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RODRIGUES REGIONAL ASSEMBLY

Debate No.01 of 2004

Sitting of Tuesday 27 February 2004

The Assembly met in the Assembly House, Port Mathurin at 10.30 a.m.

The National Anthem was played

(Mr Chairperson in the Chair)

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RODRIGUES REGIONAL ASSEMBLY

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ANNOUNCEMENT

STANDING ORDERS COMMITTEE - REPORT - TABLING

Mr Chairperson: Respected Members, I wish to inform you that the Standing Orders Committee has concluded its proceedings and has handed over its report to the Clerk on Tuesday 17 February 2004 in accordance with parliamentary practice. The report is being laid on the Table today.

I understand a copy of the report has already been distributed to the Members.

Thank you.

STATEMENT BY COMMISSIONER

PRIVATE ENTERPRISES AND FIRMS - OCCUPATIONAL SAFETY & HEALTH

The Commissioner for Social Security (Mr R. Mercure): Mr Chairperson, Sir, I would like to make a statement to share to this Assembly the vision of the present regional government on occupational safety and health and the policy which is being implemented by my Commission in view of promoting this concept among private enterprises and firms in Rodrigues.

Respected Members of this Assembly will recall that since the coming into office of this regional government in October 2002, one of its priority objectives has been to promote opportunities for women and men to obtain decent and productive work in condition of freedom, equity, security and dignity, in short the right to decent work.

Promotion of safe and decent work opportunities is one of our major goals. This is indeed a great challenge. Most of the policies that have been so far formulated by the governing executive council are geared towards implementing and focusing on appropriate job creation strategies, which we, in fact, presented to the population in our electoral manifesto.

All efforts deployed in view of creating the appropriate environment that promotes investment to create job and economic wealth is already rewarding. Our Labour Office, for example, has registered an increase in the number of enterprises ranging from 30 in 1988 to 102 in 2001 and to 126 as at January 2004. At this time, these enterprises employed a total of 1463 employees. In addition, there were at July 2002, 237 enterprises other than manufacturing enterprises, which employed 1096 persons. Unfortunately at this point in time, we have no details concerning the informal sector of the economy.

With the taking off of our major economic sectors principally tourism, agriculture, the construction industry, coupled with ongoing programmes for the empowerment of the vulnerable groups and fight against poverty, we are expecting a significant increase in these numbers during the years to come.

However, the increasing trend in the number of employment opportunities is being accompanied by a growing number of complaints relating to bad conditions at workplaces, which might lead to serious health and injury problems.

Mr Chairperson, Sir, if we are promoting job creation programmes, we will not and will never accept the belief that injury and diseases “go with the job”. Our vision is to make the workplaces whichever it is, healthy and safe in view of promoting decent and sustainable work environment.

Numerous studies have shown that occupational injuries and illnesses at workplaces contribute significantly to expenditures that come straight out of profit of enterprises and were the main responsible factors of non-viability of businesses. These risks might have been eliminated and reduced to as low as 20% with an appropriate occupational health and safety management system and culture in the enterprises.

Injuries and illnesses increase workers' compensation and retaining cost, absenteeism and production failures. They decrease productivity, morale of workers, their quality of life and enterprise profits. These, we cannot afford to accept if we want to achieve economic autonomy.

The protection of workers against work-related sickness, disease and injury is an essential element of security and is therefore one of the high priority objectives of my Commission. We want to promote a culture of occupational safety and health. This represents a long journey ahead and with the advent of the socio-economic development of our society, the time is now ripe to start.

A workplace safety culture implies that all our social partners adopt and put into practice all values, managerial systems and practices, participatory principles and good working behaviour that are conducive to creating a safe and healthy working environment, where people can work and produce with a high degree of quality and productivity.

These are, indeed, the fundamental prerequisites for us to counteract the negative effects of globalisation of the world economy and thus succeed in our socio-economic agenda.

Our Rodriguan economy is being marked by the creation of several small and medium enterprises and follows the world trend in terms of work organisation practices, employment patterns and movement of workers, the result of significant changes, which the effects of globalisation are engendering. Subcontracting of work in our construction industry is an obvious example.

Our SMEs are thus susceptible to be severely affected and hence prone to uncompetitiveness if occupational safety and health of their workers is not an integral component of the management system of these enterprises. Many of our SMEs do not have the necessary awareness, technical means and resources to implement health and safety programmes particularly when they operate in the informal economy.

The implementation of good safety and health practices, which also means the promotion of a workplace safety culture is therefore essential in the fight against the spiraling cost of the overall health care delivery that

includes the cost of occupational accidents and diseases, while at the same time increasing productivity.

Studies have also shown that organisations and enterprises with people-centered cultures, with proactive return-to-work programmes and active safety leadership efforts have higher return-to-work places than workplaces without these programmes. This is simply because work is a way to preserve and promote the quality and sanctity of the employees' life and those of their family members.

The bottom line, Mr Chairperson Sir, is that we want to achieve the vision of rendering our workplaces safe because safe workplaces make for better places where employees are committed to working well and working hard not only for the benefit of their enterprises but also for the sustainability of their jobs. This goes in parallel with our objective of promoting a working culture in our society.

Effective safety cultures can only be built through a continuous process of awareness raising and education at all levels, consultation and consensus building among our social partners, as well as the economic and financial institutions. A periodic review of progress and issues is of similar importance in reaching that goal.

This was unfortunately impossible until recently due to the absence of the appropriate technical cadre at our Labour Office although our sole Labour officer was called on an *ad hoc* basis to attend to occupational safety and health issues.

This problem was seriously constraining my Commission's ability in fulfilling its mission of promoting a health and safety culture at workplaces. We are, therefore, implementing a strengthening and consolidation programme of the Labour Office that will make it become a full-fledged Labour and Industrial Relations Division in which there will be a section that will specifically deal with occupational safety and health issues. Appropriate provision has already been made in our last budget estimates for the creation of the required post to achieve this objective. Procedures are underway to fill these posts which include a full-time Occupational Safety and Health Officer.

Meanwhile, we have found it urgent to have this Officer on a continuous basis to start without delay inculcating a health and safety

mentality in our private sector. That is why the Ministry of Labour and Industrial Relations, despite its staff constraints, has favourably considered a request of my Commission to post an Officer to Rodrigues on a monthly tour of service, pending the filling of the appropriate post under the Rodrigues Regional Assembly Establishment.

