

No. 5 of 2011



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 19 APRIL 2011

CONTENTS

PAPERS LAID

QUESTIONS (*Oral*)

MOTIONS

BILLS (*Public*)

ADJOURNMENT

QUESTIONS (*Written*)

THE CABINET

(Formed by Dr. the Hon. Navinchandra Ramgoolam)

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	<i>Prime Minister, Minister of Defence, Home Affairs and External Communications</i>
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	<i>Deputy Prime Minister, Minister of Energy and Public Utilities</i>
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	<i>Vice-Prime Minister, Minister of Social Integration and Economic Empowerment</i>
Hon. Pravind Kumar Jugnauth	<i>Vice-Prime Minister, Minister of Finance and Economic Development</i>
Hon. Anil Kumar Bachoo, GOSK	<i>Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping</i>
Dr. the Hon. Arvin Boolell, GOSK	<i>Minister of Foreign Affairs, Regional Integration and International Trade</i>
Dr. the Hon. Abu Twalib Kasenally, FRCS	<i>Minister of Housing and Lands</i>
Hon. Mrs Sheilabai Bappoo, GOSK	<i>Minister of Gender Equality, Child Development and Family Welfare</i>
Hon. Nandcoomar Bodha	<i>Minister of Tourism and Leisure</i>
Dr. the Hon. Vasant Kumar Bunwaree	<i>Minister of Education and Human Resources</i>
Hon. Satya Veryash Faugoo	<i>Minister of Agro-Industry and Food Security</i>
Hon. Showkutally Soodhun	<i>Minister of Industry and Commerce</i>
Hon. Devanand Virahsawmy, GOSK	<i>Minister of Environment and Sustainable Development</i>
Dr. the Hon. Rajeshwar Jeetah	<i>Minister of Tertiary Education, Science, Research and Technology</i>
Hon. Satyaprakash Ritoo	<i>Minister of Youth and Sports</i>
Hon. Mrs Leela Devi Dookun-Luchoomun	<i>Minister of Social Security, National Solidarity and Reform Institutions</i>
Hon. Louis Hervé Aimée	<i>Minister of Local Government and Outer Islands</i>
Hon. Mrs Santi Bai Hanoomanjee	<i>Minister of Health and Quality of Life</i>
Hon. Mookhesswur Choonee	<i>Minister of Arts and Culture</i>
Hon. Tassarajen Pillay Chedumbrum	<i>Minister of Information and Communication Technology</i>
Hon. Louis Joseph Von-Mally, GOSK	<i>Minister of Fisheries and Rodrigues</i>
Hon. Ashit Kumar Gungah	<i>Minister of Civil Service Affairs and Administrative Reforms</i>
Hon Shakeel Ahmed Yousuf Abdul Razack Mohamed	<i>Minister of Labour, Industrial Relations and Employment</i>
Hon Yatindra Nath Varma	<i>Attorney General</i>
Hon John Michaël Tzoun Sao Yeung Sik Yuen	<i>Minister of Business, Enterprise, Cooperatives and Consumer Protection</i>

Members

Members

PRINCIPAL OFFICERS AND OFFICIALS

<i>Mr Speaker</i>	Purryag, Hon. Rajkeswur, GCSK, GOSK
<i>Deputy Speaker</i>	Roopun, Hon. Prithvirajsing
<i>Deputy Chairman of Committees</i>	Hossen, Hon. Abdullah Hafeez
<i>Clerk of the National Assembly</i>	Dowlutta, Mr R. Ranjit
<i>Deputy Clerk</i>	Lotun, Mrs B. Safeena
<i>Clerk Assistant</i>	Ramchurn, Ms Urmeelah Devi
<i>Chief Hansard Reporter and Sub-Editor</i>	Lam Shu On, Ms Clivie
<i>Senior Library Officer</i>	Pallen, Mr Noël
<i>Serjeant-at-Arms</i>	Munroop, Mr Kishore

MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 5 of 2011

Sitting of Tuesday 19 April 2011

The Assembly met in the Assembly House, Port Louis,

at 11.30 a.m

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Prime Minister's Office –

Certificate of Urgency in respect of the following Bills –

- (a) The Ilois Welfare Fund (Amendment) Bill (No. VI of 2011); and
- (b) The Chinese-Speaking Union Bill (No. VII of 2011).

B. Ministry of Finance and Economic Development –

- (a) The Digest of External Trade Statistics for the year 2009.
- (b) The Income Tax (Foreign Tax Credit) (Amendment) Regulations 2011 (Government Notice No. 55 of 2011).
- (c) The Freeport (Amendment of Schedule) Regulations 2011 (Government Notice No. 57 of 2011).

C. Ministry of Housing and Lands –

- (a) The Morcellement (Amendment of Schedule) Regulations 2011 (Government Notice No. 56 of 2011).
- (b) The Land Surveyors (Fees for the Survey of State Lands) Regulations 2011 (Government Notice No. 58 of 2011).

D. Ministry of Local Government and Outer Islands –

The Report of the Director of Audit on the Financial Statements of the Statutory Bodies Family Protection Fund for the year ended 31 December 2009 (In Original).

E. Ministry of Health and Quality of Life –

The Report of the Director of Audit on the Financial Statements of the Morris Legacy Fund for the period ended 31 December 2010 (In Original).

F. Ministry of Arts and Culture –

The National Archives (Access to Public and Destruction of Public Records) (Amendment) Regulations 2011 (Government Notice No. 54 of 2011).

G. Ministry of Business, Enterprise, Cooperatives and Consumer Protection –

The Consumer Protection (Control of Imports) (Amendment) Regulations 2011 (Government Notice No. 53 of 2011).

ORAL ANSWERS TO QUESTIONS

CEB - ELECTRICITY PRODUCTION

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to electricity production, he will -

- (a) for the benefit of the House, obtain from the Central Electricity Board, information as to the –
 - (i) reasons why peak demand has been revised downwards;
 - (ii) figures for production lost as a result of maintenance and breakdowns in 2010, indicating the forecasts therefor for the years 2011, 2012, 2013 and 2014;
 - (iii) reasons why the phasing out of the St. Louis Pielstick engines has been delayed;
 - (iv) peak demand and effective capacity available for the first half of 2012, and
- (b) state where matters stand concerning the
 - (i) CT Power Project, and
 - (ii) 100 MW Power Plant Project.

The Deputy Prime Minister: Mr Speaker, Sir, as regard part (a)(i), I am informed that the CEB carries out its peak demand forecast annually, based on economic parameters published by the Central Statistics Office and new development projects.

The CEB forecasts prepared in 2010 were as follows –

Year	MW
2010	414
2011	438
2012	469
2013	509
2014	529

Major projects, initially planned to start operation in early 2011, are now expected to be operational in 2012, or after, although works have already started in most cases. Consequently, the peak demand has been revised downwards by some 22MW in 2011, which includes a reduction in demand of, *inter alia*, 4.7 MW for Bagatelle Shopping Mall, 3.5 MW for Jinfei Project and 4.3 MW for IRS projects among others. The revised peak demand forecast therefore is as follows –

Year	MW
2010	404 (actual)
2011	414
2012	430
2013	450
2014	464

The decrease in demand in 2011 will correspondingly relieve pressure on demand in subsequent years.

As to part (a)(ii) of the question, Mr Speaker, Sir, I take it that the figures for production loss due to maintenance refer to unavailability of generation capacity due to -

- (a) planned maintenances, and
- (b) breakdowns

I am tabling the schedule of maintenance and breakdowns for the year 2010.

Maintenance of power plants is planned each year in September for the coming year. Moreover, the duration of an outage of a plant due to maintenance depends on the nature of maintenance to be carried out.

I am informed by the CEB that, as from 2010, it has planned the scheduled maintenance so as to optimise availability of engines subsequently. Moreover, we cannot anticipate breakdown of engines. However, for planning purposes, the biggest unit, that is, some 37 MW is provided for breakdown and 60 MW for maintenance. This total of 97 MW gives more flexibility in carrying out maintenance work.

Part (a)(iii), I am informed that the six Pielstick diesel generator units of capacity 11.8 MW each have been in operation at St. Louis since 1978, with an initial production of

250 GWh for base load and semi base load. Over time with the commissioning of other power plants, these units are now operated only for semi base load with a total production of 60 GWh. The engines, which have been regularly maintained, are running satisfactorily except for one unit, which suffered a major breakdown last year and is under repair. These engines are now derated to 5 MW, and, as I said, are operated solely for semi base load and peaking, and are now planned for complete phasing out in 2014.

As to part (a)(iv) of the question, as earlier mentioned, the peak demand for 2012 is estimated at 430 MW and the effective capacity is 432 MW with the coming into operation of the landfill gas to energy plant of 3 MW at Mare Chicose this year. The CEB has ensured that major maintenance works be carried out in 2010 and 2011 and as far as possible in the second half of 2012. This will allow for more available capacity in the first half of 2012 out of the 97 MW for maintenance and breakdown.

Mr Speaker, Sir, part (b)(i), with regard to the CT Power project, may I recall that, in April 2006, Messrs CT Power (Mauritius) Ltd was granted approval for the commissioning of 3 x 50MW coal-based Power Station at Pointe aux Caves, Albion for a targeted operation of that facility in 2009. Following discussions with the CEB, the project was downsized to 2 x 55 MW.

The proposed project was a pulverised coal technology plant operating at an efficiency of 32% as compared with a 26% of current coal/bagasse IPPs. The CEB have had an equity shareholding of 26% and the plant would have been transferred to the CEB after 20 years at a nominal 1 USD amount to be owned and operated solely by CEB.

The promoter applied for an EIA licence on 06 April 2007 and, in view of the complexity of the project, the Ministry of Environment with the assistance of the UNDP appointed consultants Mott Mac Donald and Global Coastal Strategies to undertake an independent evaluation and assessment of the EIA application. The consultant submitted a report in December 2008 recommending additional studies with respect to stack height, traffic impact assessment, socio-economic assessment, and ash drainage system and outfall location for cooling water. The additional reports were submitted to the Ministry of Environment and Sustainable Development on 16 June 2010 and 13 August 2010.

My colleague, the hon. Leader of the Opposition, may wish to refer to my reply to Parliamentary Question No. B/200, wherein I informed the House that, following a decision of the EIA Committee on 13 January 2011 not to grant an EIA Licence to the

project, the promoter, on 15 February 2011, has filed an appeal at the Environment Appeal Tribunal. The case has been fixed for today at 1000h for the filing of the statement of case by CT Power Mauritius Ltd.

Mr Speaker, Sir, as the matter is *sub-judice*, I shall refrain from making further comments on the project.

In the wake of the serious allegations of the promoter, I repeat, in the wake of the serious allegations of the promoter that the report submitted by him to the EIA Committee may have been tampered, my Ministry has initiated appropriate steps and measures to verify that neither the soft copies nor the hard copies of the report have been altered.

