level of his Ministry to ascertain why investors prefer to use Singapore than Mauritius? Do we suffer from an image problem? Because are we still considered a tax haven? If I refer to the summary of the Blueprint "Innovating and Transforming Mauritius IFC of 2030" which was published last year in June 2018, this is what the report said as one of the challenges –

“Reputation and other.

Mauritius has severe reputation challenges based on adverse perceptions and lack of awareness about the IFC's attractiveness.”

So, I would like to know from the hon. Minister what has been done since June of last year to improve our reputation, our adverse perception? Is the hon. Minister aware that today in India the advisors are advising its clients to use Singapore rather than Mauritius? Is he aware that even our own advisors, advisors who are retained by Mauritius to advise, namely Nishith Desai has an office in Singapore but not an office in Mauritius? Is the hon. Minister aware that for the past two years, there has not been any serious initiative to upgrade our image?

There used to be the Financial Services Promotion Agency which your own Government reintroduced in 2015. But then, last year, in 2017, the Financial Services Promotion Agency was put under the Economic Development Board and I remember last year I asked a question to the hon. Minister of Financial Services and he was not even aware who is chairing, who is heading the department dealing with financial services at the Economic Development Board level. And this morning, we heard the hon. Prime Minister answering to a PQ on Economic Development Board, he mentioned three directorates and he

did not mention anything about financial services. And yet, the Financial Services Promotion Agency was abolished and put under Economic Development Board. So, today we are left orphan, the sector is orphan, there is no one looking after promotion of financial services. Your own Government, hon. Minister of Financial Services launched, in 2016, at great cost to the Mauritian taxpayers the Mauritius International Financial Centre. We have the Lord Mayor from London coming and launching it. I went and checked the website. There is nothing on the website. The last event carried out by the Mauritius International Financial Centre, according to the website, dates as far back as 2016. So, I really will urge the hon. Minister of Financial Services to look into this matter about promoting the sector and upholding its image.

Now, last year, the Government introduced a series of fiscal reform applicable to global business sector. The tax credit, the deemed foreign tax credit regime was replaced by partial exemption regime for global business services, which is fine. However, when the Income Tax Act was amended, there was a list of foreign income that was listed as being partially exempt. For example, throwing dividend, profit attributable to a permanent establishment, interest derived overseas. But royalties are not included in that list. Despite what the hon. Prime Minister said in his Budget Speech where he said that royalty would be partially exempt, when the law was amended, there was nothing about royalty. There is also nothing about brokerage fees, nothing about insurance premium, reinsurance premium; these are profits derived by insurance. And yet, we are trying to attract insurance companies and reinsurance companies to set up in Mauritius. So, these companies also should benefit from the partial exemption regime.

Now, Mr Deputy Speaker, Sir, when the law was amended last year in the Finance Bill, I heard the hon. Prime Minister and also the hon. Minister of Financial Services talking on the Bill, stating that we are introducing all these reforms to meet the requirement of the OECD and the Base Erosion and Profit Shifting (BEPS). In order not to be on anybody's black list, we had agreed to give up some of our fiscal rights, some of our taxing rights. So, we accepted reluctantly because that was the price to pay to be on the white list.

So everybody was shocked when it was reported six months later on 01 February 2019 that the Code of Conduct Group of the European Union had written to the Prime Minister and stated and I quote –

“The Code of Conduct Group has identified the introduction of the new fiscal regime to have similar harmful effect as the harmful regime that Mauritius had abolished at the end of 2018.”

That came as a shock to the whole offshore community, for example, if I can quote from a few newspapers on that day, L’Express of 11 February –

“Panique généralisée après une lettre entre Maurice et l’Union européenne”

Le Mauricien –

« Les opérateurs choqués par la démarche de l’Union européenne. L’incertitude est notre ennemi numéro un, les autorités doivent résister. »

So, everybody was shocked because we thought when the Finance Bill was introduced that this has been cleared with all the authorities, not just the OECD but also with the European Union. And now that the offshore sector has gone to the client and told them the new system and told them that we are no longer on anyone’s black list, here we were receiving a letter from the European Union telling us that whatever we have introduced last year in the Finance Bill was equally harmful tax practice.