Mr Chairperson, Sir, I would like to avail myself of this opportunity to convey my personal gratitude and thanks to the Minister of Labour and Industrial Relations, hon. S. Soodhun and his Staff, for their valuable assistance.

Due to this collaborative effort, there is now available at my Commission a continuous service of an Occupational Safety and Health Officer since 13 January of this year. We are putting much emphasis on an aggressive enforcement of health and safety-related law but, more importantly, we have started an intensive education and awareness programme on health and safety issues.

Within one month, we have effected 6 education and sensitisation talks on the topic “Security at workplaces” in 6 private enterprises, namely, the Welcome Industry, Mourouk Ebony and Hotel Les Cocotiers, Allied Builders, PADCO and Craft Aid. A total number of 185 employees have actively participated along with their employers.

There have been very positive responses from both employers and employees. It has been encouraging to note that occupational health and safety is gaining way and is being integrated in the management systems and daily work behaviour of the private enterprises.

This programme will pursue a two-pronged approach. It will create alliances and partnerships by launching activities and campaigns to call for vigorous actions by all social partners including employers and employees. Second, it will stimulate and support action at workplace level through an integrated programme of continuous monitoring and follow up and technical assistance as far as possible.

This will include the development of management tools and monitoring and information services designed to prevent occupational accident and diseases and to protect the health and welfare of workers and their environment.

Mr Chairperson, Sir, the promotion of a SafeWork Programme is an obligation for us as being part of the Republic of Mauritius which has ratified the Convention C81 of the International Labour Organisation. This Convention provides for the promotion of occupational safety and health at workplaces through regular inspections and other means by all member States.

There is, therefore, a long way ahead. In this journey, we are guided by the Chinese proverb which says -

“A journey of 10,000 km starts by a single step of merely less than 1 metre.”

We have already made the first step and we are confident to reach the destination.

Thank you for your attention.

MOTION

STANDING ORDERS COMMITTEE - REPORT

The Chief Commissioner: M. le Président, j'ai l'honneur de présenter la motion qui paraît en mon nom sur l'ordre du jour et qui se lit comme suit -

« This Assembly approves forthwith the Report of the Standing Orders Committee which was handed over to the Clerk on 17 February 2004 by the Chairperson and laid on the table today”.

M. le Président, le rapport a été distribué à tous les membres de l'Assemblée.

Tout abord, je dois remercier le *Standing Orders Committee* pour avoir passé en revue tous les règlements internes qui nous ont été légués par l'Assemblée Nationale, révision faite notamment en prenant en compte les

règlements de l'Assemblée Nationale, de la Chambre Commune du Royaume Uni et d'autres Chambres similaires.

M. le Président, c'est la première fois que l'Assemblée est appelée à revoir ses propres règlements et c'est un moment historique dont nous sommes témoins aujourd'hui. Il est important de mentionner que cet exercice symbolise une véritable indépendance accordée à cette Assemblée de formuler ses propres règlements internes pour le bon déroulement de ses travaux. Ce qui nous fait comprendre que nous vivons dans une île Rodrigues autonome.

M. le Président, comme partout ailleurs, les règlements internes de l'Assemblée Régionale sont appelés à être revus et cela pour être conformes aux lois et aux spécificités reconnues, nonobstant le principe que ces règlements, ayant été éprouvés dans le temps, ne doivent être revus que pour des raisons supérieures qui les justifient.

M. le Président, conformément aux provisions de la loi qui stipulent que les règlements, présentement en vigueur, sont de nature transitoires jusqu'au jour où l'Assemblée adopte ses propres règlements. L'Assemblée avait approuvé, suite à la motion que j'avais présentée le 18 février, 2003, que le *Standing Orders Committee* soit habilité à revoir tous ses règlements et de recommander tous les amendements à y être apportés.

Je dois mentionner que les règlements présentement en vigueur sont contenus dans la septième *schedule* de la loi intitulée « *Rodrigues Regional Assembly Act 2001* ». Mais il est à noter que cette *schedule* a été adoptée par l'Assemblée Nationale bien après la promulgation de cette loi, c'est-à-dire, le 30 Juillet 2002. Dans la même foulée, la faculté de formuler ses propres règlements par l'Assemblée Régionale, a été adoptée. En me référant aux travaux préparatoires, je ne peux que faire mention de ce qui a été dit par le Premier ministre d'alors, et qui apparaît dans le rapport du *Standing Orders Committee* -

« The Assembly will be required as soon as possible after its election, to make and adopt its own Standing Orders and Rules in consultation with the Attorney-General's Office. However, nothing prevents, Mr Speaker, Sir, the Rodrigues Regional Assembly to adopt the very

same Standing Orders and Rules that are being proposed by this House (...)

It will be noted, Mr Speaker, Sir, that clause 64 of the proposed Standing Orders Committee and Rules provides for a Standing Orders Committee which shall consist of the Chairperson, the Deputy Chairperson and three other Members to be elected by the Assembly”.

It will be this Committee that will be responsible to work out the Standing Orders and Rules for submission to the Regional Assembly. Upon adoption of such Standing Orders and Rules by the Regional Assembly, the transitional Standing Orders and Rules, as set out in the proposed Seventh Schedule to this Act, will *de facto* lapse (...)

M. le Président, après avoir examiné le rapport, je peux dire que le Comité a agi conformément aux intentions du législateur.

Le Comité a ainsi recommandé l’adoption par cette Assemblée des règlements qui contiennent ses recommandations, approuvées par tous les membres de ce comité. Je dois ici souligner que ce Comité est constitué par les membres de la majorité aussi bien que de la minorité, ici présents.

La plupart des règlements proposés par le Comité sont les mêmes présentement en vigueur. Parmi les amendements, on peut noter des amendements mineurs, recommandés pour être en conformité avec les règlements de l’Assemblée Nationale.