Mr Speaker, Sir, as regards part (b)(ii) of the question, regarding the 100 MW Power Plant, I wish to inform the House that on 04 March 2011, Government approved that the Central Electricity Board should invite open tenders for the setting up of a 100 MW electricity production plan using the latest coal technology, on a BOO basis, in line with environmental standards.

Government has also set up a committee including my ministry, the Ministry of Housing and Lands, the Ministry of Public Infrastructure, NDU, Land Transport and Shipping, the Ministry of Environment and Sustainable Development to locate a suitable site for the plant.

The Committee has met twice and a few sites have been identified on the basis of guidelines provided by the Ministry of Environment and Sustainable Development. A site visit will be carried out by the committee next week to advise on the site that is most appropriate in terms of environmental considerations.

Concurrently, the CEB has initiated action to appoint a consultant to prepare the Request for Proposals documents and assist in the evaluation and negotiations with the eventual preferred bidder, including the conclusion of the power purchase agreement.

Government has also approved the setting up of a working group which would comprise relevant stakeholders to look into the introduction of new technologies in the electricity sector.

Mr Bérenger: I can start with the revision downwards of the peak demand. Indeed a big revision - if I take the year 2014 as a reference - instead of 529 MW, it has been downscaled to 464 MW, that is, 65 MW down. I think I heard the hon. Deputy Prime

Minister say that these figures have been brought out by the CEB. On the basis of figures provided by the CSO (Central Statistical Office), would it not have been much more proper for the CSO itself to be asked to produce those figures and not the CEB which is judge and party?

The Deputy Prime Minister: Mr Speaker, Sir, the reduction is mainly on major projects that are taking time to materialise. This is the crux of the matter in regard to reduction in the forecast.

Mr Bérenger: Henceforth it would be much more reliable and for transparency sake, it should have been the CSO working out those figures, but in any way, it is a drastic revision downwards. The figures for production loss due to maintenance and breakdown, I heard the Deputy Prime Minister say that he is tabling figures, but it has been the practice at the CEB to work out averages over a year and, in the past, for maintenance, the average was a withdrawal of 60 MW on average over the year for maintenance and an average of 50 MW for the year for breakdowns. Can we have the average figures?

The Deputy Prime Minister: I have mentioned the figures, Mr Speaker, Sir; 60 and 37 not 50.

Mr Bérenger: Well, there again, we are playing with figures, the Deputy Prime Minister said 37. Again this is being revised downwards. The figures used to date are in the case of breakdown 50 MW. I am very disturbed. We bring down peak demand. We bring down maintenance. To me, this shows a disturbing trend, Mr Speaker, Sir.

Why has the phasing out of the St. Louis Pielstick engines been delayed? I have not heard an explanation on that. Supposedly, they are very old engines, they cost much more to operate. In fact, they even cost much more than electricity production through heavy oil. Much more. Can we know, therefore, why the phasing out has been postponed in time?

The Deputy Prime Minister: Mr Speaker, Sir, I would like to point out that the figures of 60 and 37 have been there all the while. If the coal power plant of 50 MW would have been operational the figure would have been 50 MW. The biggest plant at the moment is 37, so we use 37. This is the reply. There has been no change in policy. When the next plant is 50 MW, we will put 50 MW as provision for breakdown. Secondly, Mr Speaker, Sir, for the Pielstick that we are talking about we have heard this before, it's working albeit at less efficiency I guess, but, in 2004, the same decision was taken to

continue with the Pielstick until such time that there is replacement. This is the whole point in 2004. The CEB then said - I'll use the same phrase – in spite that they are working less efficiently we continue using them, but now we are using them at minimum, only 60 GWh per year - 4000 hours yearly - which is not very much for peaking and semi base load. So, there they are and they are working well and as soon as we are ready with the other units, they will be phased out.

Mr Bérenger: The 30 MW are very, very old engines and in a way it's seven years back. You cannot take as if today is the same as seven years back. I didn't hear the hon. Deputy Prime Minister say, on my question relating to peak demand and effective capacity available in the first half of 2012, when these 4 X 15 new heavy oil engines, that is, 60MW will be available because he gave the figure; he repeated 430 would be the peak demand. Now these 4 times 15, that is, 60 will not be available in the first half. Therefore, when we subtract that in the first half of 2012, we will have only 424 capacity or production when we withdraw those 60 MW whereas the peak demand - it has been repeated - is expected to be 430. Until those four engines come into operation, the peak production figure would be 424. Therefore, can I ask the hon. Deputy Prime Minister when are those four engines expected to start operating and how are we going to deal with that very tight spot?

The Deputy Prime Minister: Mr Speaker, Sir, to sum it up, in the reply of last week which was a sort of written reply, we mentioned June or July. It will be June or July; so, the question has been: what do we do during those six months and this is the essence of the question. Now, in terms of effective capacity available, as I have said, we have added landfill gas so it comes to 432 effective capacity available with a peak power forecast of 430. We are not going to remove the St. Louis Pielstick five units and therefore 424 becomes 432 as the Leader of the Opposition has rightly said – 424 plus 5 plus 3, it is 432, but the essence of my reply, Mr Speaker, Sir, is since 2010 and this year we are making sure that all the major maintenances are carried out. A look at the figures will show that in 2010, lot of maintenances were done up to sometimes 130 MW being out without any power failure and this is the whole thing. I would ask the Leader of the Opposition to look carefully at the breakdown and maintenance of 2010. This is very revealing. We are doing a lot of work and this year also we are doing a lot of work to make sure that, in the first part of 2012 there is not much maintenance work done and this can be used as an effective margin, reserve margin, safety margin.

Mr Bérenger: We will be walking on a very tight rope in 2012 and especially the first half. As the figures themselves show, we are keeping the old Pielstick engines; we are cutting down on maintenance and so on. The figures speak for themselves, but can I ask when are those 4 X 15 MW engines expected to start operations?

The Deputy Prime Minister: They will be commissioned in July, it will be on in June.

Mr Bérenger: If I can move to the last part of my question. I heard again the hon. Deputy Prime Minister say that the EIA committee decided to reject the EIA proposed by the promoter CT Power. Will he agree with me that it is not the case? The law as it is, the EIA Committee recommends to the Minister and it is the Minister who decides. The Minister can reject the recommendation of the EIA Committee or it can accept. In that case, the Minister decided to accept the recommendation and the Minister decided to reject the EIA document. Is that not the case?

The Deputy Prime Minister: Mr Speaker, Sir, the Minister and Government, and the Prime Minister especially, have great concern for the public welfare, to make sure that, in the public interest, we have the best unit running; and it is not the intention of Government to interfere with technical advice. I would advise whoever has any point, to go and raise it with the tribunal that is sitting at the moment.

Mr Bérenger: Does the hon. Deputy Prime Minister think that it is really proper? I understand that the EIA Appeal Committee is meeting today. I am sure we all respect its independence, and it is a very solid Appeal Tribunal. Is it proper for measures to be taken for this tender of 100 MW capacity plant when the appeal has not been heard? What if CT Power wins its appeal?

The Deputy Prime Minister: Mr Speaker, Sir, we have not launched a tender yet, and this is the whole point. We are making ready in case the appeal fails. There is no tender at the moment, but we are identifying land; we are looking at procedures, so as to be ready in case.

Mr Bérenger: Have we been given some kind of indication when the appeal process could be finished? Of course, I am not putting pressure on the Appeal Tribunal, but time is of the essence here. Have we been provided with an indication?

The Deputy Prime Minister: Mr Speaker, Sir, I am sure that the Environment Appeal Tribunal realises the urgency of the case and will act accordingly.

Mr Bérenger: Can I ask the hon. Deputy Prime Minister why has the decision already been taken by Government to go for a 100 MW coal plant and not a 100 MW bagasse-coal or 50 MW coal and 50 MW bagasse-coal in case CT Power loses its appeal? I am sure we all agree that using all the bagasse that is left to be used in the production of electricity is in the interest of the country, the environment, the sugar industry, including planters, labourers and artisans, so why this choice to go straight for coal and not a mix with bagasse?

The Deputy Prime Minister: Mr Speaker, Sir, once again, I would like to remind the House that every ounce of bagasse is being used, though not to best efficiency. We have at the moment two units; one at Beau Champ and one at FUEL running at 44 bars boiler pressure, and the idea is to get them to run at 82 bars so as to get increased efficiency both for the bagasse and for the coal. I would like to stress, Mr Speaker, Sir, as time goes on, bagasse-coal is more coal than bagasse, and the ratio is increasingly so. They are asking for a further 20, 30, 40, 50 MW unit. Therefore, what I would like to know is: to do what, in what ratio, how much coal, how much bagasse? This is the whole point. St. Aubin is closing. I don't hear any difficulty about CTSAV, because they already got the bagasse. With time, I am personally concerned that there may be not enough bagasse and we will have to produce biomass. So, let us look at it.

Having said that, Mr Speaker, Sir, I am personally chairing a committee next week to look at the issue with the independent power producers. The Prime Minister has already made a statement in the House regarding the independent power producers. I don't know if we'll go back to that, but we are meeting them again. I met the European Union yesterday on the same line, namely that we would like to proceed ahead. The process must be right.

Mr Bérenger: A tender would eventually go out for 100 MW. I don't get the point that a site is being identified. Fair enough we can do that, but if it is going to be an open international tender, can those who will tender come with their own suggestions, that is, proposing land in a given part of the island and not necessarily on the land identified as at the present exercise?

The Deputy Prime Minister: Mr Speaker, Sir, the short answer is yes, but having said that, I think it is only fair to prepare before we have the same experience as we have

today that the land identified is acceptable to the environment. Today, if we look at the projects that have been approved like CTDS, for example, they would never have got an EIA licence.

Mr Bérenger: The hon. Deputy Prime Minister will agree with me that, by the time the tender is ready, tenders are issued, bids come in and are evaluated, the possibility of appeal - again, it can never be ruled out - then building the plant, starting the plant and so on, it will take three years. In the documents produced by the hon. Deputy Prime Minister on 12 April and confirmed today, it is planned that this 100 MW plant will come in operation in 2014. We are now in 2011; again, time is of the essence. If we waste time, we are going to go over 2014. Will that be kept in mind constantly?

The Deputy Prime Minister: Mr Speaker, Sir, the short answer is yes.

Mr Lesjongard: Mr Speaker, Sir, may I ask the Deputy Prime Minister to clarify this? In a reply, he has stated that the effective electricity production capacity in 2010 was 433 MW, taking into consideration the 37 MW for breakdown and the 60 MW for scheduled maintenance, whereas in a document submitted by the CEB, that effective capacity available for 2010 was 424 MW, taking into consideration the two engines that have been recently commissioned, that is, 2 X 15. Can he explain to the House where did we get that increase of 9 MW with regard to the effective electricity production capacity?

The Deputy Prime Minister: I wait for the reply, but as you know the demand has decreased.

Mr Hossen: May I ask the hon. Deputy Prime Minister whether the campaign initiated by the CEB in favour of the use of economic electric bulbs has had any significant subsequent effect in revising downwards the peak demand?