So, Mr Deputy Speaker, Sir, my question today is: how are we going to correct this? The European Union, in its letter of February, had identified a number of reasons how we are harmful and one of the things that they have asked us is to get anti-abuse measures and also to introduce CFC Rule and switch-over clause. And the European Union was very careful to say and I quote –

“Mauritius did not agree to introduce CFC Rule and a switch-over clause.”

Rightly so, we are a sovereign country, we have the right to tax and impose a tax that we have to. I can understand if there was ring fencing, we were treating foreigners differently from locals, we should abolish these discriminations. But it is not for the European Union to come and dictate how, as a sovereign nation, we should tax our own citizen and whether we should introduce control foreign entity rules or not.

So, we were all very surprised then, Mr Deputy Speaker, Sir, when we read that the hon. Prime Minister had replied on 04 February to the European Union stating and I quote –

“I hereby confirm that Mauritius is committed to address the identified deficiencies in the regime. We will ensure that the deficiencies are corrected by 31 December 2019, at least, without any grandfathering mechanism.”

Now, this puts us in a really embarrassing situation because we have already been telling all our clients that we have a proper set of legislations, a proper taxing regime and now our own Prime Minister is taking the commitment to change the law again and we do not know what will be the changes. So, there is total uncertainty in the Global Business Sector and uncertainty is the worst enemy of investors.

Now, there was a meeting that was held by the Financial Services Ministry, Financial Services Commission and stakeholders and we were told that the Government will come and change substance requirement. Now, again, this is a big problem to the sector. In circular letters issued on 12 and 15 October 2018, just last year, the Financial Services Commission published new, enhanced substance requirement. The FSC clarified, basically, what a company need to do in order to benefit from the preferential tax regime. So, they identified that certain companies, depending on the type of licence they have, should spend a certain amount of money in Mauritius and they also identified that depending on the turnover of the company, they need to employ 1, 2 or 3 employees in Mauritius. So, that was the enhanced substance requirement.

We were very happy about it. So, the offshore sector went again to their clients and say: “This is what the Financial Services Commission has told us. If you employ 1, 2, 3 employees in Mauritius, if you spent 50,000, 100,000 dollars in Mauritius, you are home and cleared. No one will attack you, you will benefit from the preferential tax treatment and you will benefit from the Double Taxation Treaty.” But now, we are told that the FSC is going to change those substance requirements. Five months later! The FSC has already removed the circular from its website. So, how are they going to say to their clients? It looks really ridiculous. Five months ago, the FSC comes with a set of substance requirements, 5 months later, we have to go to our clients and tell them: “You know, forget about whatever the FSC said, they did not know what they were doing.”

So, again, I would stress on the hon. Minister to take a serious look at this because I will repeat it, uncertainty is the worst enemy of the sector and today there is a total lack of leadership and lack of visibility where the sector is going. Thank you.

The Minister of Financial Services and Good Governance (Mr D. Sesungkur):
Mr Deputy Speaker, Sir, having listened carefully to the statement of the hon. Member, the only certainty which is there is that we are aware of all the issues which have been raised and

not only are we aware but we have studied the statistics, we have studied the different requirements and the other compliance issues that the hon. Member has raised.

It is my intention that I am going to come up with a statement in due course to clarify the issues raised by the hon. Member. For the time being there is nothing to panic, we have everything under our control. Thank you very much.

At 8.13 p.m., the Assembly was, on its rising, adjourned to Tuesday 16 April 2019 at 11.30 a.m.

WRITTEN ANSWERS

CAVENDISH BRIDGE - VILLE NOIRE - RENOVATION

(No. B/123) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Pont Cavendish at Ville Noire, he will state the measures taken for the renovation thereof.

Reply (Minister of Tourism): As announced in the Budget Speech 2018/19, Government's vision is to transform Mahebourg into a "*Village Touristique*" by optimising its historical heritage and potential. This measure is being jointly implemented by my Ministry and the Ministry of Arts and Culture.

