

*Second Reading*

**THE NATIONAL AGRICULTURAL PRODUCTS REGULATORY OFFICE BILL**

**(No. I OF 2013)**

*Order for Second Reading read.*

**The Minister of Agro-Industry and Food Security (Mr S. Faugoo):** Mr Speaker, Sir, I beg to move that the National Agricultural Products Regulatory Office Bill (No. 1 of 2013) be read a second time.

The object of the Bill is to provide for the setting up of the National Agricultural Products Regulatory Office within my Ministry which I will henceforth refer to as NAPRO. The Office shall take over the functions and powers of the Tea Board set up under the Tea Industry Control Act of 1975 and the Tobacco Board set up under the Tobacco Production and Marketing Ordinance of 1930 and the regulatory functions and certain powers of the Mauritius Meat Authority set up under the Meat Act of 1974.

Mr Speaker, Sir, the setting up of NAPRO constitutes a major milestone in the context of the profound reform process that my Ministry has initiated. It goes in line with the firm commitment taken in the Government Programme 2012-2015 to undertake a major rationalisation of the Parastatal Bodies and State-Owned Enterprises to improve cost effectiveness, enhance quality of services and optimise the use of resources.

Mr Speaker, Sir, I must say that for the preparation of this Bill, we have been greatly inspired by the successful experience of merging six Service Providing Institutions in the cane sector into one apex body, namely the Mauritius Cane Industry Authority (MCIA). The House will recall that the functions and activities of six Service Providing Institutions, namely the Mauritius Sugar Industry Research Institute, the Cane Planters and Millers Arbitration and Control Board, the Sugar Planters Mechanical Pool Corporation, the Mauritius Sugar Terminal Corporation, the Mauritius Sugar Authority and the Farmers Service Corporation have been maintained and consolidated in a more efficient and cost-effective manner under a single Institution, the MCIA.

It is with this same underlying aim that the NAPRO is being set up to integrate the regulatory functions of three SPIs in the non-sugar sector, namely the Tobacco Board, the Tea Board and the Mauritius Meat Authority. Again, all the current functions and activities

under the purview of these organisations will be maintained and carried out in a more efficient and cost-effective way.

Mr Speaker, Sir, the agricultural sector, at the international, regional and national levels, is undergoing unprecedented challenges and to remain competitive, viable and sustainable, we have no alternative than to adapt, modernise and professionalise the sectors. It is now recognised by all that the only thing that is constant is change. This Government, conscious of the compelling need to change and to adapt in view of the challenges on the international scene, is acting proactively.

This Government, under the able and strong leadership of the hon. Prime Minister, started the deep and profound reform process in the sugar sector which has already earned international recognition. Now we are reaping the fruits of these reforms and we are extending this successful experience to other agricultural sectors.

Mr Speaker, Sir, before presenting the salient features of the Bill to the House, it is relevant to go down in history to understand the rationale behind this logical reform process. These three organisations were set up in certain context to give a boost to the respective sectors. Since then things have evolved drastically, so much so that their very existence is now questionable.

Let me first start with the tobacco sector, Mr Speaker, Sir.

Tobacco was introduced in Mauritius in 1639, that is, the same year as sugar cane by the Dutch Governor, Adrian Van Der Stel. However, the first successful attempt to create a tobacco industry was made in 1917 and by the end of 1925, some 250 acres were under cultivation.

In the year 1926, British American Tobacco opened a cigarette factory and conducted experiments on the production of flue-cured tobacco. The acreage under tobacco continued to increase significantly whereby production was greater than consumption.

To address this situation, in 1928, Government appointed a Tobacco Industry Committee and Mr Corbett, the Government Tobacco Officer, was sent to South Africa to study the working of the tobacco warehouses over there. On his return, he made recommendations which were endorsed by the Tobacco Industry Committee and subsequently Government gave effect to them by passing the Tobacco Production and Marketing Ordinance in 1930 which led to the creation of the Tobacco Board.

The Tobacco Board was first managed by Mr Corbett and a first “informal” meeting was held on 23 March 1931 under the chairmanship of Dr Harold Tempany, the then Ag. Director of Agriculture. In fact, the handwritten Minutes of Proceedings are still in the archives of the Tobacco Board.

