

*Second Reading*

**THE PROFESSIONAL QUANTITY SURVEYORS' COUNCIL BILL  
(NO. VII OF 2013)**

*Order for Second Reading read.*

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I move that the Professional Quantity Surveyors' Council Bill (No. VII of 2013) be read a second time.

Mr Speaker, Sir, with the need in time to develop mechanism for the advancement of the profession of Quantity Surveyors, this Government has come up with a very important piece of legislation - the Professional Quantity Surveyor's Council Bill. Like other professions, it is our wish to bring equitable promotion of the profession of Quantity Surveyor for the benefit of the construction industry, and at the same time to maintain their position of importance within the built environment practice.

A Quantity Surveyor has an important role to play within the construction industry, as he performs a wide variety of tasks throughout the complete life cycle of a construction project. The main services provided by the Quantity Surveyor include cost planning and control, value engineering, preparing tender documentation and management of tender process, assessment of claims, contract management, performing risk analysis and feasibility studies, and assistance in dispute resolution.

Mr Speaker, Sir, any person involved in the implementation of a construction project should be concerned with construction costs, and how to achieve greater cost certainty and control. Such expertise could only be provided by professional Quantity Surveyors.

It is surprising to note that some developers hardly have recourse to the consultancy services of a qualified and experienced Quantity Surveyor when planning and implementing any building project. The Quantity Surveyor ensures that the commercial interests of the developer or builder are safeguarded at every stage of the design, procurement and construction process, in such a manner so as to secure value for money and cost certainty. The complexities of modern construction contracts, particularly in relation to large-scale

projects, require that these are administered by competent and experienced professionals. Hence, the need to regulate the different professions.

However, Mr Speaker, Sir, the aim of this Government, in introducing this Bill into this august House, is not only to regulate the profession, but also to bring in a system of control and mechanism with a view to creating a viable platform for the recognition of the professional work of quantity surveyors while ensuring that whatever legislation is brought forward, it responds fully and effectively to the changing environment of the profession.

The object of this Bill is to provide for the establishment of the Professional Quantity Surveyors' Council and for better regulation of the profession of quantity surveyors. This has been made necessary by a number of factors, including the growth of the construction sector. The Bill also provides for the circumstances in which firms of quantity surveyors and foreign firms of quantity surveyors may provide quantity surveying services in Mauritius.

Mr. Speaker, Sir, I shall now deal with the important specific provisions of the Bill. As I have just mentioned, Mr Speaker, Sir, section 3 of the Bill provides for the establishment of the Professional Quantity Surveyors' Council that will regulate and control the profession of quantity surveyors, and promote advancement in the field of quantity surveying.

The main functions of the Council will be to register professional quantity surveyors; exercise and maintain discipline in the profession; ensure that professional quantity surveyors comply with the Code of Practice; and approve and organise Continuous Professional Development programmes or other relevant courses and programmes for the purposes of updating professional knowledge and skills in the field of quantity surveying.

The Council will also have as functions to disseminate to professional quantity surveyors literature in connection with developments in the field of quantity surveying, new construction techniques, technology and materials; provide technical assistance to the profession; and advise the Minister on any matter relating to the profession of quantity surveyors.

As regards the composition of the Council, it will comprise, Mr Speaker, Sir, four professional quantity surveyors representing my Ministry, a Municipal City Council or Municipal Town Council, a Statutory Corporation or a Government company; three professional quantity surveyors to be elected; a professional quantity surveyor from the

Mauritius Association of Quantity Surveyors; the supervising officer of my Ministry or his representative; and a representative of the Attorney-General's Office.

The Bill also provides that a professional quantity surveyor be appointed to act as Registrar who shall be responsible for the proper administration of the Council, and act as Secretary of the Council. He may also act as the Treasurer.

Mr Speaker, Sir, with a view to assisting the Council in the determination of applications for registration as a professional quantity surveyor, provision has been made in the Bill, under section 10, for the setting-up of a Registration Board which shall consist of a Chairperson and two assessors having at least 12 years' experience in the field of quantity surveying and who have not been convicted of an offence involving fraud or dishonesty in any country.

