

ENVIRONMENT AND LAND USE APPEAL TRIBUNAL

- 16.86 The Environment and Land Use Appeal Tribunal (ELUAT) is a quasi-judicial body established under the Environment and Land Use Appeal Tribunal Act 2012 to hear appeals relating to land use and environment with a mandate to provide environmental justice. The Tribunal has the jurisdiction to hear and determine appeals against decisions from the Ministry of Environment, Solid Waste Management and Climate Change; Municipal City Council, Municipal Town Councils or District Councils; the Morcellement Board; and the Town and Country Planning Board. It equally has the authority to confirm or revoke the decision of these authorities.
- 16.87 In the discharge of its functions, the ELUAT uses the same rules applied in Courts of Laws founded on principle of natural justice and fairness being respectful of constitutional rights guaranteed to individuals and parties under the Constitution. It is also empowered to conduct mediation with a view to effect amicable settlement between the parties.
- 16.88 The ELUAT operates on a full-time basis and its staffing structure comprises a Chairperson and a Vice-Chairperson. They are assisted by a Secretary and officers of the General Services grades who provide support services for the smooth running of the Tribunal.
- 16.89 In the context of this Report, the Bureau has not received any representation from the staff side. Management's submission related, among others, to the: creation of several grades; payment of a black jacket allowance as well as a court assistance allowance to officers of a few grades; alignment of the salary of the Chairperson and Vice-Chairperson with what obtains for their counterparts in other quarters; and abolition of the grade of Shorthand Writer.
- 16.90 At the request of Management, a site visit was carried out at the ELUAT to take stock of the functioning of the Tribunal and the nature of duties being performed by the officers. In the light of the visit and after examining the different requests, we have noted, among others, that the proposed new grades already exist on the establishment of the Judiciary and it would be more appropriate for these officers to be seconded/posted at the Tribunal to avoid creation of stand-alone grades with no avenue of promotion. In the same breath, Management may continue enlisting the services of the existing personnel to perform specific duties not forming part of their scheme of service against payment of an appropriate allowance.
- 16.91 We are, therefore, making provision for the: posting of officers in the grade of Court Officer, Judicial Research Assistant and Court Transcriber from the Judiciary to the ELUAT; and abolition of the grade of Shorthand Writer.

Posting of Court Officers and Judicial Research Assistants

- 16.92 Management has requested for the creation of the grade of Court Officer and Judicial Research Assistant on account of the quasi-judicial nature of work of the Tribunal and to enable a smoother running of its activities.
- 16.93 As already highlighted during the consultative meeting, we consider it inappropriate to create stand-alone grades. Instead it is advisable for the Tribunal to have recourse to the services of officers on the establishment of the Judiciary who can be seconded to serve on a rotational basis in these two positions. This course of action was agreeable to both Management of the ELUAT and the representative of the Prime Minister's Office.

Recommendation 22

- 16.94 We recommend that Management of the ELUAT should make the necessary arrangements with the Judiciary for the secondment of officers in the grades of Court Officer and Judicial Research Assistant to the ELUAT, on a rotational basis. In this context, appropriate provision has been made at paragraph 6.41 of this Volume.**

Posting of Court Transcriber

- 16.95 Representation was made for the creation of a grade of Court Transcriber to serve the two Court rooms of the Tribunal. During the site visit, it was observed that the hearings in the two rooms of the Tribunal are carried out concurrently and the digital recordings of the proceedings are being performed by the Confidential Secretary of the Chairperson and a Management Support Officer, on a rotational basis. The Bureau was apprised that the recordings of the Tribunal hearings are then sent to the Court Transcribers at the Supreme Court for transcriptions. Once the transcriptions have been made, same are edited by an officer recruited under the 'Service to Mauritius' with a legal background.
- 16.96 During consultation, Management was informed that the Bureau refrains from creating isolated posts and it is more appropriate to consider the posting of officers in the grade of Court Transcriber from the Judiciary, on a full-time basis to the Tribunal as there is need for officers who are conversant in the transcription of court proceedings. To this effect, **appropriate provision has been made at paragraph 6.65 of this Volume.**

Abolition of Grade

- 16.97 Management has requested to abolish the grade of Shorthand Writer which is currently vacant and its services would no longer be required. We are recommending accordingly.

Recommendation 23

- 16.98 We recommend that the grade of Shorthand Writer be abolished.**

ENVIRONMENT AND LAND USE APPEAL TRIBUNAL**SALARY SCHEDULE**

Salary Code	Salary Scale and Grade
12 000 118	Rs 150750 Chairperson, Environment and Land Use Appeal Tribunal
12 000 113	Rs 128875 Vice Chairperson, Environment and Land Use Appeal Tribunal (Personal to officer in post as at 31.12.20)
12 000 110	Rs 119500 Vice Chairperson, Environment and Land Use Appeal Tribunal
08 066 092	Rs 34000 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800 Secretary, Environment and Land Use Appeal Tribunal