The Deputy Prime Minister: Yes, it has. I would like to point out that the energy saving and efficiency that we discussed not so long ago is having an effect as well, and we are planning to reduce the demand side as we go along.

Mr Bhagwan: The Deputy Prime Minister has informed us that there are two sites which have been pre-selected.

(Interruptions)

He earmarked two. Can we have an indication where these sites are as far as the environment is concerned?

The Deputy Prime Minister: Not two, but a few sites up to date.

Mr Li Kwong Wing: Will the Deputy Prime Minister confirm whether we are not sitting on a time-bomb by overstressing the limit of maintenance of the engines?

(Interruptions)

Mr Speaker: Order!

Mr Li Kwong Wing: As recently as last week, the CEB had to resort to the use of two gas turbines at very high cost due to the maintenance of two base-load engines at Fort George and the scheduled maintenance at Savannah?

(Interruptions)

Mr Speaker: Order!

The Deputy Prime Minister: Mr Speaker, Sir, this information was asked last week. Unfortunately, there were no questions in the House, otherwise I would have informed the House, between 2000 and 2005, how much of the gas turbine was used. I would like to point out that the hon. Member has taken up the tone that was used previously about getting very worried over power. Same was adopted in 2008, 2009, saying that we were going to get blackouts in 2009-2010. There was no blackout, thanks God for the CEB doing its work!

Mr Ganoo: The hon. Deputy Prime Minister mentioned last year that there was an expression of interest for the setting up of a 100 MW plant on a Build-Own-Operate (BOO) scheme based on any technology that was launched, and tenders were even received in February 2009. What has happened to that exercise?

The Deputy Prime Minister: Mr Speaker, Sir, they were so diverse that it was difficult to make sense of it. There were too many technologies, and they could not be compared and evaluated.

Mr Guimbeau: Mr Speaker, Sir, can we know from the hon. Deputy Prime Minister...

(Interruptions)

Mr Speaker: Order!

Mr Guimbeau: May we know what is the stand of the special adviser of the Prime Minister, Professor Joël de Rosnay, on this new coming up saga? Are we seeking his advice on what is going to happen now?

The Deputy Prime Minister: This question was answered previously.

Mr Speaker: Time is over!

(Interruptions)

I thought the hon. Leader of the Opposition said he was putting his last question.

Mr Bérenger: No, I have two, if you will allow me. An hon. Member has asked the hon. Deputy Prime Minister if the electricity saving bulbs and other measures taken until now have had an effect and it was said 'yes'. Can we have the figure by how much has demand been brought down?

The Deputy Prime Minister: We did produce some figures in the past, I will get it.

Mr Bérenger: The first time I asked and figures were never produced. Finally, we are going to walk on a very tight rope, especially the first half of next year. I think I have made my point that time is of the essence both as far as 4 x 50 MW new engines are concerned and even, more importantly, the 100 MW plant is concerned. Can I again appeal to Government to see to it that we don't end up next year or the following years in serious trouble?

The Deputy Prime Minister: Mr Speaker, Sir, the whole point of my answer has been in that sense and to complete the information, Mr Speaker, Sir, the introduction of the CFL has reduced demand by an estimated 8 MW.

Mr Speaker: Time is over! Questions addressed to Dr. the hon. Prime Minister!
Hon. Ganoo!

SUBUTEX - FRENCH NATIONALS - ARREST

(No. B/215) Mr A. Ganoo (First Member for Savanne & Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Subutex, he will -

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the number of French nationals arrested in connection with the importation thereof, since 2005 to date, indicating -
- (i) in each case, the date of the arrest and the quantity and value thereof found in their possession, and
 - (ii) the reasons why, in the case involving one Mr M.B and one Miss K.T., who landed at the SSR International Airport, on 21 March 2011, no controlled delivery exercise was organised to arrest their local contacts and
- (b) state if Government proposes to review our extradition laws.

The Prime Minister: Mr Speaker, Sir, in regard to part (a)(i) of the question, I am informed by the Commissioner of Police that from 2005 to 13 April 2011, three French nationals have been arrested in connection with the importation of Subutex.

The details are as follows -

- On 27 March 2010, one French national was arrested with 10,493 tablets having a street value of Rs10,493,000.
- On 28 March 2011, two French nationals were found with 9,884 tablets having a street value of Rs9,884,000. They were arrested on 30 March 2011.

As regards to part (a)(ii) of the question, I am informed that, on 28 March 2011, at 10.50 hours, on arrival of flight SS952 from Orly, ADSU officers posted at the SSR International Airport, profiled two incoming French passengers and intercepted them in the Customs Area. Along with the assistance of customs personnel, ADSU officers proceeded with the verification of the luggage of the two passengers.

After a thorough search, ADSU officers found 1,412 blister packs, wrapped in 30 bundles and each blister pack containing 7 tablets of Subutex, making a total of, as I said, 9,884 tablets.

They agreed to cooperate with the Police with a view to tracing out the local contacts. On the same day, a Controlled Delivery Exercise was arranged and the two French nationals were taken under discreet Police surveillance.

On 29 March 2011, during the midday news, a private radio gave details of the arrest of the two French nationals, although an appeal was made to the media not to reveal any information about this case, thereby jeopardising the Controlled Delivery Exercise. The exercise was called off on 30 March 2011 and the two French nationals were arrested on the same day.

On 30 March 2011, they appeared before the District Court of Grand Port, on a provisional charge of drug dealing with aggravating circumstances “Importation of Dangerous Drug”. They were both remanded to Police cell up to 08 April 2011. On the same date, they appeared anew before the District Court of Grand Port and were thereafter remanded to jail. They are still in jail. They will reappear in court on 03 May 2011.

In regard to part (b) of the question, I wish to point out that, according to the French “*Code de Procédure Pénale*”, France does not extradite its own nationals except in the execution of a European Arrest Warrant. I wish to inform the House that Mauritius and France may extend mutual assistance to each other in fighting transnational and international crime in the absence of a bilateral treaty and on the basis of reciprocity. In fact, the two countries have been cooperating, as you know, with regard to cases of ‘Importation of Subutex’ from France. With regard to the case of Mr Caterino, I am informed that, following a request for mutual assistance made by the Attorney General, an officer from ADSU and a Law Officer from the office of the Director of Public Prosecutions proceeded to France in February of this year to participate in the arrest and interrogation of Mr Caterino in relation to the offence of ‘Evasion’.

Mr Speaker, Sir, the Attorney General’s Office is currently working on a draft Extradition Bill which seeks to make better provision for the extradition of persons to and from Mauritius. The Bill will, *inter alia*, place Commonwealth and other foreign States on the same footing. It will allow for applications for extradition by virtue of comity, reciprocity or otherwise in the interest of justice, where there is no treaty between Mauritius and the State concerned.

Mr Ganoo: Mr Speaker, Sir, can I ask the hon. Prime Minister whether, in fact, before the Caterino case, there was any collaboration between the French Authorities and our Police Department, and whether any report has been sent from the French Authorities with a view to curb the activities of this French/Mauritius connection as regards Subutex traffic?

The Prime Minister: I explained last week, I think, Mr Speaker, Sir, in the House, what the response of the French Authorities was. They were saying: frankly, why are you so worried about Subutex because people are not dying from injection of Subutex, but rather when they take heroin and other hard drugs. That was their response. In their own country, that is why Subutex appears to be more available than in other places. They also said, as far as I remember, that when somebody takes Subutex, he will not then take drugs for a few days. That was their attitude, but we explained that, in our case, this is being used differently, and that is why we ask for their cooperation.

Mr Bérenger: Clearly, he is going to explain. Is the hon. Prime Minister satisfied that now we have all the collaboration required because it is clear that the Paris Subutex connection is still working, and that not just French nationals but Mauritians are involved - only a few days ago there were arrests again. Is the hon. Prime Minister satisfied that now we have the full collaboration of the French Authorities, especially at the departing points? I understand that now they go through London, because ADSU and so on watch the flights from Paris. Therefore, they take a trip through London and elsewhere in Europe before coming. Is the hon. Prime Minister satisfied that we now have the full collaboration of the French Authorities as far as the export of Subutex to Mauritius is concerned?

The Prime Minister: The French Authorities were always cooperating, but their attitude was different. Now that they have arrested Mr Caterino, they are still following up. I am instantly going to have a report - I believe very soon - about the other contacts of Mr Caterino, including Mauritian contacts which have appeared during the interrogation. We are also aware that some are thinking they will go to London from Paris and then come to Mauritius. We have a system of profiling those who are doing that, and we are trying to work out who are those who are travelling from Paris to London and then back to Mauritius.

Mr Bérenger: Mr Speaker, Sir, the hon. Prime Minister made reference to the fact that a local radio came out with news and that spoilt the action prepared by ADSU. Will not the hon. Prime Minister agree with me that the way he says it it's shooting the messenger? Has an inquiry been carried out as to why there were leaks from either Customs or ADSU that reached that radio?

The Prime Minister: In fact, an inquiry is going on, Mr Speaker, Sir.

Mr Baloomoody: The hon. Prime Minister just mentioned that the two people who were arrested - I think Mr M.B. and Ms K.T. - collaborated with the police in the inquiry because, up to now, we have not been able to catch *le commanditaire*, the one for whom these drugs have been brought into the country. Can I ask the hon. Prime Minister whether it is not time to give immunity to these people so that they can inform the police who gave them the money to buy the drugs and for whom they are bringing the drugs? We should give them a sort of immunity for them to come and say to the country at large.

The Prime Minister: I think they are looking at all the possibilities, because they have agreed to cooperate with the Police, as I said.

Mr Speaker: Last question, hon. Ganoo!

Mr Ganoo: Can the hon. Prime Minister check with the ADSU and confirm that this is not the first time that controlled delivery activities have been frustrated because of leakage coming from whoever it came? I think that a very strict and rigorous inquiry should be carried out by the CP or some other authority. Can the hon. Prime Minister also confirm that, in this case, when these two young people were arrested - one was 19 years and the other one was 20, and they were French nationals - the young man, who was arrested, informed the police who, in fact, had asked him to carry the drugs to Mauritius?

The Prime Minister: In fact, one is 19 and one is 21. I did not want to go into the details for obvious reasons, but we are looking at that aspect.

CONSTITUENCY NO. 3 - POLICE STATIONS

(No. B/216) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to each of the Police stations in Constituency No. 3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of -

- (a) cases of reported larceny thereat over the past two years;
- (b) Police officers posted thereat, indicating their respective grades, and
- (c) vehicles attached thereto.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that Constituency No. 3, Port Louis Maritime and Port Louis East falls within the

jurisdiction of Plaine Verte and Roche Bois Police stations. Some areas of the Constituency are also serviced by Fanfaron, Vallée Pitot and Pope Hennessy Police stations and the port Police post. I should point out that the Agalega Island also falls within Constituency No. 3 and is serviced by a Police post.