Mr Speaker, Sir, I must inform the House that, like other professionals, only a professional quantity surveyor shall practise quantity surveying in Mauritius, as stipulated under section 19 of the Bill. However, such provision does not prevent a person, who holds the relevant qualifications in quantity surveying, from providing quantity surveying services which do not include final decisions, and where such services are provided under the direct responsibility and supervision of a professional quantity surveyor.

As I have indicated, Mr Speaker Sir, only professional quantity surveyors shall practise quantity surveying. Now, for a person to be registered as a professional quantity surveyor, he has to satisfy a number of conditions, as laid down under section 20 of the Bill. Amongst others, he should hold the required relevant qualifications; has at least three years' approved post-qualification experience in quantity surveying; and has not been disqualified or deregistered from practising quantity surveying on account of professional misconduct, professional negligence, fraud, dishonesty or breach of a code of practice in any country.

Unlike the Professional Architects' Council Act 2011, which provides that no person shall be registered as a professional architect unless he is a citizen of Mauritius; and that no foreign architect shall be authorised to practise architecture in Mauritius unless he is engaged in relation to the construction of a Government building or a building for any Statutory Corporation or Government company, or he enters into a joint venture agreement with a professional architect or firm of architects, or he is appointed by the Public Service Commission, such conditions do not apply for a foreign professional quantity surveyor to

practise quantity surveying in Mauritius. No distinction is made in the conditions to be applied for the registration of a local or foreign professional quantity surveyor.

In a nutshell, a professional quantity surveyor, whether he is a citizen of Mauritius or not, is authorised to practise quantity surveying in Mauritius, subject to him satisfying the conditions laid down under sections 19 and 20 of the Bill. This is because of the prevailing scarcity in the profession in the country. It is important, Mr Speaker, Sir, that hon. Members know that all stakeholders, including the Mauritius Association of Quantity Surveyors, are agreeable to such provisions in the Bill.

Mr Speaker, Sir, as regards the provision of quantity surveying services by firms of quantity surveyors, the Bill clearly stipulates the conditions that a local or foreign firm of consultant should meet before it can be allowed to provide such services in Mauritius. All local and foreign quantity surveyors should, in the first instance, be registered as consultants and foreign consultants, respectively under the Construction Industry Development Board Act.

Mr Speaker, Sir, where a foreign firm of quantity surveyor is solicited for the provision of its services in relation to a project, other than the construction of a building for any Statutory Corporation or Government company, or the construction of a Government building, the Bill provides, in section 25, that the foreign firm of quantity surveyor has, amongst others, to enter into a joint venture agreement with a local firm of quantity surveyors for that purpose; and the foreign firm undertakes to provide quantity surveying services in relation to not more than one project in Mauritius.

The Bill provides, Mr Speaker, Sir, in sections 26 to 30, the manner and procedure any complaint against a professional quantity surveyor for professional misconduct, malpractice or negligence or breach of the Code of Practice should be dealt with. It provides also the setting-up of a Professional Conduct Committee, consisting of a President, who is or has been a Judge or Magistrate, or is a barrister of not less than 10 years' standing; and two assessors, who shall be professional quantity surveyors with not less than 12 years' experience and who are not members of the Council, to conduct such disciplinary proceedings against any professional quantity surveyor, as may be instituted by the Council. Disciplinary measures range from reprimand, severe reprimand, to suspension or deregistration.

As regards the determination of offences, Mr Speaker, Sir, section 43 of the Bill defines clearly the acts, performed by a quantity surveyor, which may constitute an offence. For example, any person, who is not registered, or has been suspended or deregistered as a professional quantity surveyor, practises quantity surveying shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding two years.