The Tobacco Board started its operations on the 02 February 1932 in a building at the Line Barracks with 2 advances from Government as initial capital. In 1943, the Tobacco Board was reconstituted under the provisions of The Tobacco Production and Marketing Act No.13 of 1943.

After some 81 years of operation, the British American Tobacco, the sole buyer of domestic leaf, closed its local manufacturing unit in 2007. Consequently, the leaf tobacco is purchased by British American Tobacco (BAT) under a Memorandum of Understanding and is being exported to its processing unit in Kenya.

Mr Speaker, Sir, it is noteworthy that the Tobacco Board is the first parastatal body ever set-up in Mauritius. It is vested with the power to control the production and sale of leaf tobacco and to license the importation of leaf tobacco and tobacco products into the country. The Board also fixes the grades of leaf tobacco and the purchase and sale prices of those grades. It keeps a register of producers and runs a warehouse where growers deliver leaf produced by them.

Mr Speaker, Sir, the Tobacco Board has stood the test of time and has over the years provided growers with a satisfactory price, stable market and the manufacturer with a steady supply of leaf.

It has almost always operated as a self financing organisation, for both capital and recurrent expenditures, deriving most of its income from the mark-up included in the sale of leaf tobacco.

The Tobacco Board started issuing licences for the importation of leaf tobacco and tobacco products cigarettes, cigars, smoking tobacco and other products in September 1998. Over the recent years, some 300 licences have been issued annually.

Mr Speaker, Sir, let me now deal with the tea sector. Since its introduction as a museum plant by Father Galloys in 1760, and its development on a commercial scale by Sir

Robert Farquhar in 1817, the tea industry has passed through distinct phases. During period 1970 to 1992, the Tea Industry went through intensification as witnessed by -

- (i) the creation of the Tea Development Authority (TDA) in 1970 to establish tea plantation and lease them to the Tea Smallholders;
- (ii) the strengthening of the Tea Control Board into the Tea Board in 1975, and
- (iii) the dissociation of manufacturing and tea marketing activities from the TDA to the Mauritius Tea Factories Company Ltd (TEAFAC) in 1986.

It is noteworthy that before all these institutional set up were put in place, the tea sector was under the responsibility of the Tea Division of the Ministry of Agriculture.

Presently, the Tea Board provides regulatory and advisory services to some 1,330 tea planters cultivating some 670 hectares of land and to three manufacturers processing some 8,000 tonnes of green leaf supplied by these planters to manufacture some 1,500 tonnes of tea annually. It oversees tea production in the three factories processing leaf from tea planters. It also monitors the marketing of locally manufactured black tea and controls import of tea. The Board carries out arbitration as and when required.

Mr Speaker, Sir. I will now briefly speak on the third institution concerned with this reform, namely the Mauritius Meat Authority commonly known as the MMA.

The Mauritius Meat Authority was set up under the Meat Act of 1974, and the sale of fresh meat is authorised in meat shops and meat stalls licensed by it. Licences are issued in respect of meat shops approved by local authorities and Ministry of Health and Quality of Life in compliance with Meat Shops Regulations No.186 of 1980. With this Bill, the Mauritius Meat Authority will be operational as an abattoir and maintain its slaughtering activities while only its Regulatory functions will be transferred which was proposing to create that is the NAPRO. Mr Speaker, Sir, I have lengthily dwelled on the functions and activities of these three institutions. As I indicated they have served the purposes for which they were established and I take this opportunity to convey my appreciation to the staff and related stakeholders for their contribution to these sectors.

Unfortunately, the context is no longer the same and competition is fierce. The challenges are unprecedented: increased productivity and enhanced cost-effectiveness and efficiency are vital for sustainable development of these sectors. The *raison d'être* of the institutions supporting these sectors is now put to test and is questionable.

In 1932, when the Tobacco Board started to operate, some 200 tonnes of leaf tobacco were produced over an area of 321ha.

Production gradually increased and reached a peak of 1,259 tonnes for crop 1981/82 by 523 growers on an area of 742 ha. Production then started to decrease and for crop 2011/12, only 346 tonnes were produced on an area of 221ha by only 129 growers.