Je comprends que certaines recommandations ont été proposées pour faciliter les travaux de l’Assemblée sur des matières qui sont spécifiques à Rodrigues, et qui vont de pair avec les lois de l’Assemblée. Par exemple, la recommandation 6.7.2 qui propose la constitution d'un comité de la Chambre pour analyser le contenu du budget. La procédure est différente à l'Assemblée Nationale où il existe déjà un « *Committee of Supply* ». La procédure pour approuver nos estimations du Budget est différente, et je rejoins ici un des membres de la majorité qui siège au *Standing Orders Committee* d’avoir proposé un comité pour analyser le Budget.

On peut mentionner aussi l’amendement recommandé pour permettre la création d’un *House Committee* M. Le Président. Cette Assemblée avait

élu neuf membres pour siéger dans le *House Committee* qui avait été institué sous la section 59 de la loi. Le comité, après un examen approfondi, recommande que ce comité soit institué, comme c'est le cas à l'Assemblée Nationale, sous les *Standing Orders and Rules* de l'Assemblée, pour des raisons énoncées dans le rapport.

M. le Président, il n'est pas dans mon intention de commenter toutes les recommandations de ce rapport, d'ailleurs bien motivé, car je pense que tous les membres, ici présents, en ont déjà pris connaissance.

M. le Président, c'est avec honneur que je présente cette motion devant cette Assemblée, et je recommande que le rapport du *Standing Orders Committee* soit approuvé.

Merci, M. le Président.

Mr Chairperson: Before any other Member intervenes, I need to make a short statement.

Respected members, I was surprised this morning at a late hour when a Member came to see me with a notice to amend the motion. I wish to inform the House that it is a sacrosanct principle in parliamentary practice that most of the material discussions to be held in this Assembly require advanced notice. Notice does not mean some minutes or one-hour notice. It means what it means. It is supposed to bring to the attention of all Members in this House whatever motion any member is offering to make. Standing Order 31 provides a clear-cut procedure for amendment of motion and I have discretion to allow any amendment of which notice has not been given. I will have to make a fair use of this provision. I do not intend to lay a rule, but most probably amendments which are material may not meet the level of my fairness.

Thank you very much.

Yes, now we proceed.

Mr J. Roussety: Mr Chairperson, Sir, following ...

Mr Chairperson: One minute, please. I have just been handed the proposed amendment and I wish to inform the Member that this notice which I have received was discussed with him and that apart from the fact

that the notice of amendment is not properly drafted, it is not intended to the main motion and is not receivable. I am not using my discretion to allow this amendment.

Thank you.

Mr J. Roussety: Mr Chairperson, Sir, with all due respect that I owe to you, we are a bit on a cloud because ...

Mr Chairperson: You are, not me.

Mr J. Roussety: We Members, all Members in this House, you've said a member came to your office, I believe it is a Member from our side.

Mr Chairperson: Yes, does the Minority Leader wish to comment on my announcement?

Mr J. Roussety: No, I do not know the content.

Mr Chairperson: The Minority Leader cannot do that. We have a motion before this House.

Mr J. Roussety: No, I am not commenting on your ruling, but I would wish you to present to the Assembly the contents of this proposed amendment.

Mr Chairperson: No, this is not in accordance with parliamentary practice. A notice of motion which has not been allowed by me is not to be discussed in the Assembly. These are the basics of parliamentary practice.

Mr J. Roussety: Mr Chairperson, with all due respect, I would insist because we represent our ...

Mr Chairperson: The Minority Leader does not seem to understand what Standing Orders and Rules are about. He cannot come and block this Assembly by commenting...

Mr J. Roussety: I am not blocking the Assembly and I understand the Orders and Rules fully. You are challenging me by saying that I do not understand the Standing Orders. This is not right.

Mr Chairperson: Take your chair, please.

Mr J. Roussety: If you will allow me to make my point..

Mr Chairperson: No, if you want to make a speech on the main motion, you are allowed to do so.

Mr J. Roussety: Mr Chairperson, Sir, is it possible to meet you in private?

Mr Chairperson: Yes, after the sitting.

Mr J. Roussety: No, now as the matter is under consideration. The motion is going to be voted. On behalf of the Members of the minority, I would wish ...

Mr Chairperson: Please, wait. You have expressed the wish to meet me in my Chambers. Let me, at least, have the time to respond to it. I have no qualm about meeting Members of the Assembly. You should understand the solemnity of the occasion. The Assembly is sitting and it is not normally done, unless you follow the procedure. I cannot suspend the Assembly just to meet a Member who, I understand, wants to speak to me, I don't know on which matter.

Mr Agathe: Mr Chairperson, Sir, I move that the Assembly be suspended for ten minutes to discuss some important matters among ourselves.

Mr Chairperson: You want to discuss some important matters?

Mr J. Roussety rose and seconded.

Mr Chairperson: It's all right, the Assembly is suspended for ten minutes.

At 11.00 a.m the Sitting was suspended.

On resuming at 11.20 a.m with Mr Chairperson in the Chair

Mr Chairperson: Can we continue where we stopped?

Mr J. Roussety: Mr Chairperson, Sir, I was one of the Members of the Committee and I have made my contribution to the Committee on behalf of all Members of the minority despite the fact that on that Committee, I was the only Member from the minority side. One of my qualms - to use one of your famous expressions - is about the way we are doing it. I am not challenging the fact that you have placed this motion on the Order Paper, but I am just expressing my opinion, it is not a challenge.

Mr Chairperson: Notice was given for it.

Mr J. Roussety: One of my main apprehensions is that the National Assembly has by way of a Bill voted for the provision of our Standing Orders which are in the Seventh Schedule to the Rodrigues Regional Assembly Act. The National Assembly has also explicitly delegated the power to amend the Standing Orders by virtue of section 64(4) of the Rodrigues Regional Assembly Act. It is said in this section that –

“The Standing Orders and Rules set out in the Seventh Schedule to this Act shall, until such time as the Regional Assembly would have made its own Standing Orders and Rules, be the Standing Orders of the Rodrigues Regional Assembly.”