In regard to parts (a) and (c) of the question, I am tabling the information requested for by the hon. Member.

As far as part (b) of the question is concerned, the House will appreciate that the information requested concerns the security of the country and cannot be divulged.

Mr Ameer Meea: Mr Speaker, Sir, is the hon. Prime Minister aware that there are a number of vacancies both at Plaine Verte and Trou Fanfaron Police stations respectively? 41 at Plaine Verte Police station, and 36 at Trou Fanfaron Police station in all grades; more specifically - I can give you one example - for Police Constable, there are 35 vacancies at Plaine Verte Police station and 26 at Trou Fanfaron Police station. Can I ask the hon. Prime Minister whether he will request...

(Interruptions)

Mr Speaker: Order! Order!

Mr Ameer Meea: ...the Commissioner of Police to look into the matter and fill the number of vacancies at both stations?

The Prime Minister: I do not know where the hon. Member got the figures, but the figures are not right. At Plaine Verte Police station, there are 52 officers and at Trou Fanfaron, there are actually 52 officers. I explained last week that the procedure is ongoing at the moment.

Mr Ameer Meea: Is the hon. Prime Minister aware that, at Trou Fanfaron, they have a problem of vehicles? I know that the hon. Prime Minister said that, for security reasons, he cannot give the numbers, but there have been some which have been damaged through accidents, and this is causing a lot of hardship to the Police officers at Trou Fanfaron. Can I request the Prime Minister to kindly look into the matter and inform the Commissioner of Police?

The Prime Minister: I will do so, Mr Speaker, Sir. I am not aware that there is a discrete lack of vehicles; at the moment, there are three vehicles attached to the station.

RODRIGUES – MAURITIAN POLICE OFFICERS

(No. B/217) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the posting in Rodrigues of Mauritian Police officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if -

- (a) it is a mandatory requirement for them to hold a warrant card and a departmental number to be able to perform their duties in Rodrigues, and
- (b) they are provided with residence quarters for themselves and for their family.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that, in accordance with section 5 of the Police Act 1974, a warrant card shall be issued to every Police officer and shall be evidence of his appointment. In line with this requirement, Police Standing Order Number 4 makes it mandatory for Police officers of all ranks to carry their warrant cards whether on or off duty. In addition, paragraph 18 of the Police Standing Order Number 95 provides that all Police officers should wear conspicuously their name plates showing rank, departmental number and name on the right breast pocket when dressed in Police uniform.

Any Police officer, not in possession of his warrant card and/or is not wearing his name plate, is considered as being improperly dressed and is liable to disciplinary action.

In regard to part (b) of the question, Police Standing Order Number 9 provides for a married Police officer, from mainland Mauritius posted to Rodrigues, to be eligible to a Government furnished quarters. In case of non-availability of quarters, a rent allowance is paid in accordance with the PRB Report of 2008.

Dr. Sorefan: May I know from the hon. Prime Minister why one officer who had been interdicted for such a long time - and recently there were no cases against him - has been sent to Rodrigues without a warrant card, without the number and without quarters, as if he has been penalised? He went there and he could not work. May we know why, please?

The Prime Minister: If the hon. Member is referring to the same Police officer whom I have been made aware of, the answer is that, for the last 20 years, he did not work

for 15 years. He always found a reason. He had been interdicted for a long time. He was in possession of a warrant card. Whether he did take it with him or not, that is another matter. Anyway, disciplinary action is being taken.

Mr François: Mr Speaker, Sir, as we are talking about residence for Police officers, allow me to humbly make a plea and ask the hon. Prime Minister to see to it with the Commissioner of Police the possibility of transferring those Rodriguan Police officers in the Police Band here, who are willing to go back to Rodrigues, to have the opportunity to do so on humanitarian ground, especially those who are married and their wives and children are in Rodrigues.

The Prime Minister: That suggestion was made earlier, and I think I have transmitted it to the Commissioner of Police. It is a question of having the replacement first of all, and also how many will be in Rodrigues.

PRISONS - HIV-POSITIVE INMATES

(No. B/218) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the number of inmates thereof who are HIV-positive, as at to date, indicating if a special protocol has been devised to follow-up their medical conditions.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Prisons that, as at 14 April 2011, 768 inmates have been diagnosed as HIV positive.

All such inmates are provided with treatment care and support as per the *Protocole National de Prise en Charge de l'Infection à VIH à Maurice*.

The Prisons Department has put in place the following procedures in order to be in line with the Protocol for treating inmates who are HIV-positive -

- all detainees are examined on admission by the Prison Medical Officer;
- pre-test counselling is effected on detainees on admission by hospital officers;
- an HIV blood test is carried out on a voluntary basis as per the Protocol;

- on reception of their blood examination results, the detainees who are diagnosed as HIV-positive are then re-examined by the visiting AIDS Physicians;
- a post-test counselling is done on HIV-positive detainees by AIDS Physicians;
- treatment and medication are provided to detainees with HIV/AIDS;
- follow-up tests are carried out by the Prison Medical Officer on detainees following HIV treatment;
- when the CD4 count reaches 350 cells per mm³ or below, the detainees are put on antiretroviral treatment after appropriate education/counselling;
- on prescription of antiretroviral drug to a detainee, appropriate initiation therapy is conducted on all aspects including prophylaxis and treatment of opportunistic infections and co-infections according to the existing Protocol;
- regular follow-up is done at either monthly, three or six-monthly intervals, depending on the medical condition of the detainees;
- serious cases are referred to public hospitals for specialised treatment, and
- on their discharge from prisons, detainees who are HIV positive are referred to the nearest National Day Care Centre for Immunosuppressed (NDCCI) of the Ministry of Health and Quality of Life for medical care.

When a detainee arrives at the prison and declares that he is under treatment for HIV, the prison authorities seek confirmation with the National Day Care Centre for Immunosuppressed (NDCCI) of the Ministry of Health and Quality of Life. Upon confirmation, the necessary treatment is provided on the same day to the detainee.

Mr Bérenger: Can I ask a few questions, if you would allow me? The figure is quite alarming: 718 detainees HIV-positive. Can I know from the hon. Prime Minister whether, in Beau Bassin prison or elsewhere, those who are HIV-positive and those who are not mix freely, including at night?

The Prime Minister: I am told there are some distinctions that are made, but there is the question of also not making any discrimination because HIV is not transmitted as some people think. They are kept separately at some points, probably at night; that is what I heard.

Mr Bérenger: Then, do we have the figures for those who came in non-positive? Are they tested when they leave prison so that we could see whether there is a pattern of people who are not HIV-positive when they come to the prison but they are when they leave? Are statistics kept?

The Prime Minister: I am not aware about the statistics. Probably there are, but I do not have the figures here with me. I will have to check into that.

Dr. S. Boolell: May I ask the hon. Prime Minister whether it is possible, through remission promises, to give incentives to those inmates of Beau Bassin prison who are not willing to be tested and, therefore, rendering the figures rather inaccurate concerning HIV infestation in our prison population?

The Prime Minister: That is a real risk, Mr Speaker, Sir, but, unfortunately, it has to be done on a voluntary basis.

Mr François: Mr Speaker, Sir, I have been made aware that there is one case of HIV positive remanded to jail at Pointe La Gueule Prison and who is also a drug addict. As the hon. Prime Minister positively replied to PQ No. B/59 on 29 March 2011, may I respectfully request him to see to it that the Commissioner of Prisons liaises with the Regional Assembly to speed up matters for the extension of Pointe La Gueule Prison, to separate convicted detainees, drug addicts, HIV positive inmates, juvenile and those on remand as it is a question of security and safety for both Prison officers and the other inmates?

The Prime Minister: In fact, the Commissioner of Prisons went to Rodrigues very recently to look at all these matters including this. It is also a question of space, unfortunately, but we are looking at this.

Mr Ganoo: Does the hon. Prime Minister have the figure in terms of percentage? 718 represent what percentage of the prison population? Can the hon. Prime Minister give us a breakdown of male and female prisoners infected with HIV?

The Prime Minister: I could give it, but it is long. It is 768 - not 798 - out of the prison population of 2,544. The figure of last year was 692, and it goes on increasing on a yearly basis. As from 2003, I have the figures. If the hon. Member needs the figures in terms of males and females, I can circulate it later on, Mr Speaker, Sir.

Dr. S. Boolell: Can the hon. Prime Minister give us some figures concerning the breakdown between intravenous drug addiction and sexual promiscuity?

The Prime Minister: That is going to be very difficult to do. The hon. Member really wants me to go into all the details. I'll ask; whatever they can give, they will give.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has the number of inmates who are under the antiretroviral treatment? How many members are receiving this treatment and also whether NGOs are having access to these prisoners for counselling and so on?

The Prime Minister: My understanding is that NGOs are having accessed for counselling. As for the treatment it depends, of course, on the number, whether they need it or not. I do not have the exact figures as for today as to how many people are having antiretroviral treatment.

POLICE - BARRISTERS - COMPLAINTS

(No. B/219) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the complaints lodged by barristers against the Police, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since 2006 to date, indicating, in each case, if an inquiry has been carried out thereinto and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that since 2006 up to 14 April 2011, 24 complaints have been reported by barristers against Police Officers. Out of these, 14 have been classified, an inquiry is ongoing in 10 cases.

Mr Speaker, Sir, members of the Police Force and barristers have a common duty, that is, to uphold the rule of law and the rights of citizens. It is thus important that both work in collaboration with each other towards this common goal. However, it may happen during investigations that Police officers and barristers do not share the same point of view, so to speak, especially when it comes to the rights of the latter's clients.

Mr Speaker, Sir, reinforcing the human rights culture is an important component of the National Policing Strategic Framework and appropriate actions have already been taken in this respect and it is ongoing.

Mr Uteem: Is the hon. Prime Minister aware that some of the barristers have complained that they have been denied access to their clients, the accused, which is a constitutional right?

The Prime Minister: If they have complained, this is probably out of the 14 cases that the hon. Member is mentioning. As I said, out of these 24 complaints, 14 have been classified, and inquiries are ongoing in 10 cases.

Mr Uteem: Will the hon. Prime Minister agree with me that, since 2006, there has not been any prosecution, and the inquiry is still ongoing? Maybe, we need a special investigation unit or the Commissioner of Police should really look into it, because it is not normal that, out of 24 complaints, up to now none has been prosecuted.

The Prime Minister: The hon. Member may like to know that, between 2000 and 2005, there were 22 such complaints and none of them have had an end result.

(Interruptions)

It is not as if when the Government...

(Interruptions)

He implied! Well, they are looking at it, Mr Speaker, Sir.

Mr Baloomoody: In view of the remarks which the Prime Minister has just made that, from 2000 to date, there has been no case taken to court; can I ask whether it is not time to have an independent body to inquire into these complaints against Police, instead of the Police inquiring upon themselves?