Compared to crop 1981/82, leaf production for crop 2011-12 decreased by about 73% (from 1,259 to 346 tonnes); area under cultivation decreased by 70% (from 742 to 221ha); number of flue-cured growers decreased by 47% (from 208 to 110) and the number of air-cured growers by 82% (from 325 to a mere 60).

On the other hand, as a result of increasing production costs, the price of domestic leaf increased significantly. On several occasions, the manufacturer has drawn attention of the Tobacco Board and the planters that the cost of leaf tobacco in Mauritius is two to three times higher than that in the neighbouring countries.

Mr Speaker, Sir, in November 2006, the British American Tobacco Mauritius started shifting its manufacturing activities to Kenya. In June 2007, the BAT completely stopped all its manufacturing activities in Mauritius. BAT initially agreed to continue purchasing domestic leaf up to 2010. However, to enable planters to diversify away from tobacco, BAT agreed to extend its agreement to purchase local leaf for another five years. In December 2009, a memorandum of understanding was signed with the Tobacco Board to that effect.

However, in December 2011, BAT made a new proposal and offered to compensate tobacco planters for not producing tobacco in 2013, that is, this year, the current year and 2014. The agreement for the earlier termination of the MoU was signed in December last year, 2012 and about Rs51 m. was paid by BAT to tobacco growers as compensation.

Mr Speaker, Sir, the tea sector also has witnessed a similar evolution. Green leaf production and tea manufactured reached its peak in 1985 when 45,290 tonnes of green leaf were produced on an area of 3908 hectares by 4510 planters. The quantity of tea manufactured was 8114 tonnes, of which 7063 tonnes of tea were exported and the rest was consumed locally. As from 1986, the sector witnessed a steady decline in terms of area planted, number of planters, green leaf produced, black tea manufactured and tea exported.

At present, tea is cultivated over an area of 670 hectares by some 1,330 tea planters. The annual green leaf production averages 8,000 tonnes. About 1,500 tonnes of black tea are manufactured and consumed locally. Tea exports stand at only 30 tonnes.

Mr Speaker, Sir, it is noteworthy that since 1985 when the peak production was recorded, the decrease in area under tea cultivation, number of planters, green leaf produced, black tea manufactured and tea exports has been phenomenal. In quantitative terms, there has been a decrease in area under tea cultivation by 83%, number of planters decreased by 70%, green leaf produced by 82%, black tea manufactured by 82% and tea exports by almost 100%.

Mr Speaker, Sir, I must here stress that the closure of the Tea Board does not mean the closure of the tea industry. The Tea Industry will continue as there is a demand for tea and tea products and the habit of drinking tea is well anchored in our Mauritian culture. From a competitive point of view at the international level, the local cost of tea production is high as compared to other tea producing countries, yet when considering the multifunctional role of the tea industry, Government will continue to support the sector. Hence, the existing policy to control import of tea in the island will continue through the National Agricultural Products Regulatory Office, which is going to be set up, in order to ensure the survival of the industry.

Mr Speaker, Sir, with the setting up of NAPRO, the regulatory functions and certain powers of the Mauritius Meat Authority are being transferred with a view to rationalizing these functions under one umbrella.

Let me, at this stage, Mr Speaker, Sir, highlight and elaborate on some of the salient provisions of the present Bill.

Let me start with Clause 4. Clause 4 establishes the National Agricultural Products Regulatory Office with the following objectives -:

- (a) to control and regulate the import, export, production and sale of regulated products, namely meat and meat products, tea and tea products, tobacco and tobacco products;
- (b) to control and regulate the preparation, processing, packing and manufacturing of regulated products;
- (c) to regulate the activities and premises in connection with the slaughtering of animals, and
- (d) to determine the prices at which green leaf and leaf tobacco may be sold by a cultivator to a producer and in the case of a metayer to a cultivator.

Clause 7 gives Officers the powers of enforcement which is crucial for the legal provisions to be effective, that is, for enforcement as I said.

Clauses 8 to 12 provide for the issue of licences and registration of cultivators, producers, metayers, importers and exporters of regulated products.

Clauses 13 and 14 provide for Game Deer and Wild Pigs to be brought to the abattoir and for dealing in venison.

Clause 15 provides for cultivators who intend to supply green leaf or leaf tobacco to producers shall enter into contract to be prescribed by NAPRO. Similarly, metayers shall enter into contract with cultivators as may be prescribed.