A consultative exercise was held with all stakeholders of the tourism industry as well as the general public of the region on 13 July 2018 at SSS Emmanuel Anquetil in Mahebourg to obtain views and proposals for the upgrading of Mahebourg. A list of quick win projects that will contribute in developing Mahebourg into a tourist village and that are in line with the Tourism Strategic Plan 2018-2021 were identified. These include, among others, the uplifting of the Cavendish Bridge and regular cleaning along the banks of Rivière La Chaux.

My Ministry organised a Clean-up campaign on Sunday 16 September 2018 at Rivière La Chaux and the Tourism Authority embarked on a series of projects, namely –

- (i) cleaning and painting of Cavendish Bridge, which were completed on 16 September 2018;
- (ii) cleaning and painting works for areas in the vicinity of Cavendish Bridge, which were completed in mid-December 2018, and
- (iii) cleaning of the green space on the left side of "*La Grotte*" at the entrance of the bridge and the river at Cité La Chaux, and repainting of the existing wooden bench, which were completed on 07 December 2018.

The Tourism Authority is currently finalising arrangements for the replacement of the old planks and damaged handrails, supply and fixing of lighting system, provision of information panel for visitors, and repair of cracks and damaged concrete elements of the bridge. The garden at the entrance of the Cavendish Bridge will also be provided with lighting. Moreover, the installation of CCTV cameras is being envisaged to enhance safety and security and discourage vandalism at this strategic location.

SHELTERS – SEXUAL ASSAULTS

(No. B/124) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the shelters, she will state the number of reported cases of sexual assaults committed by and on inmates thereof, in December 2018, indicating the measures taken to address the issue.

(Withdrawn)

SHELTERS - SEXUAL ASSAULTS VICTIMS

(No. B/125) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the children of shelters victims of sexual assaults, she will state the protocol in place at the hospitals in relation thereto, indicating the reasons for their prolonged stay in the hospitals.

(Withdrawn)

CONSUMER SAFETY LEGISLATION – BREACH – COURT CLASS ACTION

(No. B/128) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether he will state if consideration will be given for the provision to victims and their families of the possibility to bring to court class action or *recours collectifs* to seek redress, justice and compensation from persons and/or organisations for breach of consumer safety legislation with fatal consequences and severe health problems.

Reply: A class action is a court case filed by litigants acting on behalf of a group, that is, a case brought by a group of persons rather than individually.

In 2010, in its paper “Report on Review of Aspects of Consumer Protection, Laws and Proposals for Reform”, the Law Reform Commission of Mauritius (LRC) observed that small claims procedures may not be appropriate for very small claims affecting a large number of consumers, and that mechanisms for group litigation have been regarded as more appropriate in such instances. Class action increase a consumer’s leverage to obtain a settlement from a defendant, and often facilitate compensation for those harmed by infringement of consumer protection laws. Class actions for consumers are available in the US, and in some of the provinces of Canada like British Columbia, Ontario and Quebec.

The issue of court class actions or “*recours collectifs*” for breach of consumer safety legislation has already been considered in the past by this Government, both in 2015 and 2018 when a new law on Consumer Protection (the “Consumer Protection and Fair Trading Bill”) has been elaborated.

Under this new Bill, it is envisaged to empower the Supervising Officer of the Ministry responsible for consumer protection to lodge cases on behalf of victims of breach of consumer safety legislation. This power is comparable to the power given to the Permanent Secretary of the Ministry of Labour to lodge court cases on behalf of workers under employment-related legislation. This is where several consumers have complaints of the same nature and the complaints can be consolidated into one cause of action.

The Bill has not yet been finalised. A Ministerial Committee set up by Government is considering the Bill and will be submitting its recommendations in due course.

YOUTH EMPLOYMENT PROGRAMME - FRAUD - INQUIRY

(No. B/130) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the Youth Employment Programme, he will state if an inquiry has been initiated into the alleged fraud uncovered in respect thereof, indicating the –

- (a) total amount of money involved;
- (b) mechanism put in place for the monitoring of the Programme, if any, and if not, why not, and
- (c) actions taken in relation thereto as at to date.