We are here proposing to replace the Standing Orders by way of motion. Given the extreme seriousness of these Standing Orders, I would be of the view that, maybe, we should have proceeded by means of a Bill to amend the Standing Orders. My proposal is supported by the fact that this would have preserved the prestige of the Standing Orders and also we would have shown respect to the National Assembly when the Bill would have reached them for approval. In fact, by way of a motion in this House, we are amending an Act of the National Assembly. Moreover, I just noticed when the Chief Commissioner was supporting his motion that the former Prime Minister, Sir Anerood Jugnauth, himself had said in his speech -

“The Assembly would be required as soon as possible after its election to make and adopt its own Standing Orders and Rules in consultation with the Attorney-General’s Office”.

Members must be aware that I was in the Committee and at no time we have had the opportunity of discussing that matter. In fact, I did not pay enough attention to this point. But I believe it is important. The Prime

Minister said “in consultation with the Attorney General’s office”. I believe that his state of mind should be interpreted, because when someone goes to the Attorney General’s Office, it is for the benefit of all and of the House itself, as this concerns serious matters, as I have already said.

Mr Chairperson: Just to be clear on this point, you seem to say - correct me if I am wrong - that before the Committee submitted its report, it should have had the advice of the Attorney General’s Office or afterwards.

Mr J. Roussety: No, I said that the Prime Minister said in his speech
.....

Mr Chairperson: Do you mean the report should have been vetted by the Attorney General’s Office?

Mr J. Roussety: No, I do not mean this?

Mr Chairperson: Or the annex?

Mr J. Roussety: We do not know what is the report and what is the annex, we shall have the opportunity to discuss all this, I believe later on, when we vote for it.

The Chairperson: No, I am asking you to give a point of explanation. A copy of the report has been distributed to all members according to the Standing Orders and Rules and, of course, you are aware, you have signed the Report and you know what it contains. I want only to make things clear, and know whether you wanted the report to be sent to the Attorney General’s Office first before we sign it as members of the Committee and release it. This is what I want to know.

Mr J. Roussety: The Chief Commissioner said in his speech that the Prime Minister said ...

Mr Chairperson: Yes, it is in the report anyway.

Mr J. Roussety: The Prime Minister said, in his state of mind, in consultation with the Attorney General’s Office. I am saying we have not done this. Now the issue of whether we need to have the approval or the

vetting of the Attorney General's Office is not mine because I have not moved this motion. I was saying, however, I believe that Mr. Chairperson is wise enough to estimate that what has been placed on the Order Paper is correct and I am not challenging that. With your permission, Mr. Chairperson, I would wish to speak of *comment j'ai vécu* my participation in the Standing Orders Committee. One of the issues, and it is in the report, on which there was dissent on my part concerns the length of notice of questions. I would qualify the strategies used by the members of the majority in the Committee on this issue as being hesitant and extremely uncertain – a pure saga. Mr. Chairperson, Sir, one Commissioner, Mr. Roussety

Mr Chairperson: I have to interrupt you on this point. Kindly take your seat. May I have your attention? A Select Committee's deliberations are secret and confidential. What has happened in the Committee may be referred to if, and only if, the report so alludes. I have understood you saying what has happened as far as paragraph 5.1.5 of the report is concerned. This is a reference which is on the borderline of the permissible limits in this Assembly. I will not allow you or any other Member who has been in the Committee to curb that privilege and come and reveal what has been said in a Select Committee. Thank you.

Mr J. Roussety: I have in hand the minutes of proceedings of the committee. Are these minutes public, Mr. Chairperson, Sir?

Mr Chairperson: May I refer you to what Erskine May says on this point. I quote –

“The proceedings in and report of a Select Committee may not be referred to in debate before they have been laid on the Table”.

So, the material part of it is laid on the Table. If it is laid on the Table, you can comment on it. If it is not, this quotation speaks for itself.

Mr J. Roussety: So, only the Report has been laid, not the minutes?

Mr Chairperson: Yes. Only the report has been laid on the table.

Mr J. Roussety: Why have the minutes not been laid with the report?

Mr Chairperson: So, you are asking me a question? I am not part of those who should intervene on the motion. Can you proceed with your speech?

Mr J. Roussety: You are responsible of this House. I wish to comment on some parts of the minutes. I am asking you whether the minutes have been laid.

Mr Chairperson: They have not been laid and are not supposed to be laid on the Table.

Mr J. Roussety: So, you don't want me to speak on what happened in the Committee although it is interesting?

Mr Chairperson: It is not a question of not liking what anybody says in the House, it is a question of enforcing the rules of the Assembly. It is no more than that.

Mr J. Roussety: There are too many restrictions in this House, Mr Chairperson, Sir.

I was speaking about Standing Order 20 on which we spent quite some time. Some members of the Committee were proposing an extension of the length of notice of questions. Fortunately, the committee has agreed not to extend the length of the notice, and I must say I even walked out of the Committee at some point in time. Some discussions were really silly. Some people came one day with one motion and another day with an amendment thereto and the day after with a fresh amendment. Then on a fourth day they stated they withdrew all their motions. I ask myself Mr Chairperson, Sir, if these persons have to participate in international conferences, a conference of national dimension, how they would behave when in a Standing Orders Committee they don't know what they want. We would have resisted fully any proposed change to Standing Order 20(1) concerning the notice of question. It has been brought to my attention that the Executive Council wanted, amongst other things, to increase the length of the notice of questions, because they meet on Wednesdays and they want to see the questions before the sittings of Tuesdays. Therefore, they wanted us to submit questions even on Mondays. This means that if we had to submit questions for next Tuesday, this would have been done since last

Monday. This would have been an abuse and I am very glad they came back on that point and the relevant Standing Order has not been changed.

The reason, Mr Chairperson, Sir, was that they don't have enough staff, they don't have enough resources. I told them that they are ill organised and given all the resources they have, it is only a pretext to say that they should extend notice of questions.

One of the positive items which we have contributed to concerns the Committee Stage when we have to examine our annual estimates; and Standing Order 55A has been added to provide for these matters. We regret that the previous annual estimates that were examined were not done in such a way even though we alerted yourself and other members to the fact that you cannot approve the budget *in toto*. Now we have the means with the new Standing Orders, if approved, to examine each vote of expenditure for each Commission itemwise. We shall have the opportunity to discuss every item of a Commission's vote and vote for them. This Committee Stage on the annual estimates is a good thing on which consensus has been reached.