Clause 18 provides for the issue of import and export permits for regulated products.

Clause 20 provides for the setting up of an Arbitration Committee to hear and determine disputes arising in relation to a contract. However, any person who is aggrieved by the decision may appeal to the Supreme Court.

Clause 21 provides for any person aggrieved by any decision of NAPRO or by a decision of an officer may appeal against that decision to the Minister.

Clause 22 of the Bill provides for a fine not exceeding twenty-five thousand rupees and to imprisonment for a term not exceeding two years for offences under the present Bill.

Under Clause 24, the Minister may make such regulations as he thinks fit for the purpose of the Act. Any regulation may provide for -

- (a) the levying of fees;
- (b) the fixing of prices of regulated products, or
- (c) for the amendment of the schedule.

Under Clause 25, all legislations pertaining to Tea Board, Tobacco Board and the regulatory function of the Mauritius Meat Authority and subsequent regulations made thereunder are repealed namely -

- (a) the Tea Industry Control Act (1975);
- (b) the Tobacco Production and Marketing Act (1943);
- (c) the Tobacco Production and Marketing Regulations 1945;

- (d) the Tobacco Production and Marketing (Registers and Accounts) Regulations 1945;
- (e) the Meat (Shops) Regulations 1980;
- (f) the Tea Industry Control Regulations 1980, and lastly
- (g) the Tobacco Production and Marketing (Import Licence) Regulations of 1998.

This Bill through Clause 27: Savings and Transitional Provisions guarantees every employee on the permanent and pensionable establishment of the Tea Board and Tobacco Board may within 30 days of the commencement of the Act be offered the option to be redeployed to Government or a Statutory Corporation or to retire on grounds of abolition of office and on redeployment, the employees shall be entitled to be transferred on terms and conditions which shall not be less favourable than those of his previous employment and shall be considered to be an unbroken period of service. This is exactly what has been done for the six SPIs which were regrouped under one umbrella, that is, the MCIA.

Mr Speaker, Sir, in light of the challenges ahead, we are merging the functions and activities of the Tobacco Board, Tea Board and the regulatory functions and certain powers of the Mauritius Meat Authority under a single office, i.e. NAPRO to be manned by Public Officers. This office will maintain the regulatory functions of the three above named organisations in a more efficient and cost effective manner.

Thus, with these reforms, Mr Speaker, Sir, we are going to reduce expenses related to eight (8) boards, namely the six SPIs in cane sector and the two SPIs in the non-cane sector, that is, the Tea Board and the Tobacco Board by 87.5%. Expenses in relation to the eight boards will be reduced by 87.5%. However, I wish to assure the House that services provided to the planters, breeders and other related stakeholders will be maintained.

Mr Speaker, Sir, I take this opportunity to thank all the stakeholders in particular, the small planters who have contributed to those sectors and the chairpersons and members of the different Boards who have serviced the Parastatal Bodies since their creation. I also wish to thank the staff of my Ministry and the State Law Office for the preparation of this present Bill.

With your permission, Mr Speaker, Sir, I shall be moving for five minor amendments, which have been circulated, at Committee Stage.

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

**Dr. A. Boolell rose and seconded.**

**(5.25 p.m.)**

**Mrs S. Hanoomanjee (Second Member for Savanne and Black River):** Mr Speaker, Sir, with the adoption of the National Agricultural Products Regulatory Office Bill by this august Assembly, two parastatal bodies which have existed for several years will disappear. I am talking of two because the NAPRO will take over only the functions and powers of the Tea Board and the Tobacco Board whereas for the Mauritius Meat Authority, the NAPRO is taking over only the regulatory functions and powers. So we will see the disappearance of the Tea Board which exists since 1975 and the Tobacco Board which exists since 1930; two parastatal bodies which I will say have stood the test of time and have known several upheavals. As we all know, agriculture was once the backbone of the economy and as such the Ministry of Agriculture found itself in a situation where it had to decentralise, hence the creation of a number of parastatal bodies to take care and administer the sugar sector, the tea sector; the tobacco sector and even the vegetables and fruits sector. The Ministry of Agriculture was known to have the highest number of parastatal bodies under its aegis. At one point in time, when agriculture was at its peak there were about 20 parastatal bodies under the aegis of the Ministry of Agriculture.