(Withdrawn)

POLICE - DIVISIONAL COMMANDERS - DISCIPLINARY ACTIONS

(No. B/133 Mr V. Baloomoody (Third Member for GRNW & Port Louis West) ask the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the disciplinary actions initiated against three Senior Officers, Divisional Commanders at the Northern Division from 2009 to 2014, following the uncovering of irregularities concerning 918 cheques, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the sanctions, if any, that have been imposed against them.

(Withdrawn)

QUANTUM GLOBAL GROUP OF COMPANIES - INVESTIGATION

(No. B/134) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Financial Services and Good Governance whether, in regard to the Quantum Global Group of companies, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to where matters stand as to the -

- (a) Restriction Orders regarding the bank accounts thereof, indicating if an out of court settlement has been reached between the parties and, if so, indicate the terms and conditions thereof and table copy of same, and
- (b) outcome of the investigation carried out by the Commission, indicating if the matter has been referred to the Independent Commission against Corruption and, if not, why not.

(Withdrawn)

BLACK RIVER - PROPERTY DEVELOPMENT SCHEME PROJECT

(No. B/137) Mr A. Ganoo (First Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Property Development Scheme Project for the construction of villas in Black River, she will, for the benefit of the House, obtain from the Black River District Council, information as to the –

- (a) date of application for the issue of a Building and Land Use Permit therefor, indicating the outcome thereof, and
- (b) assessed impact thereof on Le Morne World Heritage Site, indicating if the views of the Ministry of Arts and Culture will be sought in relation thereto.

(Withdrawn)

SEMI-INDUSTRIAL FISHING BOATS – GRANT SCHEME

(No. B/138) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Scheme for the Grant for the Purchase of Semi-Industrial Fishing Boats for Off-Lagoon Fishing to Registered Fishermen Co-operative Societies, he will state –

- (a) when same came into operation;
- (b) the beneficiaries thereof, indicating the respective date of disbursement thereto, and
- (c) the number of pending applications therefor.

Reply: Regarding part (a) of the question, I wish to inform the House that a Grant Scheme for the acquisition of Semi-Industrial Fishing Boats by registered Fishermen Cooperative Societies is in place since January 2017.

The Scheme provides for a grant of 50% of the cost of the Semi-Industrial Fishing Boats up to a maximum amount of Rs4 m. per Fishermen Cooperative Society. The remaining cost of the boat is financed by the Fishermen Cooperative Society through a loan from MauBank Ltd.

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

Regarding part (c) of the question, the House may wish to note that my Ministry has invited applications anew from registered Fishermen Cooperatives Societies who wish to

benefit from this Scheme through a Press Communiqué dated 28 January 2019. The closing date for the receipt of applications was 08 March 2019.

As at that date, only four applications had been received. An Evaluation Committee has been set to examine the applications.

**MAURITIUS EMBASSY - WASHINGTON - EMPLOYEES & MR G.M. -
EMPLOYMENT - TERMINATION**

(No. B/142) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Mauritius Embassy in Washington, he will give a list of the employees attached thereto, indicating –

- (a) in each case the
 - (i) remuneration and benefits drawn, and
 - (ii) length of service, and
- (b) if Mr G. M. has been suspended from duty and, if so, indicate the reasons therefor.

Reply: With regard to part (a), I am assuming that the reference to employees means employees locally employed in our Mission in Washington and, in this respect, I am placing in the Library of the National Assembly the information asked for.

As for Mr G. M., he was, following legal advice obtained, suspended from duty as from 23 November 2018 on the following acts of gross misconduct committed by him whilst being employed on probation as Driver/Messenger/Front Office employee as from 02 March 2018 at the Mauritius Embassy in Washington –

- (i) first, he entered the premises of the Embassy without authorisation on a Federal Public Holiday when he was not required to work on that day;
- (ii) second, he made a video footage of himself within the premises of the Embassy with, *inter alia*, the National Flag in the background without any prior authorisation, and
- (iii) he posted this video footage on his Facebook Page and, in so doing, he published the inside features of the Embassy on the internet without authorisation.

Mr G.M. was asked for explanations and submitted same on the above acts on 28 November 2018. These explanations were not found to be satisfactory and his probationary employment was terminated on 04 December 2018.