The Prime Minister: We have said that we are setting it up. It is coming up with it very soon. Let us remember that the first duty of the barrister is the truth to the court. Sometimes we forget this.

Mr Uteem: Coming to this point, the hon. Prime Minister being a barrister himself...

(Interruptions)

Mr Speaker: Order!

Mr Uteem: ...he knows that there is a constitutional right to silence, and some of the complaints made by the barristers are that when they advise their client to remain silent, they are threatened by Police to be charged with obstruction of Police inquiry.

The Prime Minister: I am not aware of it. There is a right of silence under the common law and that should not happen, and if it does happen, I agree with the hon. Member.

Mr Baloomoody: In fact, I was listening to the radio this morning. One lady was inquiring about the whereabouts of her husband who has been picked up by the Police last night. Can I ask the hon. Prime Minister whether he will liaise with the Commissioner of Police to ensure that, at least, the Information Room can give us details of the whereabouts of people who are arrested, especially, when they are arrested late night or early morning because, by that time, many things can happen and nobody knows about their whereabouts?

The Prime Minister: The hon. Member is absolutely right, and I have said it before that the relatives should be informed where the person is being taken to. I will ask the Commissioner of Police to look into the matter.

MAURITIUS DUTY FREE PARADISE - EMPLOYEES - ARREST

(No. B/220) **Mr G. Lesjongard Second Member for Port Louis North & Montagne Longue** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the investigations carried out following the arrest of two officers and of the former Chairperson of the Mauritius Duty Free Paradise, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, on 20 August 2010, Mr U.R. and Mr G.V.G., two employees of the Mauritius Duty Free Paradise Co. Ltd, were arrested in connection with possession of smuggled drugs.

On the same day, they both appeared before Grand Port District Court on the same provisional charge and were bailed out upon each furnishing a surety of Rs10,000 and entering a recognizance of Rs50,000.

On 27 August 2010, Mr J.B. was also arrested in connection with the above cases. On the same day, he appeared before the Grand Port District Court on provisional charges of larceny by persons in receipt of wages and giving instructions to commit a crime. He was bailed out after furnishing a surety of Rs20,000 and entering a recognizance of Rs70,000.

Mr Speaker, Sir, 41 persons have already been questioned by the Police in connection with this case. An inquiry into the matter has reached its final phase and the case file will shortly be forwarded to the Director of Public Prosecutions for advice.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he can confirm if the duty paid goods that were secured at the time the inquiry started are still under lock?

The Prime Minister: I would assume that. I can't say, Mr Speaker, Sir, because this is a matter for the court.

Mr Bhagwan: Can I know from the hon. Prime Minister whether he is aware or he has been made aware that, apart from the Chairperson or other persons mentioned, there are two other persons at the Duty Free Paradise who have been suspended or *mis à la porte* concerning these alleged cases? May I know whether there is a process now for the reintegration of one of these persons? They were *complices*. Has he been made aware of that, and will he see to it that those, who have been *mis à la porte* in connection with that case, cannot be reintegrated?

The Prime Minister: It depends what the hon. Member means by connection with these cases. For example, I am aware that one person has nothing really to do with the substantial case. He might be completely peripheral to it. I know there has been a request. I don't know whether he is being taken back on board; that I cannot say.

Mr Uteem: Mr Speaker, Sir, in respect to the investigation being carried out, would the hon. Prime Minister confirm whether the investigation also covers people who have received those stolen properties?

The Prime Minister: The investigation is ongoing, as I said, and it all depends what the hon. Member means by it. If somebody gives a gift to somebody, he has to know whether it is! The investigation is ongoing and, of course, if that is the case, we will take action.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has figures with him with regard to the value of the duty paid goods that have been secured?

The Prime Minister: I don't have the exact figure on the value, Mr Speaker, Sir. I can look for it.

RODRIGUES - VESSEL 'ALIZE' - AGENT

(No. B/221) Mr J. F. François (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the vessel 'ALIZE', he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to -

- (a) who is the official appointed agent thereof, and
- (b) the amount of money paid or due for port, navigation, tug service, quay and any other fee, since its arrival at Port Mathurin.

The Prime Minister: Mr Speaker, Sir, with regard to part (a) of the question, I am informed by the Mauritius Ports Authority that Messrs Pecheries d'Outremer, the owners of the vessel ALIZE, have now designated one Mr Jacky Legros in Rodrigues to act as Agent of the vessel.

In regard to part (b) of the question, no port duties have been paid in respect to marine services provided to the vessel and, as at to date, the sum of US\$ 4218 is outstanding.

I am also informed that, following a meeting held under the chairmanship of my colleague the Minister of Fisheries and Rodrigues with the representatives of the Mauritius Ports Authority and the Shipping Division of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, it has been decided that the vessel will have to undergo dry docking works in Mauritius.

I am further informed that the vessel will leave Port Mathurin for Mauritius on or around the 25 of April and that dues would be invoiced to the Agent prior to the departure of the vessel from Port Mathurin.

Furthermore, as the vessel is registered under the Malagasy Flag, its owners will have to seek and obtain all the necessary clearances from the “*Agence Maritime et Fluviale*” of Madagascar before undertaking the trip from Port Mathurin to Port Louis. The Directorate of the Shipping will verify that all the certificates issued by the Flag State are valid before authorising the vessel to leave Port Mathurin.

Mr Bérenger: Mr Speaker, Sir, it seems that the vessel is to come here for dry docking, but there is no captain. Will it be checked that they do not leave Port Mathurin without what the law provides?

The Prime Minister: Certainly, they will have to have a captain on board.

Mr Speaker: Time is over. Before I proceed with questions addressed to hon. Ministers, I have to inform the House that Parliamentary Questions Nos. B/223, B/224 and B/225 have been withdrawn.

FREE TRAVEL SCHEME - COMMITTEE - RECOMMENDATIONS

(No. B/229) Mrs A. Perraud (Fourth Member for Port Louis North & Montagne Longue) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Free Travel Scheme, he will state if the Committee set up to look into the flaws thereof has submitted its recommendations and, if so, indicate the recommendations made in relation to the measures taken against the -

- (a) drivers and the transport companies which refuse to take students at the bus stops;
- (b) school buses which refuse to take students, and
- (c) drivers who -
 - (i) use harsh language towards the students and the elderly people, and
 - (ii) are under the influence of drugs while on duty.

Mr Bachoo: Mr Speaker, Sir, following the introduction of free transport scheme for old-aged pensioners and students in 2005, a Central Monitoring Committee comprising representatives of National Transport Authority, different Ministries and the bus operators was set up to look into the problems arising out of its implementation. All major problems relating to the free transport scheme are dealt with at the level of this standing Monitoring Committee. The main findings for the Committee were -

- (a) students and old-aged pensioners are at times deliberately left at bus stops by unscrupulous drivers/conductors;
- (b) conductors/drivers behave rudely with old-aged pensioners and students, and
- (c) reluctance on the part of bus operators to provide dedicated school services.

However, no case of drivers under the influence of drugs had been reported. In the light of these findings, the following actions have been taken -

- (a) The Road Traffic (Bus Fares) Regulations was amended in 2005 to take the following actions against drivers and conductors who failed to pick up or behave uncivilly towards students -
 - (i) in the case of a first breach, to forfeit 5 days payment, and
 - (ii) in the case of a second or subsequent breach committed within a breach period of 6 months from the date of the first or previous breach as the case may be, to forfeit 10 days payment from the amount payable to him;
- (b) In addition to disciplinary action initiated against bus crew and bus operators, the following preventive measures are also being taken -
 - (i) regular checks are being carried out by officers of inspectorate of the NTA to ensure that beneficiaries of free travel enjoy a satisfactory service;
 - (ii) whenever, officers of NTA intervene on the radio, they urge members of the public to report any unlawful act on the part of the bus crew;

- (iii) in cases where students are involved, inspectors of the NTA are sent to school to record statements and subsequently disciplinary cases are scheduled during school vacations so as to avoid inconveniences to the complainants, and
- (iv) provision is made for dedicated school services to some schools which are outside the normal itinerary of bus routes or where regular services cannot spare accommodation in buses.

Mr Speaker, Sir, for the period 2008 to 2010, a total of 877 complaints were received at the NTA, 681 from students and 196 complaints from old-aged pensioners. Inquiries are carried out and licences were suspended for periods varying between 2 weeks and 6 months depending on the seriousness of the offence as follows -

Drivers	-	77
Conductors	-	134
Bus owners	-	14 (where seals were affixed to buses for a period of at least two weeks.)

On the operational site, bus operators have been requested to submit details of their monthly trips performed and any operator performing trips below the average for any route is penalised. As such, it is ensured that there are no missing trips on any route for the benefit of old-aged pensioners. Deductions have been made from the compensation of bus operators as follows -

2007	-	Rs 10.4 m.
2008	-	Rs 5.7 m.
2009	-	Rs 4.8 m.
2010	-	Rs 5.8 m.

To facilitate the conveyance of students, the National Transport Authority has negotiated the provision of dedicated school buses for a certain number of colleges which are situated at a distance from the main bus stops. Some 478 such buses are operated daily carrying about 35,000 students.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Minister whether there are any special measures that have been taken to facilitate the complaints of old-aged persons? We

have received a figure, but true it is, it is very difficult for an old person to report these cases. Are there any particular measures to facilitate the reporting of the misbehaviour?

Mr Bachoo: We don't have any special measure as such, but we have been requesting them through our officers who go on the radio that whenever such cases occur they should not hesitate either to write, even to phone the NTA or to go to the nearest Police station to make their complaints.

Mr Uteem: Mr Speaker, Sir, in addition to relying on complaints from students and old people, does the Ministry have any inspectors who travel on buses on an anonymous basis just to check the way bus conductors are treating these people?

Mr Bachoo: Mr Speaker, Sir, regular checks are carried out and, in fact, in all the nine districts we have got a number of inspectors who, on a daily basis, keep on monitoring the situation, but I have to be frank that there are certain unscrupulous drivers as well as conductors who behave very rudely and that is the reason we have been able to establish so much contraventions.

Mr Speaker: I have to inform the House that Parliamentary Questions Nos. B/231, B/232 and B/236 have been withdrawn.

VALLEE DES PRETRES GOVERNMENT SCHOOL – FOOTBALL GROUND

(No. B/230) **Mrs A. Perraud (Fourth Member for Port Louis North & Montagne Longue)** asked the Minister of Education and Human Resources whether, in regard to the construction of a football ground at the Vallée des Prêtres Government School, he will state -

- (a) the date on which construction works started;
- (b) the name of the contractor, and
- (c) if the works have been completed and the football ground handed over to the Ministry.

Dr. Bunwaree: Mr Speaker, Sir, as regards part (a) of the question, I am informed that construction works for the football ground at the Vallée des Prêtres Government School started on 12 April 2008.

As regards part (b) of the question, the works were undertaken by the District Contractor of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, namely the Thailamay & Sons Enterprise Ltd.