As the Minister has just mentioned, recently this Assembly witnessed the disappearance of a number parastatal bodies, a number of institutions which were administering the sugar sector – the FSC, the SPMPC, the Mauritius Sugar Terminal Corporation, the Mauritius Sugar Authority amongst others. They have all been grouped under one umbrella – the Mauritius Cane Industry Authority in view of the decreasing importance of the sugar industry and with a view to reducing costs. Today also with the presentation of this Bill, Government is showing that, in the agricultural sector, it is moving from decentralisation to centralisation and bringing the operations of the Tea Board and the Tobacco Board within the Ministry itself and also, as I mentioned earlier, parts of the functions of the Mauritius Meat Authority.

Mr Speaker, Sir, I have myself been associated with those sectors for quite some time and I agree with the Minister when he says that it is more cost-effective in the actual circumstances for the Ministry to take over the functions of the Tea Board and the Tobacco Board. The tea sector, Mr Speaker Sir, was, at its peak, in the early 1980s when about 700 ha

of land were under tea plantation and producing about 5000 metric tons of tea. In these years, about 80% of the tea was being exported; about 4000 metric tons were being exported but, as the years went by, it was found that Mauritius could not compete with big producers like China, India, Sri Lanka and Kenya both in terms of their very low cost of production and their high-quality. Export of tea decreased, and most of our tea is now marketed locally.

In 1995, there was the famous MAB report which coincided with the fact that we had to send about 25,000 additional tonnes of sugar to the European Union. That motivated the decision to remove part of tea plantations and replace it by sugar cane. In spite of this, about 4,000 families were still earning a living out of the tea sector, which motivated us then – I am saying us because I was then the Permanent Secretary of the Ministry of Agriculture – to ask the World Trade Organisation (WTO) to include tea on the list of sensitive products which ultimately meant that, even with trade liberalisation, the tea industry would still be protected. For how long, Mr Speaker, Sir? We do not know. But, definitely, I would say that we will not be able to compete if ever tea for local consumption is imported.

With regard to the Tobacco Board, the British American Tobacco was regularly purchasing leaf from the planters and, although it had ceased its operations in Mauritius, it still maintained its request for about 500 metric tonnes of tobacco leaves. I have been apprised - and the Minister, I think, just mentioned it - that only recently it had asked planters not to go for plantations, not to plant, and the latter had received compensation of about Rs51 m. from BAT. As I stated, Mr Speaker, Sir, with agriculture no longer being the main pillar of the economy, adjustments have to be made. However, I have traced out a number of things in the Bill for which I would request clarification from the Minister.

With the creation of NAPRO, all Boards will disappear. In his speech, the Minister just mentioned that there will no longer be any Chairman and members sitting on any Board to take decisions, either the tea sector or the tobacco sector.

Mr Speaker, Sir, it should be borne in mind that, on these Boards, there were the representatives of different Ministries and, most importantly, the representatives of planters and manufacturers. The voice of planters and manufacturers will no longer be heard; there will be a vacuum. The Tea Board had regularly eight planters and manufacturers sitting on the Board. What will happen now? Can the Minister give the guarantee that there will be regular meetings with planters and manufacturers? There will still be three factories producing tea, namely Corson, La Chartreuse and Bois Chéri, and a number of *metayers* will

still exist. Can the Minister say what will happen, and how will there be coordination with these planters and manufacturers? The situation is somewhat different for tobacco, as there will no longer be tobacco planters. But still, the country will continue to import tobacco. Equally there were eight members of the planting community on the Board, and the Import Licence Committee was chaired, in the old legislation, by a representative of the Mauritius Revenue Authority. Can the Minister tell us how will this Committee operate now?

This brings me, Mr Speaker, Sir, on the issue of licences. Section 9 of the Bill talks on the issue of licences and stipulates that -

“(...) NAPRO shall issue a licence where it is satisfied that –

- (a) the applicant is a fit and proper person(...);
- (b) the applicant complies with such requirements(...), and
- (c) ‘where applicable, the premises(...)’.