The Bill also provides, in the same section, other cases or situations that may constitute an offence. Where any person commits such an offence, for example, if he obstructs the proceedings of a meeting of the Council or a Professional Conduct Committee, he shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

To conclude, Mr Speaker, Sir, as I have mentioned earlier, with the development of the construction industry, it is important that we regulate the different professions with the objective of ensuring the provision of reliable professional services, and that professionals, like quantity surveyors, operate in a disciplined manner within a set legal framework, irrespective of the prevailing competitive environment. In addition, the call for quantity surveyors to adhere to a well-defined Code of Practice, and to update their professional knowledge and skills in the field of quantity surveying through Continuous Professional Development programmes, which may be provided by way of regulation, would give more importance to and generate respect for the profession.

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

**Mr Choonee rose and seconded.**

(6.09 p.m)

**Dr. R. Sorefan (Fourth Member for La caverne & Phoenix):** Mr Speaker, Sir, we, on this side of the House, are for this Bill, long awaited by the Quantity Surveyors Association of Mauritius. At present we have about 75 Quantity Surveyors, out of which 30 are members of the Mauritius Quantity Surveyors Association.

Mr Speaker, Sir, regarding the composition of the Council, I am not too happy with section 1 (a), where mentioned is made of four professional Quantity Surveyors to be appointed by the Minister. Actually, I find this too many. It should be less and I will say why.

Before coming to say why, mention is made in the Bill of three Quantity Surveyors to be elected, one Quantity Surveyor from the association, one Supervising Officer and one representative from the Attorney General. If you add four, as mentioned by the hon. Minister, one Supervising Officer and one representative from the Attorney General, that will make six members in the Council.

Now, if we take the three members that are going to be elected - if it happens because nothing is mentioned regarding the three members, whether they should be mandatorily from the private sector. In this Bill, it is open for other members who are in the public sector. He may be from the Ministry or the Local Authority. If they get elected, they will dominate the Council by public officers. This will create an imbalance and the majority in the Council will always dominate the situation which can radically change the proper running of the Council in terms of decision- taking and in committees.

What I am proposing Mr Speaker, Sir, regarding the three members to be elected with the qualifications in Quantity Surveyors, is that it should be mentioned in the Act that they should be mandatorily from the private sector. There should be no other member from the public to be candidate so that we may get a proper balance in the Council. Two laymen should also be nominated in the Council so that they can consider and voice the views of the public in the Council, so that the Council is not biased by the decision of the Quantity Surveyors who will be majority.

Regarding a section where holding of office is for a period of two years, most of the Council is for three years.

**Mr Speaker:** Sorry, which section is the hon. Member referring to?

**Dr. Sorefan:** Well, it is in the Bill Mr Speaker, Sir. It is mentioned two years whereas in other Councils mention is made for three years. Two years is too short and that will be very repetitive Mr Speaker, Sir.

Mr Speaker, Sir, regarding the Registrar of the Council, I am asking myself the question whether the Registrar will be appointed on a full-time basis. If this is so, the salary that a Quantity Surveyor will expect would be higher than what he earns presently. I know in the Medical and Dental Council, there is one Registrar who do both jobs and is earning about Rs50,000. I am expecting, probably, the Quantity Surveyors, knowing the amount they get outside, as a Registrar will ask more money. and if the Council can't afford because we have

only 70 Quantity Surveyors, the amount that they will pay as annual fees may not be enough even if the Government subsidies like the Ministry of Health subsidies the Medical and Dental Council to the tune of Rs700,000 per Council.

Mr Speaker, Sir, there may arise a situation where there is no Quantity Surveyor because in the Bill mention is made that the Registrar should be a professional Quantity Surveyor. If, at one stage, we advertise for a Registrar and they don't postulate because they know the salary will be less than what they earn presently, we may find ourselves in a situation with a Council without a Registrar. Every three months we keep on advertising and no one will be interested. What I am proposing, Mr Speaker, Sir, is that, as the Registrar's job, as mentioned in the Bill, is very administrative, why not make a proviso to open the door for other professionals, for example, Lawyers or Attorneys at law to postulate for Registrar of the Quantity Surveyors' Council.