Insofar as part (c) of the question is concerned, works have been completed and the final taking over of the site has already been effected. However, I must inform the hon. Member that, being given that there were some snags, materials and debris lying on the football ground, my Ministry had referred the matter to the MPI which requested the District Contractor to take remedial action. This was of no avail in the first instance thus leading to a situation whereby the school community could not benefit from this amenity.

I must also say, Mr Speaker, Sir, that there had been lack of communication and coordination between my Ministry, the MPI and the Zone Directorate insofar as all these works that had to be taken care of are concerned. I am also aware that in 2009, hon. Mrs Juggoo, who, I think, was MP of the region, had communicated on few occasions to the Ministry to sort out these matters, but I am informed, and I wish to thank the hon. Member for the question, that the matter has been sorted out by the Ministry of Education and Human Resources and the MPI. I am also informed that the football ground is now ready for use and children have already started playing on it.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Minister, since he has confirmed that works had been completed and that the football ground has been handed over to his Ministry, whether the works that have been carried out are to the satisfaction of his Ministry?

Dr. Bunwaree: This is what I said at the end of the answer. In fact, I was shown some photographs taken this morning with children playing on the playground, but we will have to look at all the other aspects, whether everything is in order, of course.

Mr Lesjongard: Since the hon. Minister has stated that he has seen photographs showing the state of the football ground and he has also confirmed that the football ground has been handed over; can we know what recourse his Ministry will have now for the works to be done properly?

Dr. Bunwaree: There is no work to be done. The football ground is functioning properly now.

Mr Speaker: Next question! Hon. Seetaram!

(Interruptions)

I don't know why there is so much murmuring in the House! Can I know why?

SAINTE CROIX HEALTH CENTRE

(No. B/231) Mrs A. Perraud (Fourth Member for Port Louis North & Montagne Longue) asked the Minister of Health and Quality of Life whether, in regard to the Sainte Croix Health Centre, she will state if it is in a derelict state, that unhygienic conditions prevail thereat and that it is too small for the local community and, if so, indicate the remedial measures that will be taken, including if consideration will be given for the construction of a new Health Centre.

(Withdrawn)

MILLING SUGAR FACTORIES - EQUIPMENT

(No. B/232) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE) asked the Minister of Agro-Industry and Food Security whether, in regard to the milling sugar factories, he will state if it was the policy of his Ministry to give approval thereto for the acquisition of second hand equipment.

(Withdrawn)

TOWN & VILLAGE CENTRES - GARBAGE SORTED CONTAINERS

(No. B/233) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE) asked the Minister of Environment and Sustainable Development whether, in regard to garbage sorted containers, he will state if all the town and village centres have been provided therewith.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Speaker, Sir, with your permission, I shall reply to this question.

I am informed that only four out of the nine Local Authorities, namely, the Municipal Council of Quatre Bornes, the Municipal Council of Curepipe, the Municipal Council of Vacoas-Phoenix and the Black River District Council have centralised drop-off containers for the storage of recyclables, that is, plastic, paper and carton. In certain areas,

these drop-off containers have been placed also by NGOs with the permission of the Local Authorities. It is, however, to be noted that the supply and maintenance of drop-off containers is dependent on regular collection of the materials stored by recyclers and positive behaviour by the citizens.

Mr Speaker, Sir, it has been observed that, in a number of cases, the separate storage and collection of recyclables have failed as there were no regular collection and a negative attitude on the part of some citizens. I am fully aware that there is a need for a more aggressive sensitisation campaign to encourage a more positive behaviour on the part of the citizens.

My Ministry is in favour of the Local Authorities developing closer partnership with recyclers, NGOs and the public with a view to reducing the generation of waste and promoting recycling.

Mr Seetaram: Mr Speaker, Sir, concerning the garbage sorted containers mainly in villages; firstly, there is a lack of awareness and, secondly, there are tins, cans, bottles and plastic products together with batteries being thrown everywhere mainly in centres and this is due to, somehow, lack of garbage sorted containers. Can the Minister inform the House whether his Ministry can remedy the situation?

Mr Aimée: Mr Speaker, Sir, since mid last year, my Ministry, in collaboration with the Ministry of Environment, has started a campaign of sensitisation not only for the separate garbage, but also for the e-waste, electronic equipment and so on. I have a pamphlet for each Authority that I am going to table here to show that this has started very early last year.

Mr Bhagwan: Mr Speaker, these days it has become the habit of certain people to make money at any cost. Is the hon. Minister aware that *sous prétexte d'une campagne de séparation de garbage, certains ont fait fabriquer des poubelles à des prix extraordinaires - des milliers de roupies - et ils sont en train de faire fortune* on the back of taxpayers, including myself?

Mr Aimée: Mr Speaker, Sir, I think this question is irrelevant.

(Interruptions)

Mr Seetaram: Mr Speaker, Sir, I do commend the fact that the Ministry has, in fact, started with pamphlet campaigning, but will the Minister say whether his Ministry

would go at source, having grass roots campaigns, that is, to go house to house firstly, then in community centres, social centres and so on.

Mr Speaker: Yes! Carry on!

(Interruptions)

Mr Seetaram: Will the Minister say whether such campaigns have been started or will be started very soon, and how?

Mr Aimée: Mr Speaker, Sir, surely on my part regarding the Local Authorities, I have done my job, I have been all around the nine Local Authorities. Now if the hon. Member wants to go on a house-to-house basis, I wonder whether this is possible.

(Interruptions)

Mr Speaker: I can't hear the hon. Minister! Hon. Mrs Ribot!

(Interruptions)

We will come to you! Wait! Have patience!

Mrs Ribot: Mr Speaker, Sir, I would like to know from the hon. Minister whether he does not believe that this sensitisation campaign should start from schools and colleges so that students get good habits right from the start?

Mr Aimée: I will consider the proposal of the hon. Member and probably talk to the Heads of the schools.

(Interruptions)

Mr Speaker: Hon. Choonee, are you answering in the place of the hon. Minister!

Mr Ameer Meea: Thank you, Mr Speaker, Sir. The hon. Minister just stated that only four Authorities are concerned with this measure. Can I ask the hon. Minister what is the reason why the other Authorities - including the Municipality of Port Louis - are not concerned with these garbage sorted containers?

Mr Aimée: Mr Speaker, Sir, this initiative has been taken freely by NGOs, first of all. This does not emanate from the Local Authority itself, but we are monitoring it closely with the NGOs. Probably, in the future yes...

Mr Speaker: Next question, hon. Deerpalsing!

QUATRE BORNES - AVENUE TULIPES – WIDENING

(No. B/234) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the project for the widening of the Avenue Tulipes, in Quatre Bornes, he will state where matters stand.

Mr Bachoo: Mr Speaker, Sir, the project for the widening of Avenue Tulipes has been delayed because of the implementation of the Plaines Wilhems Sewerage Project and the challenge of the legality of the land acquisition by one owner.

(Interruptions)

Mr Speaker: Order! Order! Order hon. Bhagwan!

Mr Bachoo: Bids will be invited once the land acquisition issue is resolved.

Ms Deerpalsing: Thank you, Mr Speaker, Sir. May I ask the hon. Minister whether in the meantime - because the land acquisition is on the left-hand side, when you are going towards Sodnac - footpaths on the right-hand side could be started because of the difficulties those residents of Residence St. Jean have on a daily basis on that road?

Mr Bachoo: Mr Speaker, Sir, if we are going to put up footpaths then the road can become very narrow. It will be very difficult for a two-way traffic being given that it is a very important road. An out-of-court settlement regarding the land acquisition issue is on and I do hope that goodwill will prevail on the other side. Definitely we have to be very careful about it and once the settlement is over most probably we can move along with that project.

Ms Deerpalsing: Mr Speaker, Sir, can I ask the hon. Minister - I understand the compulsory acquisition - how long it is estimated to take and whether, in the meantime, the road could be restored a little bit?

Mr Bachoo: Mr Speaker, Sir, unfortunately we cannot move for Section 8 of the Land Acquisition Act because the matter is in the court. So, once it is decided in the court or if in case a settlement has been reached between the Valuation Office and the proprietors, then we can go ahead.

(Interruptions)

Mr Speaker: I suspend for one and a half hours!

At 12.58 p.m. the sitting was suspended.

On resuming at 2.31 p.m with the Deputy Speaker in the Chair

KHADAFI SQUARE, PLAINE VERTE - RENAMING

(No. B/235) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government and Outer Islands whether, in regard to the Khadafi Square, Plaine Verte, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given to its renaming to that of late Mr Mamad Elahee Square and, if so, when and, if not, why not.

Mr Aimée: Mr Deputy Speaker, Sir, the matter is being looked into.

GERIATRIC HOSPITAL - REPORTS

(No. B/236) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Health and Quality of Life whether, in regard to the Geriatric Hospital, she will state the recommendations of -

- (a) the first report of Professor J. P. E. to the late Dr. S., former Chief Medical Officer;
- (b) the recent report of the Professor J. P. E. to the Mauritius Institute of Health, indicating when the Professor first came to Mauritius and the reasons therefor, and
- (c) the Principal Medical Officer Report in relation thereto, dated February 2006, indicating if she will table copy of the reports.

(Withdrawn)

CHILDREN - FOSTER CARE PROGRAMME

(No. B/237) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Foster Care Programme, she will state the -

- (a) categories of children eligible therefor;

- (b) number of children presently placed in foster homes;
- (c) average length of stay in a foster home, and
- (d) procedures for the registration of foster parents.

Mrs Bappoo: Mr Deputy Speaker, Sir, the answer is as follows -

- (a) The Foster Care Programme gives the opportunity to children removed under a Court order and placed in institutions to evolve in a substitute family environment through placement in foster families;
- (b) At present, there are 48 children placed with 45 foster families and, by the end of this week, four additional children will be placed in another four foster families.

Moreover, ten new applications are being processed, and shortly some ten additional children will be identified for placement with the new applicants. Since January this year, the Foster Care Programme is being reinforced with a view to encouraging more Mauritian families to support children in distress, and to enlist themselves as prospective foster parents in a spirit of solidarity;

- (c) According to section 14(1) of the Child Protection (Foster Care) Regulations 2002, the registration of foster parents is valid for a period of two years. After the placement of a child in a foster family, follow-up is ensured by officers of my Ministry, and where it is found that the child is being well catered for by the foster parents, their registration may be renewed for further periods of two years until the child reaches the age of 18;
- (d) As regards to this part of the question, all information concerning the list of procedures for the registration of foster parents is being tabled.

Ms Anquetil: I thank the hon. Minister for her answer. Can the hon. Minister inform the House if a single parent can become a foster parent?

Mrs Bappoo: Yes, Mr Deputy Speaker, Sir.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether a psychosocial inquiry is being carried out on the foster family or the foster parent and, if so, by whom?

Mrs Bappoo: There is, Mr Deputy Speaker, Sir, an Advisory Committee which has been set up under the law. The members of this Advisory Committee are the ones who study the applications received and do the matching parents and the particular child, and monitoring is done by the officers at regular basis.

