



# NATIONAL ASSEMBLY BILLS COMMITTEE

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**REPORT OF THE SCRUTINY OF BILLS COMMITTEE  
FOR PERIOD SEPTEMBER 2018 – SEPTEMBER 2019**

# REPORT OF THE SCRUTINY OF BILLS COMMITTEE

Period September 2018 – September 2019


The Scrutiny of Bills Committee is pleased to submit its third annual report to the National Assembly.

## Acknowledgments


The Committee wishes to place on record its appreciation to the members of its support staff for their dedication to the work of the Committee, often at difficult moments, and invariably under pressure.

During the year, Hon Simon Gill was replaced on the Committee by Hon Johan Loze. We are pleased to welcome Hon Loze as a member and thank Hon Gill for his services while he was a member.

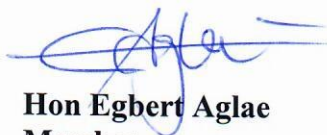
We were grateful that the Hon Speaker opted to remain as an ex-officio member of the Committee after his elevation to the Chair in early 2018. He and the Hon Deputy Speaker attended most meetings of the Committee, as did the two Leaders of the House, and made important contributions. Many meetings of the Committee saw the attendance of the Attorney-General. We acknowledge all their presence and input.




**Hon Bernard Georges**  
Chairperson  
October 2019



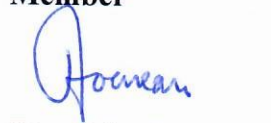
**Hon Clifford Andre**  
Vice-Chairperson



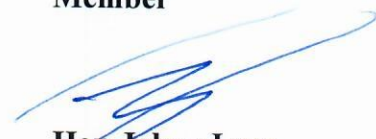
**Hon Egbert Aglae**  
Member



**Hon Philip Arissol**  
Member



**Hon John Hoareau**  
Member



**Hon Johan Loze**  
Member



**Hon Sebastien Pillay**  
Member



**Hon Speaker**  
Ex-Officio Member

## **Report 2018/2019**

As was the practice in previous years, the Committee considered every Bill published in the Official Gazette and referred to it.

The past year has seen the Bills Committee tackle some 15 Bills. There was one Private Members' Bill published in the last year. The full list of Bills submitted to the Assembly and their status is set out in the attached schedule.

Three published Bills are pending for Second Reading:

- Alcoholic Drinks Control Bill
- Civil Code of Seychelles Bill (debate adjourned)
- Public Service Salary (Amendment) Bill (debate adjourned).

One Bill has been referred back for further consideration and amendment:

- Mental Health Care Bill.

Two others have been deferred pending an OECD report:

- Tourism Marketing Tax (Amendment) Bill
- Corporate Social Responsibility Tax (Amendment) Bill.

As the House observed, on the other hand, a number of Bills were considered in great detail. Among these were:

- Control of Dogs Bill
- Tourism Development Bill
- Physical Planning Bill
- Anti-Corruption (Amendment) Bill
- Referendum Bill
- Seychelles Fire and Rescue Services Agency (Amendment) Bill.
- Road Transport (Amendment) Bill

Two Bills failed to be approved:

- Referendum Bill
- Constitution of the Republic of Seychelles (Tenth Amendment) Bill.

The Bill to amend the Civil Code saw the House meet for a second time in plenary with the Committee in a three-day public session and in the presence of international experts to consider this important enactment. It is now about halfway through the Second Reading, time having been promised in future meetings of the Assembly for completion of this process.

The Chair of the Committee was invited to speak at the Judicial Seminar on the Constitution on the occasion of Constitution Day 2019. The text of the address, on the theme of the part played by the legislature in the national balance of power, has been circulated to Members.



## **Work Methodology**

The procedure adopted in the last year was found to be satisfactory namely, for more complex Bills, to invite the promoter of the Bill and the legal draftspersons, as well as interested Members, to Committee meetings, with the result that amendments could be comprehensively tackled in Committee.

The advantages with this process continued to be:

- Time in Committee of the Whole Assembly considering typographical and drafting amendments was cut back considerably.
- Major changes to the Bill in terms of policy were addressed ahead of the Second Reading, leading to greater coherence, and sometimes radical changes, in the enactment. Two examples are the changes to the Tourism Development Bill and Physical Planning Bill.
- Members of the House were free to focus on the broad issues in the enactment and not on trivial matters.

Naturally, the bulk of the work fell to the Committee to carry out and members are to be commended for their attention and input. In the case of every Bill considered, other than short amending Bills, a report of the Committee on the Bill was submitted to the House ahead of Second Reading. This contained matters highlighted for the Minister promoting the Bill and Members to pay greater attention to. In addition, for longer Bills, a tracked version of the Bill with amendments and suggested alternative wordings was circulated – and at times projected – for ease of debate in Committee Stage.