There is also the new House Committee. The Standing Orders Committee has proposed that its membership be restricted to five (5) members only. Our former House Committee was set up using Section 59(5) of the Rodrigues Regional Assembly Act and we always thought that this section was not intended to create Committee such as the House Committee. We now have a House Committee, which will be composed of only five (5) members. A restricted committee will be better to discuss the convenience and comfort of members.

One negative aspect on which we did give our approval, but expressed some dissent was on the issue of intervention at Adjournment Time - Standing Order 9(12). Formerly, at Adjournment Time, debates were not restricted on Tuesdays and other sittings. Now, I believe that on alternate Tuesdays there will be restriction; one Tuesday it is going to be open; the following Tuesday, matters will be restricted to one Member only and he must have obtained permission from Mr Chairperson before doing so.

Debate will be confined to a single matter for which the Member has obtained the prior leave of the Chair. If more than one Member wishes to speak on the Tuesday on which Adjournment

matters are restricted to a single matter, there will be a ballot as the privilege is restricted to one Member only. Clearly, we believe this a backlash in comparison to our previous Standing Orders. Our previous Standing Orders did not put any restriction on whether there will be alternate Tuesdays, etc. But, this being the practice at the National Assembly, in a positive attitude we agree with this provision. We hope, of course, that when notice is given for matters to be raised, Commissioners will do their homework and come with answers, because, very often, matters are raised at Adjournment Time and although they may be very important, for example, the issues of water, there are no follow-ups or comments afterwards. One Member on this side of the House has successively been telling that some regions do not have water, but Members of the majority seem to be indifferent to these problems.

Mr Chairperson, the motion, which appears on the Order Paper, reads as follows –

“This Assembly approves forthwith (forthwith means immediately) the Report of the Standing Orders Committee, which was handed over to the Clerk on 17 February 2004 by the Chairperson and laid on the Table of the Assembly”.

I believe that to create debates, the expression “approves forthwith” is rather dictatorial, in the sense that the Standing Orders concern all Members of the House. We should, for example, have said that the Assembly examines and then, if there are discussions and there are amendments, if any, and these amendments are put to vote and approved together with the whole set of Standing Orders.

Mr Chairperson, we have a motion here. In fact, Standing Order 25(1)(b) states that for a “motion to amend any motion upon which the question has already been proposed (...) there is no need for notice.”

Mr Chairperson, I participated in the Committee, individually first of all and on behalf of the Minority, but I never said that I represent the whole minority and that the whole Minority must agree to everything I said. They agreed on the principles as I have signed the report. They have their personal opinion and, in our party, we respect the opinion of each individual and I believe I am not the only one to say: all right, we agree to the report and the others have to shut their mouths.

Mr Chairperson, Sir, I believe it is the fundamental right of every Member, who wishes to propose any amendment to the motion, to be allowed to do it. Of course, if you think that this should not be done, then you could be exposing....

Mr Chairperson: Minority Leader, when you say 'you', do you mean the Chairperson?

Mr J. Roussety: Yes, Mr Chairperson. Of course, I am not threatening the Chair; but, if ever there is an amendment to a motion, and then you decide to refuse the amendment, it will be at your discretion. But, of course, we would tell Mr Chairperson that we are of the opinion that whenever there is a motion, there can be amendments to the motion, but that if you refuse the amendments to motion, then it must be because of serious reasons. Of course, I am not saying that you don't have any serious reasons.

Mr Chairperson, I am just drawing your attention to the fact that if ever you say that we cannot propose any amendment to any motion, we will be prepared to go further into that matter.

Mr Chairperson, I believe my colleague, Mr Allan Ladd Emilien, has a motion to amend the motion which is being proposed.

Mr Chairperson: No, the Member won't have to do that. He has already sent the notice to the Chair before I made an announcement just after the Chief Commissioner's speech. I have already ruled on the fate of that notice. So, the Member will not make it.

Mr J. Roussety: I agree with you, Mr Chairperson, but...

Mr Chairperson: The Member has already submitted a notice in that direction.

Mr J. Roussety: Mr Chairperson, this is your ruling, we abide by it. Of course, we have other means that we can use to see whether....

Mr Chairperson: We are in a democratic world.

Mr J. Roussety: Of course. We are not in Haiti yet. My colleague wanted to come forward with a Private Notice Question. I can't understand why a motion to amend a motion, of which written notice is not needed, but, of course, it must be handed over to you according to Standing Order 31(7), and this is what he has done...

(Interruptions)

His notice concerns an amendment...

Mr Chairperson: Minority Leader, I have given you lots of flexibility. Now, you are now commenting on the rationale of my ruling. This you cannot do. You may proceed, but please avoid going out of the subject.

Mr J. Roussety: The Member is proposing an amendment. I will leave the matter to him and restrict myself to amendments. The issue of the PNQ will explain what is the philosophy behind, because it is his point.

Mr Chairperson: You won't be able to do that either.

Mr J. Roussety: I am sorry, Mr Chairperson. I won't be able to do what?

Mr Chairperson: You said that you would leave that to the Member to comment on the philosophy. He won't be allowed to do that in this House.

Mr J. Roussety: Does the Chairperson mean that he won't allow the Member to speak on the issue of the PNQ, if he wishes to do so?

Mr Chairperson: No, not on the motion that has been disposed of. When we come to the bridge, we shall cross it.

Mr J. Roussety: The PNQ, Mr Chairperson, Sir, has been proposed by one Member. What is the philosophy of a PNQ? This is what the Member wants to talk about. He must be allowed to do it, because it pertains to Standing Orders, even though...

(Interruptions)

Each time I speak, there seems to be interruptions.

So, Mr Chairperson, Sir, given the atmosphere in which we are considering the Standing Orders, from your part and from the other side also, I believe we are not going to vote for these Standing Orders, because I believe that we have not been given the latitude to propose things for our Standing Orders. Our latitude is being unduly restricted.

Mr Chairperson, it was agreed in the Committee - all Members will recall - that if any Member would wish to come with an amendment when the motion comes before the House, this would be allowed. Now, this is not being allowed. Which is which?

(Interruptions)

Of course, it is an abuse of the rights of those Members who were not in the Committee.

Thank you, Mr Chairperson, Sir.