Mr Seetaram: Mr Deputy Speaker, Sir, can the hon. Minister inform the House what is the criteria needed for an individual to become a foster parent?

Mrs Bappoo: This is, Mr Deputy Speaker, part (d) of the question which has been tabled.

Mr Seetaram: By criteria, I mean what they require. Is it a qualification or should they have a certificate of morality?

Mrs Bappoo: It is included in it. The hon. Member should just read the paper that has been tabled; there is a list of criteria.

Mrs Labelle: Mr Deputy Speaker, Sir, I don't think I have heard the hon. Minister stating that there is a psychosocial inquiry. True it is there is a committee that evaluates, but it is not psychosocial inquiry. May I ask the hon. Minister whether a psychosocial inquiry will be introduced before accepting a couple or a parent to be foster parents?

Mrs Bappoo: That particular child, Mr Deputy Speaker, Sir, is a child that has upon his shoulder a Court order, which means the psychosocial inquiry of that particular child is already something which is on, but through the Advisory Committee that is going to analyse the request for the foster child, again this is an issue which is being taken care of.

The Deputy Speaker: I understand the hon. Member was asking for the foster parents and not the child.

Mrs Bappoo: Yes, both. There are parents who make their request, but are being turned down.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether the financial background of those foster parents are taken into consideration.

Mrs Bappoo: Yes, it is taken into consideration. I am also informed that a monthly allowance of Rs1,500 is given to these parents just to cater for the welfare of these children.

Mrs Navarre-Marie: Mr Deputy Speaker, Sir, may I know from the hon. Minister the number of children who have been able to reintegrate their biological families after having spent some period in foster care since the introduction of the concept?

Mrs Bappoo: I don't think I have the total number of these children. I know that, since 2002 - Mrs Navarre-Marie was the Minister at that time - up to date, there have been 89 children in foster families, and some 23 of these children reinstated back to their families.

MANUFACTURING & TEXTILE ENTERPRISES - CLOSING DOWN

(No. B/238) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the closing down of companies in the manufacturing and textile sector, he will state the number -

- (a) thereof, since 2004 to date, and
- (b) of employees who were laid off, indicating the number of cases
 - (i) referred by the employees or their representatives to the Industrial Court, and
 - (ii) in which a court ruling has been issued.

Mr Mohamed: Mr Deputy Speaker, Sir, according to the Central Statistics Office, the number of manufacturing and textile enterprises which have closed down, the number of jobs lost as a result thereof and the number of new jobs created in all sectors since 2004 are as follows -

Period	No. of Factories closed down	No. of Job Losses
2004	18	9,414
2005	54	7,651
2006	113	3,214
2007	76	1,668
2008	51	3,762
2009	23	1,011

2010	7	459
2011	4	262

Upon receiving complaints from the workers for period 2004 to date, my Ministry has referred 41 cases. By cases, we do not mean 41 cases for 41 employees. By cases, we mean groups of industries having closed down, and 41 of those issues have been referred to the Industrial Court.

Out of the 41 cases, judgement has been delivered in favour of workers in 39 of them. The two remaining issues are still pending before the Industrial Court.

As far as job creation in all sectors: in 2004 it is 6,499; in 2005: 8,994; in 2006: 5,563, in 2007: 5,561; in 2008: 5,096; in 2009: 4,635; in 2010: 2,087. For year 2011 we do not have the figures, but between 2004 and 2010 - 2011 not included - 38,435 jobs have been created.

Mr Seeruttun: Mr Deputy Speaker Sir, as we all know when people lose their job it is quite a hardship on them. From what I have heard there are a few cases where we had recourse to Court and there has been a judgement. Can the Minister inform the House how many cases are still outstanding in terms of compensation which is still not yet paid to those employees? Is the hon. Minister aware of that?

Mr Mohamed: As far as the outstanding cases are concerned, as I have explained, Mr Deputy Speaker, Sir, out of the 40 or so cases, only two of them are outstanding before the Industrial Court. They will no longer be outstanding as the Industrial Court will be dealing with them as soon as they are ready before it. There are no other outstanding cases and I can also reassure the hon. Member, Mr Deputy Speaker, Sir, that we have taken all measures ever since last year to make sure that when cases go before the Industrial Court not only that it is dealt with fast to get there, but our officers are receiving training regularly to make sure that they can identify matters that can go for some sort of arbitration prior to the case being heard and can be settled before the case being heard on the merits. Otherwise, all cases are being dealt with quite diligently following the measures that we have undertaken.

Mr Uteem: Mr Deputy Speaker, Sir, out of the figures that the Minister provided for job losses and new job creation, may we know how many relate to Mauritians and how many relate to foreigners?

Mr Mohamed: In actual fact, all the figures that I have referred to relate to Mauritians. As you will realise, when we create jobs, we give priority to Mauritians and those figures relate to Mauritians, jobs creation for our local citizens.

Mr Seeruttun: Mr Deputy Speaker, Sir, I will come back to that previous question. I know that the rulings are out in quite an expeditious way, but when it comes to payment of compensation, very often employers do take a long time and I know cases where some employees that were laid off quite some time back are still awaiting for the compensation although the Court has ruled in their favour. Can I ask the hon. Minister whether his officers do follow these employees to ensure that the employers do eventually pay the compensation due to these employees?

Mr Mohamed: It is an interesting question and Mr Deputy Speaker, Sir, I will try to explain how it works. Very often, for cases where factories have closed down, most of the time those factories are wound up. There is a situation where there is a liquidator there or it is winding up and it ends up before the Industrial Court and yes, there are situations whereby some employees are waiting for the judgement that they have obtained to be turned into reality, i.e, receiving the money in their hands that the judgement makes reference to. Very often, what they have to do is go by what Statutes provide. Once upon a time we had the old Bankruptcy Law and now we have the Insolvency Act. So, when my officers accompany those employees, they not only refer the matter to the Industrial Court, but they also accompany them all the way through and even if it means going to the Supreme Court to obtain redress after the judgement has not been complied with. We do that as well. Let me also add - since it is an opportunity to announce it - that, at the level of my Ministry, we are recruiting five lawyers, barristers and one solicitor in order to be able to help the prosecutors at the Industrial Court and also to have a right of audience before the Supreme Court which was not possible for prosecutors. This is how we are going to give them additional help to recoup the money that is owed to them and if employers or receivers are taking time to pay up, but we have to comply with what the provisions of the law are, whatever statutes are relevant.

The Deputy Speaker: Yes, a last one.

Mr Seeruttun: Mr Deputy Speaker, Sir, the hon. Minister has given the record of job losses during the period 2004 up to now. Can he inform the House whether, prior to 2004, the trend was on the upside or on the downside?

Mr Mohamed: As far as the trend is concerned, let's say that between 2001 and 2005, 57,593 jobs were lost. Since the hon. Member has made reference to what the situation was before - the 2004 figure which he asked in his question - when 57,593 jobs were lost between 2001 and 2005 the difference is that there was no workfare programme then. At least now when there are job losses, we can refer them to the workfare programme and that is the difference.

Mr Li Kwong Wing: With regard to the closing down of the textile factories, could the hon. Minister inform us how many of these textile factories benefited from the Stimulus Package fund and still closed down with job losses?

Mr Mohamed: In fact, I would have been happy had this question been asked for. What I suggest, Mr Deputy Speaker, Sir, is that notice be given and I will gladly give the answer.

SUGAR SECTOR REFORM - IMPLEMENTATION

(No. B/239) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Agro-Industry and Food Security whether, in regard to the sugar sector reform, he will state where matters stand, particularly in relation to the service providing institutions, including when the reforms will be implemented.

Mr Faugoo: Mr Deputy Speaker, Sir, the sugar industry has, over the years, played a pivotal role in supporting the development of the national economy and social fabric of the country. Simultaneously, it has also been subjected to stringent threats and challenges and, to overcome them, reform in the sugar industry has been an ongoing process.

However, with the reform of EU sugar regime, the dismantling of the sugar protocol and in particular the 36% cut in the price of sugar exported to the EU posed an unprecedented blow and challenge to the sugar industry never faced before. This necessitated a deep and broad reform process through the adoption and implementation of the Multi Annual Adaptation Strategy Action Plan. The main pillars of the reform is to ensure that the sector remains competitive and viable, and continues to fulfil its

multifunctional role and operate in a cluster mode. The challenges of the Sugar Industry have further worsened with the Euro crisis.

There are, in fact, Mr Deputy Speaker, Sir, six cess-financed institutions which include the Mauritius Sugar Authority, the Mauritius Sugar Terminal Corporation (Bulk Sugar Terminal), the Mauritius Sugar Industry Research Institute, the Farmers Service Corporation, the Sugar Planters' Mechanical Pool Corporation and the Cane Planters' and Millers' Arbitration and Control Board. Recently, Government has decided to include the Mauritius Sugar Syndicate as one of the institutions that needs to be reformed.

In this context, the reform of the cess funded institutions is considered as an important component of the MAAS given that the amount of cess funding for the operations of those funded institutions weighs heavily on the revenue of planters.

The amount financed under Cess for the various institutions aggregated into the Global Cess for the crop year 2010 stands around Rs530 m., that is, Rs1,171 per tonne of sugar based on a production of 452,000 tonnes of sugar. The objective is to substantially reduce the Global Cess over a period of two years so that it does not exceed 4 percent as from crop 2011 of the ex-MSS sugar price which, at present, stands at around 9 percent (based on the estimated sugar price of Rs3,500 per *tonne* for crop 2010).

Mr Deputy Speaker, Sir, I wish to inform the House that Government had, in its policy measures "Facing the EURO Zone Crisis & Restructuring for long term resilience" and in the Budget Speech 2011, agreed that the Global Cess will be substantially reduced, and the setting up of a Joint Committee as recommended by the ERCP.

The Joint Committee set up under the ERCP is co-chaired by my Ministry and the Mauritius Chamber of Agriculture and is currently working on the Restructuring of Cess funded Institutions since late last year.

Mr Deputy Speaker, Sir, furthermore, I wish to inform the House that, following consultations with the EU, the reduction of cess has recently been incorporated as one of the Key Performance Indicators (KPI) under the Accompanying Measures for the Sugar Protocol (AMSP II), which involves the disbursement of around Rs2.5 billion under the General Budget Support Programme.

The implementation of Cess reduction as a Key Performance Indicator as agreed by Government entails the following –

- (a) the global cess for the 2011 crop (for the period July 2011-June 2012) should not exceed Rs287 m.;
- (b) cess-financed Service Providing Institutions (SPIs) be restructured until 31 March next year to adapt to the new situation, and
- (c) the decision to restructure the 6 SPIs so that their reliance on the global cess does not exceed Rs287 m. should be approved by Government by 30 June this year.