During the year, the Committee was able to welcome as an observer to its meetings the new National Assembly Legal Advisor, Ms Iris Carolus. As a lawyer with drafting experience, Ms Carolus has been able to take on some of the Committee's work and has been useful in the preparation of Committee reports on Bills as well as proposing amendments, both stylistic and substantial, to Bills.

Notwithstanding this revised method of work of the Committee, numerous deficiencies continued to be observed. These are recited in the next section and suggestions for improvement are there made.

## **Comments and Recommendations**

1. We continue to commend the Government for its open and positive engagement with the Committee and continue to recognize its readiness to accept the advice given to it by the Committee and to meet with the Committee so as to see to the better development of legislation in the country. The marriage between the Executive and the National Assembly in terms of legislation is not always an easy one. Ministers are often reluctant to see the product of their long and difficult gestation changed radically in the legislative process. This is understandable, but inevitable, if the balance of power among the organs of State is to be maintained.



2. The Committee also expresses its gratitude to members of the public who have engaged with it over Bills once published. In numerous instances, this has led Government to rethink a proposal and incorporate suggestions made by the Committee into the proposed enactment. Such involvement was both visible and useful in consideration of the Tourism Development Bill.
3. We regret to have to report that we continue to feel that, in too many cases, legislation is rushed and too little time is allocated to consideration of Bills by the public between publication and listing on the Order Paper. In our report last year, we recognized that Government had its own legislative agenda and urged it to give sufficient time for public consumption of Bills, and consultation between Members of the Assembly and their constituents, before asking for Bills to be debated. There has been an amelioration of the process in the last year, but not enough, in our view. Legislation rushed through the process inevitably fails to have the level of scrutiny it requires, with unhappy consequences later. We therefore repeat our call to the Executive not to publish Bills until they have been properly vetted by the legislative drafting division of the Attorney-General's Chambers, and remind the Assembly not to list them on the Order Paper before they have been thoroughly considered by the Bills Committee.
4. While the Committee commends the interest which some Members from both sides of the House have shown in the work of the Committee by their attendance at our meetings, we have noted with regret the unhappy habit of many Members, including members of the Committee, not to acquaint themselves with some Bills which come before the House, leaving this to a few Members alone. While it is expected that Members will be more eager to engage with Bills covering matters of their special interest, we must all recognize that it is the National Assembly as a whole that is the legislative branch of Government, not the Bills Committee. Members, and parliamentary caucuses, are urged to take greater interest in all Bills in order to ensure that debate is exhaustive and the product the best the nation can have. Additionally, Committee members are urged to attend meetings of the Committee and come prepared to contribute fully to its deliberations.
5. We continued to enjoy the assistance of the Office of the Attorney-General during the year. We must, however, place on record again our regret that too many Bills are published with unnecessary mistakes or errors and a general inattention to them. In some cases, published Bills have had to be returned for reworking. The Mental Health Care Bill is one example. This does not inspire public confidence in the system. We look forward to an amelioration in the quality of Bills published in the coming year.
6. The Committee would like to make a suggestion to the Executive for its consideration. In some Commonwealth countries the practice has been adopted of presenting a Bill with a detailed budget for its implementation and a timeline for its rolling out. The Committee is of the view that the adoption of such a procedure in our country would be both welcome and positive. The procedure helps not only the Ministry responsible to focus on the real goal the legislation is designed to achieve, but also the Assembly to have a clear view of the impact of the measure nationally before adopting it. We urge

the Government to consider this proposal and seek the support of the House in ensuring that it is implemented henceforth.

7. Finally, the Committee wishes to advise that, with immediate effect, it will prepare and deposit in the Resource Centre of the Assembly, in respect of each Bill approved by the House, a memorandum giving a short summary of the reasons for the Bill, including reasons for amending or repealing any previous law, in order that there will be a record of the history of the legislative provision for future reference.

- End of Report -



**UPDATE ON BILLS SUBMITTED TO THE NATIONAL ASSEMBLY - 2019**

<b>Date Received</b>	<b>Title</b>	<b>Minister/ Member in Charge</b>	<b>Gazette No./Date</b>	<b>1<sup>st</sup> Reading</b>	<b>2<sup>nd</sup> &amp; 3<sup>rd</sup> Reading</b>	<b>REMARKS</b>
<b>17<sup>th</sup> December 2018</b>	Anti-Corruption (Amendment) Bill, 2018 <b>Bill No 29 of 2018</b>	Vice President	17 <sup>th</sup> December 2018  Gazette No.107	Tuesday 4 <sup>th</sup> March 2019	Wednesday 24 <sup>th</sup> of July 2019 (Bill passed with amendments)	<b>Act No.7 of 2019</b> Official Gazette No 56
<b>28<sup>th</sup> February 2019</b>	Public Service Salary (Amendment) Bill, 2019 <b>Bill No 2 of 2019</b>	Minister Jean Paul Adam acting on behalf of Vice- President Mr Vincent Meriton	22 <sup>nd</sup> February 2019  Gazette No. 12	Wednesday 6 <sup>th</sup> March 2019	Tuesday 19 <sup>th</sup> March, 2019  (Bill not passed)	(court case)
<b>5<sup>th</sup> of March 2019</b>	Public Persons (Declaration of Assets, Liabilities and Business Interests <b>Bill No 3 of 2019</b>	Minister Jean Paul Adam acting on behalf of Vice- President Mr Vincent Meriton	26 <sup>th</sup> February 2019  Gazette No. 14	Wednesday 6 <sup>th</sup> March 2019	Tuesday 19 <sup>th</sup> March, 2019  (Bill passed)	<b>Act No. 3 of 2019</b> Official Gazette No.31
<b>20<sup>th</sup> March 2019</b>	Tourism Development Bill, 2019 <b>Bill No.4 of 2019</b>	Minister Didier Dogley	13 <sup>th</sup> March 2019  Gazette No.19	Tuesday 26 <sup>th</sup> March, 2019	Tuesday 25 <sup>th</sup> June 2019  (Bill passed with amendments)	<b>Act No. 8 of 2019</b> Official Gazette No.58