The Commissioner for Women's Affairs, Arts & Culture (Mrs A. Perrine-Bégué): Mr Chairperson, Sir, at the outset, I would like to point out that we are living an historical moment in the sense that, after the status of autonomy has been granted to us, in total autonomy, as the law empowers us to do, we are making our own tools to govern our debates and proceedings.

Until now, this House has been following rules and regulations provided by the Rodrigues Regional Assembly Act 2002. These Orders have helped the Assembly to function in a democratic manner since the beginning. However, those Orders were meant to be only transitional until such time as the Regional Assembly would have its own Orders and Rules.

In February last, this Assembly adopted a motion of the Chief Commissioner for the setting up of the Standing Orders Committee.

Everyone has in his hands a copy of the recommendations of this Committee. It is worth noting that this is the first report laid on the Table of the House. Let us hope that this augurs well for many fruitful future assignments.

The course of our deliberations has been inspired by the provisions of both the National Assembly and the House of Commons of England. However, we were always guided by our specificities, which we have been able to experience fully during the first year of this Assembly's existence.

Mr Chairperson, Sir, we are glad to note that the Report contains unanimous recommendations. Please allow me to give my feeling on a number of changes made. First, let me give my feelings about the contentious on notice question Order 20(1). Our intention, like we explained, Mr Chairperson, Sir, was honorable in the sense that we wanted to alleviate the pressure put on everyone involved in the preparation of answers to questions put to Commissioners. Anyone not in office during this transitional period has no idea of the dire hardship and pressure that the Executive Council is suffering due to shortage of staff and professionals in the administration. The Minority did not want to co-operate. They always talk of "*conserver ses acquis*". We understood by this attitude, Mr Chairperson, Sir, that they did not understand that the whole exercise was about adapting the Standing Orders according to our own reality and context.

Je voudrais dire ici, M. le président que rien n'empêchait la majorité de voter les amendements proposés aux Standing Orders si on le voulait. Mais, avec de telles attitudes, comme on a remarqué aujourd'hui, ce premier rapport de notre Assemblée pour laquelle on a lutté pendant des années pour voir la réalité aurait été un gachis. Et on a le devoir, du moins nous du côté de la majorité, de montrer qu'on peut conduire quelque chose vers son aboutissement.

Concerning the PNQ, I am very sad to note that on the Committee, like the law says, we have representatives from both sides of the House. However much about the number, we don't care because we had the Minority Leader. Here we note that, after one year's deliberations, coming forward with a motion on the day that the report is laid to change things means that within the group there is no leadership, no party rule and no party line because everything is done by the party lines as far as politics is

concerned. We have brushed Order 18 about PNQ. The Committee statuated on that; the Minority side, as far as I can recall, was present and had the opportunity to give its opinion.

Mr J. Roussety: On a point of explanation, please.

Mr Chairperson: Yes.

Mr J. Roussety I have explained to the House that I was individually on the Committee and I represented my party and the Minority. I have been chosen by them to work on that Committee. But the Commissioner seems not to understand my point that our Members have, to some extent - we are proud of it - their own individual views, which we accept. I told the Committee that that if they want to propose anything when the motion comes, they would be free to do so. I also informed the Committee that if we all see from our side that it is acceptable then we would allow any member to propose any amendment. Attacking my party line and saying that because I was on the Committee, everything should be abided according to my views is wrong.

Mrs Perrine-Bégué: Everybody will take his conclusion on the debates Mr Chairperson, Sir and I allow it to the House to make the conclusion of what I said and what others say.

A major change has been proposed on the level of the adoption of our draft estimates. A new section has been added to Section 55 to be known as Section 55A to cater for a detailed scrutiny of every item of expenditure. Mr Chairperson, Sir, this provision made on the initiative of the majority shows the democratic mindsets that underlies this Regional Government. Contrary to the general tendency to disseminate only a minimum information, we have shown maturity by allowing our measures to be more open to scrutiny. The second proposal, which I think is interesting, is the change in the status of the House Committee whereby, the existing Standing Committee is to be dissolved if approved and a new one set up in the form of an ad-hoc committee. This measure, Mr Chairperson, Sir, will allow a better use of our Members' time, which, in general, is so precious. In so doing, we are aligning ourselves along the Mauritian practice.

Thirdly, Mr Chairperson, Sir, I appreciate that for the organisational sake of this House and that of its Members, our Standing Orders now will

clearly make provision for the House to sit beyond 19.00 hours. If and when the occasion arises, Members and your good self will know in advance of such an eventuality.

Coming to another point, that is, the question of speaking for a limited length of time, after adjournment on alternate Tuesdays, Order 9(12) now provides Members with the opportunity to speak freely on a matter of interest. Like at the National Assembly, the Commissioner concerned would now be given notice and be provided with the opportunity to give any reply on the subject matter, which the Member would draw the attention to.

To end my intervention, I would like, Mr Chairperson, Sir, for the benefit of the House, to say that the Standing Orders Committee also examined the burning issue as to whether the Creole language may be used in this House. All considerations given, the matter was found to be impracticable on the ground that the Constitution only provides for English and French.

In conclusion, Mr Chairperson, Sir, I would like to express my thanks to the Chief Commissioner and Leader of the House for creating the opportunity for us to work out for ourselves the rules of the game in-house. I also want to thank you for all the precious guidance you provided as Chairperson during the Committee's proceedings. I hope and pray that every Member of this august Assembly will consider this as a set of sacred rules to which we will show respect and abide at all times.

Mr Chairperson, Sir, at all times, the majority made it a point of honour to address this very first assignment of the Rodrigues Regional Assembly in a positive and constructive attitude. In spite of the administrative hardship, the Executive Council has to bear in mind that, in this transitional period, we never lost sight of the fact that the end product of this assignment is a question of posterity. Let the new rules of the Rodrigues Regional Assembly last the time that they will last, until our successors, in far distant future maybe, identify the need to amend them.

Thank you.

The Deputy Chairperson (Mr J. Pierre Louis): Mr Chairperson Sir, the Rodrigues Regional Assembly, as we are all aware, started its operation on 12 October 2002. It is worth recording with gratitude that the Central Government and the National Assembly would work without unnecessary hassles by providing transitional Standing Orders and Rules. Thus, debates have been possible over the last sixteen (16) months in the most participative and democratic manner, thanks to a comprehensive set of Orders and Rules.