As regards registration of professional Quantity Surveyor, section 20, sub-section 1 (c) -

“satisfies the Council, subject to subsection (3), that he has at least 3 years' approved post-qualification experience in quantity surveying;”

Mr Speaker, Sir, here, I see that three years is probably long. Why not a 2 years' post-qualification? Nothing is mentioned, only mention is made - three years post-qualification so that you can register with the Council. But who will certify this post-qualification? Will there be a schedule that individual Quantity Surveyor or a recognised firm will be listed by the Council so that the qualified Quantity Surveyor, after qualifying, they can go as per the schedule to get their post-qualification.

I am talking from experience as a member of the Dental Council for the few sessions that I did there. We had problems regarding students who want to be qualified Quantity Surveyors. They go and follow a course and then come for registration. In the Dental Council and the Medical Council, we had problems. When you see a student going to a foreign Far East country with an SC qualification and come for registration to the Council, it happened and we had in the Financial Act recently passed to have a minimum of 3 “C” something like this. Here also, so that the Quantity Surveyor Council does not follow the same fate as other Councils, mention should be made about the minimum qualification that a student should have so that he can follow a Quantity Surveyor's course for a diploma or any other degree.

Mr Speaker, Sir, regarding annual fee, section 22, sub-section (3) says -

“Where a professional quantity surveyor fails to pay the annual fee together with the surcharge required under subsection (1), the Council may deregister the professional quantity surveyor.”

Instead of “may” I think it should read “shall” and adding after that subsection “after two reminders sent by registered post to the person concerned”. And after having sent two reminders if the Quantity Surveyor fails to register, that is, to come and pay, no registration will be given to this Quantity Surveyor. What is surprising is that nothing is mentioned in this Bill? After de-registration what happens? Nothing is mentioned that this QS is deregistered; he should return his registration certificate to the Council. If this is not done, people will, with their certificate, still try to convince people that he is a registered quantity surveyor. I don’t understand why it is mentioned in the Bill, I quote –

“The Registrar shall, not later than the end of February in every year, transmit to the Minister a list of all professional quantity surveyors registered for that year.”

It is mentioned in the Bill that it will be gazetted. Being gazetted is enough. Why should the Minister know; he will know through the gazette the list of Quality Surveyors. It is mentioned that it should be listed in newspapers although the QS will be registered and pay an annual fee. Mention is also made in the Bill that election of members shall be conducted under the supervision of a supervisory officer. Mr Speaker, Sir, I am wondering: is it the same supervisory officer, member of the Council, who will supervise the election? If this is so, it will be out of order. He is a member of the Council; he has two years of office; he can stay there and he will conduct the election. What will be proper, Mr Speaker, Sir, is to have the election matters done by the Electoral Commissioner Officers as it is the case for the Medical and Dental Councils. There is nothing mentioned in this Bill regarding temporary registration for foreign QS because we do have some who want to work for one or two years and go back to their own country, but nothing is mentioned in the Bill as temporary registration.

Also we have institutions that giving courses for diploma and the tutors who are qualified QS should be registered with the Council so that they can give lectures because we have problems, as you may know, in the dental institutions where they have problems to register tutors for the dental education. Another issue is with regard to powers given by the

Public Service Commission to the Council. The PSC gives them the powers to do everything; if there is any disciplinary action the professional committee listens to the issue but they have to go back to PSC as is the case for the Dental and Medical Councils. The Quantity Surveyors' Council cannot take action they have to refer back to the PSC. We have the same problem in the Dental and Medical Councils regarding this issue and I don't want the QS to follow the same fate as the Dental Council. With this, Mr Speaker, Sir, I thank you.

*At this stage, the Deputy Speaker took the Chair.*

(6.36 p.m.)

**The Minister of Environment and Sustainable Development (Mr D. Virahsawmy):** Mr Deputy Speaker, Sir, first of all, I would like to congratulate my colleague, the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping for bringing the Professional Quantity Surveyors Council Bill in the Assembly. I understand that QS in Mauritius have, up to now, been grouped in an association namely the Mauritius Association of Quantity Surveyors which was set up in 1998. Since then they have been struggling for the setting up of a regulatory body to cater for professionals in quantity surveying as it is the case for professionals in engineering and architecture. This Bill provides for the necessary legal framework to bring the profession of QS in Mauritius in line with international standards, norms and practices and help to better regulate quantity surveying services in Mauritius and established a professional Quantity Surveyors Council.