<b>20<sup>th</sup> March 2019</b>	Seychelles Tourism Board (Amendment) Bill, 2019 <b>Bill No.5 of 2019</b>	Minister Didier Dogley	14 <sup>th</sup> of March 2019 Gazette No.20	Tuesday 26 <sup>th</sup> March, 2019	14 <sup>th</sup> of May 2019 (Bill Passed)	<b>Act No. 5 of 2019</b> Official Gazette No.31
<b>12<sup>th</sup> April 2019</b>	Mental Health Care Bill, 2019 <b>Bill No. 6, 2019</b>	Minister Jean Paul Adam	8 <sup>th</sup> of April 2019 Gazette No.27			Amended Bill has been received from AG's Office. Pending discussion.
<b>28<sup>th</sup> May 2019</b>	Physical Planning Bill, 2019 <b>Bill No. 7, 2019</b>	Minister Pamela Charlette	17 <sup>th</sup> May 2019 Gazette No.41	Tuesday 16 <sup>th</sup> of July 2019	Tuesday 6 <sup>th</sup> and Wednesday 7 <sup>th</sup> of August 2019 (Bill passed with amendments)	Final editing of white copies sent to the AGs Office on 14 October 2019
<b>12<sup>th</sup> June 2019</b>	Alcoholic Drinks Control Bill, 2019 <b>Bill No. 8, 2019</b>	Minister Jean-Paul Adam	3 <sup>rd</sup> of June 2019 Gazette No.42	Tuesday 30 <sup>th</sup> July 2019		Bills Committee pending for second reading
<b>2<sup>nd</sup> July 2019</b>	Referendum Bill, 2019 <b>Bill No. 9, 2019</b>	Vice President	28 <sup>th</sup> of June 2019 Gazette No.46	Wednesday 3 <sup>rd</sup> of July 2019	17 <sup>th</sup> of July 2019	Bill was not approved by the House
<b>17<sup>th</sup> July 2019</b>	Seychelles Fire and Rescue Services Agency (Amendment) Bill, 2019 <b>Bill No. 10 of 2019</b>	Designated Minister	1 <sup>st</sup> July 2019 Gazette No.47	Tuesday 30 <sup>th</sup> July 2019	Thursday 26 <sup>th</sup> September 2019	Sent to AGs Office on 1 <sup>st</sup> October 2019 for preparation of the white copies



<b>19<sup>th</sup> July 2019</b>	Seychelles Fisheries Authority Bill, 2019 <b>Bill No. 11 of 2019</b>	Minister Charles Bastienne	15 <sup>th</sup> July 2019  Gazette No. 50			Awaiting submission of report from SFA following meeting with Bills Committee
<b>20<sup>th</sup> August 2019</b>	Tourism Marketing Tax (Amendment) Bill, 2019 <b>Bill No. 12 of 2019</b>	Minister Loustau-Lalanne	12 <sup>th</sup> of August 2019  Gazette No.56	Tuesday 10 <sup>th</sup> September 2019	Wednesday 25 of September 2019	Bill was differed pending OECD report
<b>20<sup>th</sup> August 2019</b>	Corporate Social Responsibility Tax (Amendment) Bill, 2019 <b>Bill No.13 of 2019</b>	Minister Loustau-Lalanne	12 <sup>th</sup> of August 2019  Gazette No. 56	Tuesday 10 <sup>th</sup> September 2019	Wednesday 25 of September 2019	Bill was differed pending OECD report
<b>02<sup>nd</sup> September 2019</b>	Constitution of the Republic of Seychelles (Tenth Amendment) Bill, 2019 <b>Members' Bill No.1 of 2019</b>	Hon. Flory Larue	23 <sup>rd</sup> of August 2019  Gazette No. 58	Tuesday 10 <sup>th</sup> September 2019	Tuesday 17 <sup>th</sup> of September 2019	Private Members' Bill was not Not approved