It also says that any licence shall be issued on such terms and conditions as NAPRO may determine. So, can I ask the Minister whether it will be only one person who decides and, if so, who is that person who will decide on this issue of licences? Is it the officer in charge of the Ministry? Does he administratively need the approval of somebody else, or does he need the approval of the Minister? I think this issue needs to be clarified, as NAPRO will not be a body corporate; it will only be a division of the Ministry and, as such, will be an integral part of the Ministry. I wish to emphasise here, Mr Speaker, Sir, that the question of issue and revocation of licences should not rest in the hands of one person only.

Mr Speaker, Sir, section 21 of the Bill in front of us talks of appeal. So, it states –

“(1) Any person who is aggrieved by –

- (a) any decision of NAPRO may appeal against that decision to the Minister within 21 days of him being notified of the decision(...)”

Section 21 (2) says –

“The Minister shall as soon as possible determine the appeal and forthwith inform the person accordingly.”

The power of appeal of aggrieved persons has, according to me, been completely removed. When I look at the Tobacco Production and Marketing Act of 1930, there is a section 49 on appeal. That section 49 of the Tobacco Production and Marketing Act says that -

“Subject to section 27 any person who is aggrieved by or dissatisfied with a decision of the Board may, after having been furnished by the Secretary of the Board, with a statement of the reasons for the decision of the Board, appeal to the Minister against the decision.”

*C’était une autre instance* because the Tobacco Board then did not form an integral part of the Minister. The Board takes a decision and if that person is aggrieved by that decision, he then appeals to the Minister. But now that the Tobacco Board, the Tea Board will all form an integral part of the Minister, how is it that it is with the Minister that the aggrieved person comes to appeal? The same thing is there in the Tea Industry Control Act, section 10, which has been blotted out.

It says –

“Any interested party who is aggrieved by a decision of the Board under section 9 may, within 21 days of his receipt of the decision, appeal against the decision to the Supreme Court in such manner as may be provided by rules made by the Supreme Court.”

And, if again I take the Meat Act 1974, it says the same thing, that –

“...any aggrieved person will appeal to the District Court.”

So, in the piece of legislation which is in front of us, NAPRO which is an integral part of the Ministry, only a branch or a Division of the Ministry under the general political responsibility of the Minister, takes a decision and it is finally the Minister himself who deals with the appeal. *Il n’y a pour moi absolument pas de séparation de pouvoir* and the Minister becomes judge and party at the same time. *M. le président, s’il n’y a pas d’amendement à cette section spécifique, moi, je pense que les droits des planteurs et des manufacturiers seront complètement bafoués.*

Now, Mr Speaker, Sir, another issue on which clarification is required is at section 6 of the Bill. It is clearly stipulated that –

“The supervising officer shall designate such officers as may be necessary to assist NAPRO...”

That word ‘designate’, Mr Speaker, Sir, can give rise to a lot of favouritism. He will designate on the basis of what? What would be the criteria for such designation? We just

have to cast a glance at section 7 of the Bill - which is in front of us - which describes the powers of these officers which are really wide ranging because they can,

“(...) at a reasonable time, enter any land, factory or the premises. They can carry out any search. They can take samples of regulated products. They can collect data. They can inspect any record, book or document. They can seize and detain any regulated product. They can carry out investigations, swear information and conduct prosecution.”

So, these are really wide ranging powers and, Mr Speaker, Sir, these officers with such powers will be ‘designated’ without any clear-cut criteria. I find this unacceptable. *C’est même arbitraire!*

With regard to the Meat Authority, the Meat Act is not repealed as I said, as only the licensing part goes to NAPRO. It appears, Mr Speaker, Sir, that there are certain problems at the Mauritius Meat Authority. Only recently the president of the Mauritius Labour Congress stated that “*rien ne va plus à la MMA.*” Last year there was an accidental death of an employee who was killed by an ox. It seems that nothing has changed and the unions’ request pour *que le sol soit revêtu d’antidérapant* had not yet been considered. The president of the MLC has further stated that the MMA does not have, as at now, a General Manager nor does it have an Administrative Secretary or even a Health and Safety Officer.

Mr Speaker, Sir, I do not know whether, as at today, there are persons responsible but I do not think we can manage without a Manager or an Administrative Secretary, etc.