The Council will regulate the profession, but will, at the same time, provide continuous professional development programme with any other programme courses, lectures to the profession. We know full well the vital role played by QS in the construction industry sustaining the growing need of the construction industry, professional quantity surveying officers necessitate therefore a robust professional body with an independent Council to regulate the profession taking into account the past changes taking place in the construction industry.

The role of the QS is very important in all projects whether minor or major. The QS is responsible for the preparation of the bill of quantities which sets up the detailed cost of the project and will enable budgetary provisions working from the final design. The Quantity

Surveyor has to update with all costs whether materials, labour and equipment. It is the duty of the QS to do a proper monitoring of the project to establish that the costs are within the norms established and approved. Through proper continuous professional development programme, the QS should be able to control and guide other members of the construction team to abide, to approve bill of quantities and budgets; to draw the attention of all concerned whenever budgets are being exceeded normally. The QS will therefore ensure that actual costs stay within approved budgets with the exception of unforeseen circumstances like cyclones etc.

The professional development programme will also enable QS to acquire professional skills in new construction materials and construction techniques to enable their use with architects and other professionals at design stage to propose better quality and more sustainable building. This Bill provides for an appropriate setup to help, strengthen and support the profession both at national and international levels. This new Bill will allow foreign quantity surveying firms to work with local counterparts under prescribed conditions. As such, foreign companies will no longer be able to come and practise quantity surveying on their own. In fact, with the setting up of the Council, the Mauritian Quantity Surveyors will be able to benefit from the expertise of foreign firms which will now be required to work in joint ventures with local quantity surveying firms. It is, therefore, high time for quantity surveyors to have their own Council like their fellow colleagues architects and engineers. This Bill also sets the base for enhancing quantity surveying consultancy, project management and other services to suit our development needs. As stated in the draft Bill, the objective of the Council shall be to drive the profession to reach a high standard in the modern changing environment especially when we need to green our building environment on sustainable parameters.

To move towards sustainable development, we need professionals in the building and allied sectors to act collectively, performing and adapting to changing requirements from a greener Mauritius in line with the vision of *Maurice Ile Durable*.

I must point out, Mr Deputy Speaker, Sir, that my Ministry under the National Programme on Sustainable Conception and Production has, in collaboration with the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, developed a comprehensive framework, including policies and strategies for an integrated design and

architectural coherence for the built environment in Mauritius, with a vision that by 2025 all buildings will be of a growing design.

It is worth mentioning that some of the recommendations made, in the course of the preparation of the above framework, have partly been implemented under the provisions of the Building Control Bill which has passed at the National Assembly in June 2012. For instance, sustainability requirements, pertaining to disposal of construction waste and thermal comfort within buildings, have to be taken into account at design stage. The Quantity Surveyor will have to adapt to these new techniques and requirements to ensure that rainwater harvesting, natural ventilation enlightening, solar water heaters, solar panels for production of electricity, domestic windmills, desalinisation projects, water treatment units to treat wastewater for irrigation use, segregation of waste with composting of green waste are included in projects. It would, therefore, be highly commendable that the Professional Quantity Surveyors' Council works in close collaboration with Government authorities, in particular with the Ministry of Public Infrastructure and local authorities to coordinate all activities related to sustainable building and construction in the country.

To conclude, I firmly believe that this Bill provides the much required framework or *encadrement* to build the necessary dynamism that professionals in quantity surveying deserve to serve the country in an optimal way.

Thank you, Sir.

(6.32 p.m.)

**Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue):**  
Mr Deputy Speaker, Sir, as per the Explanatory Memorandum of the Professional Quantity Surveyors' Council Bill, the main object of this Bill is to provide for the establishment of a Council for professional Quantity Surveyors as is the case, Mr Deputy Speaker, Sir, for engineers and architects in our country.

This Council, Mr Deputy Speaker, Sir, will regulate and control the profession of quantity surveyors, register professional quantity surveyors, exercise and maintain discipline in the profession and promote advancement in the field of quantity surveying.