It is not surprising that these Orders and Rules have facilitated the work of the Regional Assembly. In fact, they are of respectable vintage; they have been inspired by the respectable House of Commons Standing Orders and Rules and, in fact, most of these Orders and Rules are to be found also in the Standing Orders of the National Assembly.

Mr Chairperson, Sir, rules are of extreme importance; the Assembly is, so to say, the spinal cord or the vertebral column of our democratic processes. Rules and Orders provide the flesh and blood of these processes. Since the setting up of the Regional Assembly, we have had more than four hundred Questions set to Commissioners, a number of motions, statements and matters raised at adjournment.

When the House became overheated, there had also been a couple of suspensions to allow Members to cool down unless they decided to walk out.

Mr Chairperson, Sir, without Standing Orders and Rules, the House would have found it difficult to manage all its activities. The Chairperson and I, your humble servant, are blessed in that we can regulate the activities and the conduct of the respected Members through the Standing Orders.

But, Mr Chairperson, Sir, as the former Prime Minister realised in his speech on the second reading of the Rodrigues Regional Assembly (Amendment) Bill 2002 that “there would come a time when the Rodrigues Regional Assembly would wish to adopt its own Standing Orders and Rules”. Hence, the proposals before the House.

These do not depart drastically from the Orders and Rules of the National Assembly. It is realised that a few amendments are necessary to take into account the Rodriguan specificities.

A very important proposal is the introduction of a detailed scrutiny of the Annual Draft Estimates in a Committee of the whole House.

However, this measure shows, beyond the least shadow of doubt, that this Assembly intends to uphold transparency and fairness. Thus all Members, be it from the Majority or the Minority side, will have ample opportunity to take stock of the policy of the Executive Council and of the detailed measures.

Mr Chairperson, the Minority will in a way become *partie prenante* of this important annual exercise of balancing expenditure and income.

There are equally important measures, which have been proposed by my colleagues in the report. For me, it suffices that I have placed this report and the proposals annexed thereto in the right perspective.

Mr Chairperson, this exercise cannot by any means be a once-for-all exercise. No draftsman of law or regulations can ever anticipate each and every situation. As in Mauritius, we have a Select Standing Committee to monitor the workings of our rules and orders, we shall have further occasions, I am convinced, to make other proposals for the future.

I thank you for your attention.

The Chief Commissioner: M. le président, je remercie les membres de l'Assemblée qui ont pris la parole sur ce rapport du *Select Committee* qui a été déposé sur la table de l'Assemblée. Il y a des points qui ont été soulevés. Je pense qu'un des points que le *Leader* de la minorité a soulevé c'est la question de *l'Attorney General's Office - consultation*. Le rapport concerne les règlements internes de l'Assemblée. Si, par exemple, on devait amender la loi principale, le Rodrigues *Regional Assembly Act* 2001, on devrait référer l'amendement ou les amendements à *l'Attorney General's Office*. Mais on ne peut pas référer le rapport au *Solicitor General* avant car il a un aspect confidentiel. C'est pourquoi on ne dépose pas sur la table de l'Assemblée les compte-rendus des différentes réunions du *Select Committee*. Même à l'Assemblée Nationale, cela ne se fait pas. C'est le rapport qu'on dépose et non pas les compte-rendus des différentes réunions. Je pense qu'il y a des principes et une certaine moralité concernant le *secrecy* des différentes réunions qui se passent à l'intérieur. Je pense que

c'était bon qu'on ne puisse pas soulever ici des affaires internes d'un comité et ça ce sont des principes qu'il nous faudra continuer à avoir.

En ce qui concerne l'ajournement que le *Leader* de la minorité a abordé ici, il est entendu que puisque ce sont des règlements internes calqués sur les règlements de l'Assemblée Nationale, un mardi un membre de l'Assemblée vient avec un *notice* qu'il va parler sur tel ou tel sujet et que tout le monde est au courant et ce *notice* est envoyé par le *Clerk* de l'Assemblée à tous les membres qu'à telle date, tel point sera soulevé. Donc, la personne peut avoir cinq minutes, dix minutes ou un quart d'heure. Il y a une procédure que moi-même j'ai suivi à Maurice où je demande au clerc de l'Assemblée si l'ajournement sera ouvert mardi prochain; on me dit: non, ce sera le mardi suivant. Donc, c'est quelque chose qui est calqué sur la procédure à l'Assemblée Nationale pour éviter qu'il y ait trop de discours peut-être pendant tous les mardis pour qu'on n'ait pas quatre ou cinq discours échelonnés sur cinq à dix minutes.

Le *Leader* de la minorité comme à l'accoutumée aime pestiférer le conseil exécutif/le gouvernement au pouvoir en ce qui concerne, il l'a fait...

Mr J. Roussety: Pestiférer?

The Chief Commissioner: Mais bien sûr, vous passez votre temps à nous dire que nous sommes des incapables, nous ne savons pas diriger. Vous pestiférez.

Mr J. Roussety: *Mr Chairperson, Sir*, le chef commissaire a utilisé le mot "pestiférer". Pestiférer, je crois, que, ça veut dire peste. *I don't know whether we have a dictionary here.* Je ne sais pas si pestiférer est un verbe. Donc, je pestifère le conseil exécutif à chaque fois que je prends la parole. Je vous demanderai, M. le président, dans le respect des pratiques parlementaires de faire retirer le mot "pestiférer" car je considère cela comme une insulte, une atteinte de la personne et ma fonction de membre de l'Assemblée, élu *Leader* de la minorité.

Mr Chairperson: Minority Leader, I am sorry, I fail to understand your point.

Mr J. Roussety: M. le president, il a dit que le *Leader* de la minorité – who is me unless the President has just nominated another person - a l'habitude de pestiférer le conseil exécutif, c'est-à-dire lui et ses commissaires. Je trouve le mot "pestiférer" très grave, *very unparliamentary*, barbare. Et je lui demanderai, M. le president de retirer cette expression et de présenter ses excuses.

(Interruptions)

Mr Chairperson: Of course, I don't take this word to be that parliamentary and I was ready to order the Chief Commissioner to withdraw the word. But it is a fact I heard you repeating the subject and joking on it. So, I am not prepared to give any ruling now.