Mr Speaker, Sir, the presentation of this Bill marks the end of an era. Only history will recall that Mauritius used to grow tobacco. As for tea, Mr Speaker, Sir, the manufacturers are selling their products on the local market with no external competitor. As I said earlier, we do not know how long this will last but, let us pray that we do not see imported tea in our country, otherwise *le paysage Mauricien va changer.*

I am done, Mr Speaker, Sir. I have said that I am for this Bill, but provided the Minister gives clarifications on the issues raised.

I wish to thank you, Mr Speaker, Sir.

(5.46 p.m.)

**Mr Faugoo:** Allow me, Mr Speaker, Sir, first of all to thank the only Member from the other side of the House, from the Opposition side, hon. Mrs Hanoomanjee for her

intervention on this present Bill. I confirm, I reiterate again that our action today - it is true as she puts it - is from decentralisation to centralisation because in all quarters, in all sectors today decentralisation no longer appears on the order of the day.

As I said, Mr Speaker, Sir, our action today reflects the economic reality of today in both sectors: the tea sector and the tobacco sector. In a context of globalised economy characterised by fierce competition, we can only take one example here, that of a classic example of the closure of the British American Tobacco in 2009. In fact, because of economic conditions, because of competition, because of increased cost of production of tobacco in Mauritius, they have simply and purely shifted from Mauritius to Kenya. This has resulted in so many actions that we, the planters and all the stakeholders have had to take, Mr Speaker, Sir.

I will try to answer some of the issues which have been raised by hon. Mrs Hanoomanjee. I will try to give as much clarification as I can. The first point which she raised was doing away with the Boards: the Tobacco Board and the Tea Board. In fact, this is the very essence of the amendment, of the reform that we are bringing. This is exactly what we did in the case of the sugar sector, bringing six institutions under one umbrella, that is, the MCIA and I said earlier in my main speech that we have cut cost by 87.5% as far as Boards and members are concerned. So, this is one point. In fact, we are doing away with Boards.

The hon. Member asked how will the voice of planters and other stakeholders be heard. I have discussed this when we were preparing the Bill: Not every aspect of the Bill must go in the parent law. This can be done by regulations; this is one. Secondly, I understand, and I think it is correct, that we are going to put a consultative committee at the level of NAPRO, independent of the Ministry, that is, the office which we are creating, a consultative committee which will comprise all the stakeholders, including the growers, the planters and the cultivators. That will be a forum where their voices can be heard. So, they will not be denied of the opportunity of being heard or putting forward their grievances. There will be a platform that will be created at administrative level which is the proper way to go about it because there is no Board. As I explained, for obvious reasons we are doing away with Boards. So, we will have what we call a consultative committee, an enlarged committee which will take on board the planters and also all other stakeholders where their voice will be heard.

The second point which the hon. Member raised is on importation of tobacco, whether the licence to import will be granted by one single person, that is, the officer in charge as it used to be granted by a committee where the committee was chaired by the MRA.

Now, there is nothing, which is going to be left to one person under the present law. I can assure the hon. Members in the House that everything that is going to be done, it will be done under the supervision of the officer in charge, of course, but also the officer in charge is answerable to the Supervising Officer of the Ministry. The licences will be recommended by a committee again. There will be an administrative committee set up; they will recommend and it will be issued by NAPRO. So, there is no problem whatsoever in connection with issue of licences.

Another point which she raised is on the issue of licence under section 9. She stated that –

“Licence is going to be issued on conditions as NAPRO thinks fit.”

Again, she said it should not be left to one person.

And indeed, she is right, Mr Speaker, Sir, it should not be left to one person and it would not be left to the officer in charge. Again, it will be based on conditions as recommended by the committee, which I said, will be set up. The officer in charge might be in presence of the committee, he might form part of the committee, but it will be a larger committee comprising responsible officers of NAPRO and may also include, I must say, not necessarily limited to members or officers of NAPRO. For example, if we are issuing a licence for the importation of meat or meat products, I cannot see how an officer of DVS, a Veterinary Officer would not be present; he has to be present. So, again, we cannot put in the Bill today that the committee is going to be composed of officers of NAPRO, and also a person from DVS. This is going to be done accordingly and this is going to be done as it is done today, administratively. We have a committee at the level of the Ministry, which issues import permits and it is not one person. There are members from the Meat Authority, officers from DVS, and officers from the Ministry, so it is a committee, which oversees the issue of permits again, Mr Speaker, Sir. The issue of revocation was also raised. Revocation will also be dealt as in the question of issue.