Mr Deputy Speaker, Sir, that profession developed during the 19<sup>th</sup> century and, at that time, the Quantity Surveyor had to prepare what was called standardised schedules for building projects where materials and labour had to be quantified. Today, this is what is

known as a Bill of Quantity. This Bill of Quantity is an important element for competing builders to be able to submit price tenders. When we have a look at the flowchart of the project where we have, at the top of the ladder, the architect, just below the architect, we have the designed team and below that, we have the quantity surveyor.

When we go by the traditional route of procurement, the quantity surveyor prepares the tender documents, he also analyses the tender documents and selects the preferred bidder. Once this is done, his job is not over. He is the one who allocates works to the contractor and he is the one who is responsible for what is known as time and cost variation, he is the one who gives the green light for an extension of time if the project is delayed and he is the one who approves the cost variation and that is where I want to make my first point with regard to cost variation, because this is an important element in the job of a quantity surveyor.

Too often, we've had questions in this House where we have requested Ministers responsible for such *dossier* to enlighten the House. For example, I give the case of projects related to wastewater where you have seen cost variation of the order of more than 50% of the value of the contract. This is not proper and that is where we have to exercise a lot of control; also, in projects for road construction where again we have seen extra cost amounting to more than 30% of the contract value. I have a document which has been published by the ICAC of Hong Kong with regard to the Best Practice Checklist, that is: Letting and Administration of Works Contract. This is what is stated in that document –

“Past corruption cases showed that the selection of contractors for works contracts is vulnerable to corruption. Unscrupulous staff may accept bribes from tenderers in return for information of the tenders submitted by other tenderers. There may also be corrupt collusion between the resident site staff of the consultant and the employees of the contractor, leading to covering up of sub-standard works or ordering of undue work variation which would increase the cost of works.”

This is what I wanted to refer to and this is where, I think, we should be very careful.

Mr Deputy Speaker, Sir, if one wants to elaborate on the task and responsibilities of a quantity surveyor, one would see what is done before and after the procurement process. Like I said, he is responsible for the cost estimate, for the preparation of the Bill of Quantity, preparation of the tender documents, tender evaluation process, negotiating meetings. He is the one who chairs negotiating meeting and then after the contract has been awarded, he is the one who chairs also the kick-off Meeting, he monitors the progress of work and issues

variation certificates and payment certificates. So, it is clear, Mr Deputy Speaker, Sir, that it is a profession which has to be regulated and it is high time that they have their proper Council.

We understand - my colleague just mentioned that - that we already have an association of quantity surveyors which regroups some 75 to 80 quantity surveyors. We do not have any quarrel with this piece of legislation. We welcome this piece of legislation, as I have stated earlier, but we criticise the way this legislation is being rushed in Parliament, today. We have the First Reading, the Second Reading and the Third Reading itself today, Mr Deputy Speaker, Sir.

Let me draw the attention of the House that I would wish the Minister to enlighten us on that issue because we understand from the Association of Quantity Surveyors that the last consultation that took place with the Association was in 2011 and there has not been any consultation before this piece of legislation has been brought to the House. We understand that in the Association they have had the occasion to submit their views but, at least, they expected that before finalising the document and bringing this piece of legislation to the House, they would have been consulted.

Mr Deputy Speaker, Sir, I would wish now to make a few remarks on this piece of legislation. I understand that there was a request from the Association of Quantity Surveyors to include the term 'quantity surveying technician' just after 'quantity surveyor'. They wanted that because we understand that the 'quantity surveying technician' has the same qualification as a quantity surveyor, but he does not have the same working experience. And, I believe that we have missed an opportunity in this piece of legislation when I refer to Clause 5 related to the Functions of the Council and at Paragraph (g) where it is stated that –

“The Council shall approve, organise or cause to be organised Continuous Professional Development programmes or any other programmes, courses, lectures, seminars or conferences for the purposes of updating professional knowledge and skills in the field of quantity surveying.”