Mr J. Roussety: I am not joking in that House. Who is joking here? Tell me? I seem to be joking?

Mr Chairperson: On this word, yes. I heard it.

Mr J. Roussety: He said "pestiférer", if I said it, I said it gently. You are wrong, I was not joking here. You are wrong.

(Interruptions)

Mr Chairperson: Take your seat, please. I maintain what I said. I maintain my ruling. Chief Commissioner, can you proceed.

The Chief Commissioner: C'est dans les habitudes du *Leader* de l'opposition. Il passe son temps à accuser le gouvernement d'être incapable, de ne pas diriger le pays comme il faut. Donc quand on a demandé que nous ayons un peu plus de temps pour préparer les questions parce qu'on n'est pas à un niveau national; à Maurice ils ont des ministères, ils ont du personnel à leur portée, alors que nous, nous sommes en train de créer les postes pour avoir le personnel qu'il faut pour essayer de répondre à ces questions. Donc, on retourne au point zéro, ils n'ont pas accepté et c'est pourquoi nous disons ...

(Interruptions)

Mr Chairperson: It seems that my ruling is not agreeable to some of you. But I said that the word "pestiféré" would not be that unparliamentary.

Should I hear the word again coming from any member, from any position, he is, then I will have to take my decision. Thank you.

The Chief Commissioner: M. le président, je voudrais quand même terminer en disant que nous, les membres de la majorité, avons proposé quelque chose de très important en ce qui concerne le *Committee of Supply*. Nous avons vu qu'on ne peut adopter un budget sans que les membres aient l'occasion de l'analyser dans les détails. Donc, je remercie les membres de la majorité qui ont proposé ce grand amendement, qui est important, à mon avis, au rapport du *Standing Orders Committee*.

Et je termine, M. le président en vous disant que nous remercions encore une fois le *Standing Orders Committee* d'avoir su terminer son travail. Maintenant avec l'approbation de ce rapport, on pourra arriver à faire fonctionner l'Assemblée comme il faut dans le respect qu'il se doit.

Merci.

Mr J. Roussety: Mr Chairperson, on a point of order again. First of all, I have never come here to joke, I was not joking; a member has said that "j'ai pestiféré".

Mr Chairperson: This has been the subject of a ruling; you cannot comment on it again. Yes, there are Orders in this House, you can

Mr J. Roussety: I have a point of order.

Mr Chairperson: If you come with a different point of order, I shall allow you to speak on it and explain yourself. If you want to raise this point again, this is not allowed.

Mr J. Roussety: I just want to tell you that I was not joking. I never came here to joke. If you see in me a joker, this is your problem. I have not been elected to come here to joke.

Mr Chairperson: I think I have to intervene on this point; I said ...

Mr J. Roussety: And I must say publicly that you are offending me in saying that I am joking. You are the Chairperson and you say a member is joking. What attitude is it?

Mr Chairperson: What I mean by joking is that I saw you repeating the word himself and laughing, I want this to be on record.

So, if no other member wants to intervene on the motion, I will have to put the question.

On question put, the motion was agreed to.

Resolved that:

“This Assembly approves forthwith the Report of the Standing Orders Committee which was handed over to the Clerk on 17 February 2004 by the Chairperson and laid on the table today.”

Mr J. Roussety: There are errors in the New Standing Orders.

Mr Chairperson: Yes, next item on the Order Paper, please.

ADJOURNMENT

The Chief Commissioner: Mr Chairperson, Sir, I move that the Assembly do now adjourn to Tuesday 16 March 2004 at 10.30 a.m.

The Deputy Chief Commissioner rose and seconded.

POST KALUNDÉ REHABILITATION PROGRAMME

Mr C. Agathe: Mr Chairperson, the issue that I wish to bring to the attention of this House today is of utmost importance and very alarming. Fortunately, Mr Chairperson, Sir, our people have an opposition to deal with their affairs. Following the passage of cyclone Kalundé all those whose houses were damaged have had to report the case to the nearest police

station. A compiled list of those persons was submitted to the Commission for Public Infrastructure for further inquiry and assessment of damages. Six teams of Officers from the Public Infrastructure Division effected a house to house survey and reported the following:

“Out of three hundred and ninety-two (392) cases of completely damaged houses, two hundred and sixteen (216) are genuine. Out of nine hundred and eighty-five (985) partially damaged houses only five hundred and twenty-one (521) cases are genuine.”

According to the reply to question B/121 in this House, the two hundred and sixteen (216) cases of completely damaged houses have been referred to the Trust Fund for Vulnerable Groups; and with regard to the cases of partially damaged houses, materials have been purchased under the Post Kalunde Rehabilitation programme for the repair of these houses.

An inventory exercise was carried out and it showed that the materials received were iron sheets, timber and nails. Mr Chairperson, Sir, one year has elapsed, and these materials were supposed to be delivered to all beneficiaries and they had to find their own labour to repair their houses. What is more alarming, Mr Chairperson, Sir, is that two hundred and sixteen (216) persons are still waiting for the reconstruction of their houses. We should ask ourselves, as mothers and fathers, having a family, this question - where are these people living right now? Who cares for them? We are an autonomous island now and we want people to stand on their feet - *Rodriguais dibout lors to propre li pied*. Is this the way we are providing them with the means to do so? We, on this side of the House, have asked for a joint parliamentary committee with Members of both sides of the House and this proposal has been vehemently rejected by the majority side.

We should be aware, as responsible parliamentarians, that when people live in poor conditions, many social problems arise. I am in presence, Mr Chairperson, Sir, of a case at Mt. Cabris West where a family has converted an empty concrete water tank into a house. If we are able to set up a parliamentary committee for matters like education which has a direct influence on the social and economic progress of our country, I don't see why there is such a reluctance to set up a committee to help to deal with the social integration of our people.

If great minds discuss ideas, let us not show that we are narrow minded. The future of our people depends on us.

Thank you, Mr Chairperson, Sir.

The Deputy Chief Commissioner: I'll make a statement on the matter at the next sitting, Mr Chairperson.

At 12.30 p.m, the Assembly was, on its rising, adjourned to Tuesday 30 March 2004 at 10.30 a.m.