She also spoke about the appeal against decision of NAPRO. Section 21 stipulates that –

“(1) Any person who is aggrieved by -

(a) any decision of NAPRO (...) may appeal (...) to the Minister within 21 days.”

She compares this to section 49 of the Tobacco Ordinance of 1930, under section 49 of the Act, which is going to be repealed by the present Bill. The appeal from the decision of the Board was to the Minister. She is right in a way. The Board was independent and a person could appeal from the decision of the Board to the Minister. I must say today also that NAPRO is going to be an independent office. There is nowhere in this Bill where power is given to the Minister, except for the appeal. No power is vested. There is no approval that should be sought from the Minister either on appointment of officers or granting of licences or any other licence that maybe granted under the present Bill. The Minister has no power. The Office is independent. This is why any aggrieved person can appeal from the decision of NAPRO, that is, the Office to the Minister. Again, this is reinforced further, Mr Speaker, Sir, under section 21, where the person can go and apply for a judicial review to the Supreme Court on appeal. This is also a guarantee, which is being given to the person. I must say that the Minister is not a judge and party because the Minister is not involved at all in the process and issue of licences. So, this does not stand again, Mr Speaker, Sir.

Now, under section 6, she spoke about the Supervising Officer designating officers of the NAPRO. I will just put a question, Mr Speaker, Sir. We have the National Plant Protection Office, which is similar to the Office, which we are creating today. How are the officers of the NPPO appointed? It is the same. It is the Supervising Officer because they are in the public service, they are officers posted in the Ministry who are going to be deputed at this particular Office by the Supervising Officer, who is in charge of the Ministry after all. This is exactly as I said, even for the appeal not only at the NPPO, there are so many legislations where the right of appeal is the same from the independent Office to the Minister responsible of the subject, Mr Speaker, Sir.

On the contrary, we are reinforcing what is there in the Tea Board Act, which creates the Tea Board, and also the Tobacco Board. We are reinforcing. Because what is the point of having regulations when you cannot enforce them? In fact, we are going further than what was provided for under the Tea Board and the Tobacco Board. We are putting a full section and giving powers to officers so that what we regulate, we can see that it is enforced in reality. This is exactly what we are doing.

So, I think I have done with all the points that were raised by hon. Mrs Hanoomanjee. With these words, Mr Speaker, Sir, I would commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

### **THE NATIONAL AGRICULTURAL PRODUCTS REGULATORY OFFICE BILL**

**(No. I of 2013)**

*Clauses 1 to 6 ordered to stand part of the Bill.*

*Clause 7 (Powers of officers)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Faugoo:** Mr Chairperson, I move that in clause 7(1)(a), the words “or reared,” be deleted.

*Amendment agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clause 8 ordered to stand part of the Bill.*

*Clause 9 (Issue of licence)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Faugoo:** Mr Chairperson, in clause 9(2)(c), I move to insert, after the words “producer of tea”, the word “products”.

*Amendment agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clauses 10 to 21 ordered to stand part of the Bill.*

*Clause 22 (Offences)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Faugoo:** Mr Chairperson, I move that in clause 22(1)(c), the words “slaughterhouse licensed under this Act” be deleted and replaced by the words “person who has been issued with a licence under this Act to operate a slaughterhouse”.

*Amendment agreed to.*

*Clause 22, as amended, ordered to stand part of the Bill.*

*Clauses 23 to 25 ordered to stand part of the Bill.*

*Clause 26 (Consequential amendments)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Faugoo:** Mr Chairperson, I move that in clause 26(1)(b), the words “(f)” be deleted and replaced by the words “(g)”.

*Amendment agreed to.*

*Clause 26, as amended, ordered to stand part of the Bill.*

*Clause 27 ordered to stand part of the Bill.*

*Clause 28 (Commencement)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Faugoo:** Mr Chairperson, I move that in clause 28(1), the words “(1)” be deleted and replaced by the words “(2)”.

*Amendment agreed to.*

*Clause 28, as amended, ordered to stand part of the Bill.*

*Schedules ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

*On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.*

### *Third Reading*

*On motion made and seconded, the National Agricultural Products Regulatory Office Bill (No. 1 of 2013) was read the third time and passed.*