This term 'Continuous Professional Development programme' is a new term which is being introduced in such a piece of legislation, Mr Deputy Speaker, Sir. Why I have stated that we have gone half way? It is because in other pieces of legislation when we have a look at the Continuing Professional Development programme, it has as primary objective to enhance the professional skills while supporting development in the quantity surveying

profession. But, it is also there to meet the requirements of the Act that is, that Continuous Professional Development programme forms part of that legislation and it is one of the conditions to be adhered to for the renewal of registration which is not the case in this present legislation. The Association also has requested under Clause 6 related to the Powers of the Council that the Council has the power to approve and register joint venture agreement.

When we move to Clause 7 that is, the Composition of the Council, earlier my colleague hon. Dr. Sorefan had made the point because there was a request from the Association of Quantity Surveyors that there should be three professional quantity surveyors appointed by the Minister to have a proper balance at the level of the Council, Mr Deputy Speaker, Sir, and this has not been taken on board by the Minister. I do not know whether the Minister is going to give due consideration to that request from the Association of Quantity Surveyors.

When we go to Part IV of this piece of legislation which deals with Professional Quantity Surveyor whereby it is stated that nothing in this Act shall prevent a person who holds a degree, diploma or an equivalent qualification in quantity surveying to be able to practise quantity surveying. When we go to subsection (3) of the same Clause 19, it is stated that –

“an applicant shall not be required to submit particulars under subsection (2) (b) (iii) and (iv), where he satisfies the Council that he is registered as a -

(a) professional member in the field of quantity surveying with the Royal Institution of Chartered Surveyors of the United Kingdom.”

It is important to note that, Mr Deputy Speaker, Sir, the University of Mauritius offers a part-time degree course in quantity surveying but which is not recognised by the Royal Institution of Chartered Surveyors of the United Kingdom. On top of that, we have two other institutions offering a BSc in Commercial Management and Quantity Surveying which is not even recognised by the Tertiary Education Commission! The question that we are asking is whether these people will be - why do we allow such things to happen in our country?

Mr Deputy Speaker, Sir, I will get to Part VI of this piece of legislation which deals with Discipline, where it is stated at clause 26 –

“Preliminary investigation

- (1) The Council may investigate any complaint of –
  - (a) professional misconduct, malpractice or negligence;
  - (b) a breach of the Code of Practice.”

In most of the legislations around the world, Mr Deputy Speaker, Sir, that Code of Practice is there in the Schedule of the Act. Here, this is not the case, it is just mentioned in the legislation and, I think it is for the Council to come forward with that Code of Practice. I think it should have been there in the piece of legislation whereby it is clearly defined in the Schedule what are the objects of the code of professional conduct, the rules of conduct and, Mr Deputy Speaker, Sir, establishment of a quantity surveying practice and the carrying of business.

When we go to that same Part VI, Mr Deputy Speaker, Sir, we have at clause 26, the Professional Conduct Committee. Here also, I would wish that the Minister gives us more information on the setting-up of that Professional Conduct Committee.

Like I have stated at the beginning of my speech, Mr Deputy Speaker, Sir, and I will end up with that, we, on this side of the House agree with this piece of legislation. Like I have stated earlier, it is going to regulate a profession which has long been waiting to have their own Council and like I have stated, we have today some 75 to 80 such professionals in our country.

Thank you, Mr Deputy Speaker, Sir.

(6.50 p.m.)

**Mr Bachoo:** Mr Deputy Speaker, Sir, I would like to thank the hon. Members on both sides of the House, who have intervened on this important piece of legislation. This Bill has been properly debated and I am happy to note that there has been, at least, consensus as far as this important piece of legislation is concerned. I have taken note of a few criticisms which are positive and which have been levelled against.

As I have explained during my intervention, it is important that we regulate the different professions involved in the construction industry. Two years back, this Government took the initiative in regulating the professional architects and now our commitment lies in the setting-up of a proper legislative framework within which all Professional Quantity Surveyors will be called upon to operate. We have done our best to produce a Bill, which

will regulate the profession of quantity surveyors and this also goes to the credit of the present Government. I heard my friend, hon. Lesjongard saying that the last time we met the Mauritius Association of Quantity Surveyors, it was about two years back. Actually, this is not the case. In fact, the last meeting was held in April 2013. There has been consensus on most of the points.

*(Interruptions)*

Probably, they might not have told you about it. So, one of the main players, i.e. the Mauritius Association of Quantity Surveyors was consulted all the time throughout and we have retained most of the suggestions that they have made. Again, while it is impossible to capture all elements in any piece of legislation at the initial stage, but still we believe that we have done our level best.

There are certain points which have been raised by the Opposition. For example, there was the question of suspension or deregistration. Upon deregistration, what happens? Hon. Dr. Sorefan has raised this question. But then, I would hasten to add that the name will no longer appear in the Registrar. So, this means that the Quantity Surveyor will not be allowed to practise.

Secondly, mention was made about an individual or a firm to be compulsorily registered and the question was where it is mentioned. Section 19(1), mentions about the compulsorily registration of the professional Quantity Surveyors and there is no temporarily legislation and no limitation as such.

As far as elections to be conducted by the Supervising Officer, which the hon. Member raised, I must say that, in fact, the Supervising Officer will himself not be present. This normally happens in any other institution; he delegates this responsibility to one of the officers who acts independently and this is the case even as far as the elections of Architects in the Architects Council are concerned. So, we are talking of an election, which is rather a very simple issue in this case.

As far as the Registrar is concerned, - again concern was raised by my hon. friend - it is in line with other professional councils in the construction industry. The Registrar must understand the competencies required. We cannot put up a lawyer or, for that matter, an Attorney. There are also professionals in the field, but here it is important that we have to see to it that the Registrar must be a Quantity Surveyor. We cannot impose, for the time being,

qualifications entry also because this is a scarcity area. When we speak of three years, they need to have, let us say, post qualifications or rather post experience for three years. It is important to ensure adequate level of training because this is a very, very important field and it is important that they must acquire those skills.

Regarding proposals of basic qualifications of candidates applying for registration are concerned, the Council will, in due course, decide on the matter based on the labour market consideration and this is possible under section 20 (1)(b).

Mr Deputy Speaker, Sir, there was another point made by hon. Dr. Sorefan and hon. Lesjongard regarding the election of three Quantity Surveyors. The request cannot be entertained where the Quantity Surveyors were elected. We cannot deny this chance to any Quantity Surveyor, whether they work in the Civil Service or in the private sector because the element of fairness has to prevail.

Hon. Lesjongard also raised up the point, why is it that on our side, we are going to put up four Quantity Surveyors. But, from experience, we know that in certain Councils we had very bitter experiences, so it is important that the Government must have its say. We are not going to monopolise or control, but it is extremely important. We know in certain Councils - I am not going to name them - what were the problems that professionals had to face. So, keeping that in mind, we have decided, and that too, this decision was accepted by the Association of Quantity Surveyors.

And then the question was: why a member should hold office for a period of two years. He is eligible for re-appointment or re-election to give opportunity to other persons to sit in the Council. So, two years is relatively a long and reasonable period of time for someone to contribute meaningfully in any organisation.

I have already spoken about the last consultation which was held with the Quantity Surveyors.

Mr Speaker, Sir, there was another request which hon. Lesjongard has made about the Quantity Surveying Technicians. Unfortunately, they are not degree holders and the Bill provides for registration of degree holders only.

Before I end, again I would like to mention that at the Mauritian Association of Quantity Surveyors, they are agreeable to the proposed constitution of the Council.

Mr Deputy Speaker, Sir, I personally believe that, for the construction industry that was a missing point because we have got the Council of Registered Engineers, we have the Council of Architects and we were only left with that of Professional Quantity Surveyors Council. Today, I am happy to say that we have already completed it and I do hope that, as from now, the Quantity Surveyors can also claim that they have got a Council, a registered Council under which they can work.

With these words I commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

### **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

*The Professional Quantity Surveyors' Council Bill (No. VII of 2013) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded the Professional Quantity Surveyors' Council Bill (No. VII of 2013) was read the third time and passed.*