Mr Deputy Speaker, Sir, I wish to inform the House that Mauritius has so far achieved all the KPIs set under the MAAS for the disbursement of funds under the accompanying measures. I wish to add that the Sugar Sector Reform undertaken by Mauritius is referred to as a model by the European Union for the ACP countries. As regards reform of the cess funded institutions, Mr Deputy Speaker, Sir, this being now a key performance indicator is a national challenge and needs the support of one and all, for us to be able to achieve the target set and for Mauritius to secure disbursement under AMSP II.

Mr Seeruttun: Mr Deputy Speaker, Sir, major reforms in the sugar sector dates back to 2001 and nearly 11 years have gone by. Could the hon. Minister inform the House how many reports have come out with regard to cess reduction in these times and what has been implemented so far? As he has just mentioned there is a KPI which is quite important with regard to the EU regime, how does he intend to make sure that this deadline be met given that we are only a few months to end of June 2011?

Mr Faugoo: Mr Deputy Speaker, Sir, reduction and rationalisation of global cess and also the reorientation of all the SPIs is a longstanding issue. As rightly pointed out by the hon. Member, there have been so many reports since long years, starting from the study of merger of the FSC (Farmers Service Corporation) and the MPMPC, a study which was done by DCDM and also followed by the implementation report which was done by hon. Mrs Hanoomanjee, who was then serving the Ministry of Agro-Industry as Permanent Secretary. She came up with a report in July of 2000. We also have the Sugar Sector Strategic Plan of 2001-2005, in fact, which recommended the setting up of a Task Force. The Task Force, itself, was set up in 2003 which came up with a report in 2005 when the life of the strategic plan was over. We also had the accelerated Action Plan 2005 followed by MAAS and then we have the ERCP. I must confess to the House, Mr Deputy

Speaker, Sir, that the re-engineering or reorientation of the SPIs is a very complex and sensitive issue. There is a lot of issues which are involved, starting from compensation to redeployment, closures, mergers between the different institutions and also the legal implications. There are so many Acts, Statutes which are involved. On top of these, there are pension issues.

So, there is a lot of complicated issues which have to be studied. This is why I guess it has taken so long with so many studies, so many reports! As I have said in my main answer, now that it has become a KPI where the disbursements under the accompanying measures for the general budget support depend on this essentially. So, we are duty-bound somehow; not only the Government, but all the stakeholders, the people of this country, the employees, the employers, all of them have a duty to see to it that this restructuring of the SPIs is done within a time frame and the target set is that Government has to endorse the plan by 30 June this year and also the implementation has to be followed. We have been given until 31 March 2012. I hope that this is going to be done in a conducive manner and in the interest of one and all, Mr Deputy Speaker, Sir.

Mr Seeruttun: Mr Deputy Speaker, Sir, I would like to know whether the six institutions that are funded by the cess are fully aware of the situation that a reduction is nearby. I would like to know whether the hon. Minister is aware that some of the institutions are still operating as if business is as usual. They are creating new posts and recruiting new people; so, how do we equate those two situations?

Mr Faugoo: I think it would be better if the hon. Member could come with a specific question on a specific SPI. To my knowledge, I am not aware of recruitment being done in the six SPIs. There is an increase in the budget of some of the SPIs due to salary revision and benefits being given according to the law and regulations, Mr Deputy Speaker, Sir.

On the second limb, I must say that they have been made aware because the committee which is working on this has consulted the Heads of the SPIs. So, they are working in consultation with the SPIs, Mr Deputy Speaker, Sir.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, we have heard of so many reports that have been written. Can we know if there is any deadline for the Joint Committee on the restructuration of cess-financed institutions to submit their final recommendations?

Mr Faugoo: I mentioned earlier that deadline is for the Government to endorse the report of the committee. Now, the committee has to submit the report before 30 June. I have impressed upon the committee. I have met the members of the committee; I have met both chairpersons of the committee. I have impressed upon them that they have to submit the report as soon as they can. I must say that, within a week or two, they must be coming up with the report.

RIVIÈRE LATANIERS - SQUATTERS

(No. B/240) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Housing and Lands whether, in regard to the Rivière Lataniers, he will state if a survey of the families squatting on the banks thereof has been carried out and, if so, indicate -

- (a) the outcome thereof, and
- (b) if service plots have already been allocated thereto and, if not, why not.

Dr. Kasenally: Mr Deputy Speaker, Sir, there are 39 families who were originally occupying State land on the banks of Rivière Lataniers. Following reports of risks of flooding, another site at Karo-Kalytis, Batterie Cassée, Roche Bois has been identified for their relocation. A drawing of lots exercise was carried out on 29 April 2008 where 21 families out of the 39 were present. According to records, all the 39 families are of low income group and therefore have very low repayment capacity to either rent a house or acquire a Firinga type housing unit.

The most recent survey carried out on site last month indicates that only 18 families are still occupying the site at Rivière Lataniers and have constructed CIS structures thereon. The remaining ones having reportedly moved out and are staying at their relative's place. The CIS units are not connected to electricity and water supply.

In regard to part (b) of the question, the planning layout for the site at Karo-Kalytis, Batterie Cassée, Roche Bois has been completed and the families concerned are being advised to liaise with the Ministry of Social Integration and Economic Empowerment for any assistance that they may be eligible for the construction of their houses and for provision of infrastructure.

Actually, I met the *Force Vives* of these people and explained to them the danger they were facing in the presence of representatives of the National Empowerment Fund and they have all agreed to move.

Mr Lesjongard: Mr Deputy Speaker, Sir, the hon. Minister has stated that those families are without electricity and this has been the case since 2006. There has been a reply by the Deputy Prime Minister, himself, in the House saying that, on humanitarian grounds, they are going to consider supplying those families with electricity. The Vice-Prime Minister and Minister responsible for Social Integration has been there last Christmas and promised them that they were going to have electricity. Will the hon. Minister consider, on humanitarian grounds, allowing those people to have access to electricity before the coming Easter festival?

Dr. Kasenally: Mr Deputy Speaker, Sir, in fact, these people were asked to move and they were agreeable to move, but unfortunately, they were encouraged not to move because there was a rumour that they were being displaced for other people to come back. I don't know what went through the head of these people, but I explained to them that there was a real risk of flooding. I don't think it is practical to give them electricity now, it will create a problem. Instead we are concentrating all efforts to move them out as fast as possible and give them all the infrastructure possible at Batterie Cassée.

Mr Lesjongard: In the same vein, Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he can confirm that there are other families nearer to the bank of Rivière Lataniers where their situations have been regularised and they have electricity supply. Why this case of *deux poids deux mesures pour ces différentes familles qui sont là-bas*?

Dr. Kasenally: Mr Deputy Speaker, Sir, there is no *deux poids deux mesures*. Those people, who have been moved, have been moved in secured areas where they are far away from flooding areas. That is why they were given electricity and water supply.

Mr Lesjongard: Mr Deputy Speaker, Sir, can the hon. Minister confirm whether some families nearer to the bank of that river were supplied with electricity on the eve of the general election of 2010?

The Deputy Speaker: I understand they had been in some secured places and that is what the hon. Minister answered.

PRIMARY SCHOOLS - ICT TEACHERS

(No. B/241) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Education and Human Resources whether, in regard to the ICT primary school teachers, he will state -

- (a) the number thereof;
- (b) their qualifications, and
- (c) their status.

Dr. Bunwaree: Mr Deputy Speaker, Sir, the details sought regarding parts (a) and (b) of the question are as follows -

- (a) As at date there are 176 ICT Teachers employed in Primary Schools.
- (b) Their qualifications in general are: Cambridge School Certificate
Cambridge Higher School Certificate
Certificate of Proficiency in ICT

With regard to part (c), the ICT Teachers are employed on a contract basis with a flat salary of Rs10,950 per month. Their current contract has been extended up to 31 December 2011.

The ICT Teachers have been recruited on contract basis since 2002. Their contracts have been renewed on annual basis. With the phasing-out of Information Communication Technology (ICT) as a teaching subject, a policy decision was sought from Government in line with the recommendation of the Pay Research Bureau (PRB) for the creation of a new post of ICT Support Officer to absorb all ICT Teachers.

I am informed that, in a letter dated 21 March 2011, the Ministry of Civil Service and Administrative Reforms has advised that the issue of regularisation of the situation of ICT teachers had been referred to the High Powered Committee (HPC) under the chairmanship of the Secretary to Cabinet. The matter will be considered at the next meeting of the Committee.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister if he is aware that some schools, for example, Belle Mare Government School and Caroline Government School, do not have any ICT teachers at all since the number of ICT teachers has dropped drastically for the past few years?

Dr. Bunwaree: The whole question of teaching of ICT is *en pleine effervescence*, *je dois dire*, because we have so many projects insofar as ICT is concerned. I have given the explanation concerning this question and I will look into the specific case of these schools.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister if he finds it correct that those ICT teachers, after nine years of continuous service, are still employed on a temporary basis and do not benefit from the facilities as all other civil servants contrary to the PRB recommendations of 2008?

The Deputy Speaker: This has been answered. The High Powered Committee is looking into it.

Dr. Bunwaree: If I may add, Mr Deputy Speaker, Sir, I have done all my best for them to be regularised and the main difficulty is that when they were taken on employment for the first time, there were teachers who did not have HSC and in the meantime, the report of the PRB has come out *où c'est devenu une obligation*. This has created some problems. We know how the Civil Service is. I agree with the hon. Member that, on humanitarian grounds, something has to be done and I have done it. The last resort is the High Powered Committee. I can't pre-empt what is going to happen, but, according to how things go, I am almost sure that it is going to be settled there.

Mrs Labelle: Mr Deputy Speaker, Sir, in 2006, in reply to a PQ regarding ICT teachers, the then hon. Minister of Education stated, allow me to quote -

“A joint committee comprising the MIE and the Central Informatics Bureau, among others to map out the future IT strategy for primary schools, is being set up.”

We were also told that the decisions of the Ministry will be governed by the recommendations of that committee. May I ask the hon. Minister whether he can inform the House about this committee and what were its recommendations regarding the ICT teachers?

Dr. Bunwaree: So many things have happened since that date! In fact, I have been informing the population as a whole of the various steps that have been taken and we are, as I have just mentioned, *en pleine effervescence* insofar as IT projects for schools are

concerned. If a proper question is put as to what is being done and what has been done, I will certainly reply.

Mrs Labelle: Mr Deputy Speaker, Sir, I have heard the hon. Minister say that *on est en pleine effervescence mais je suis tentée de dire une effervescence qui dure un peu longtemps* because during the past six years, we have been coming with regular questions on ICT teachers. The ICT teachers were first offered a contract of four years then renewed for two years not on a yearly basis and these persons have been drawing the same basic salary up to now. May I know from the hon. Minister whether this is the reason why initially there were 263 ICT teachers who were teaching in our schools in 2002 and now we have come up with what the hon. Minister has said, that is, 176? We have a serious problem. Can the hon. Minister explain how we are coping with the project of ICT when the number of teachers has decreased so drastically?

Dr. Bunwaree: This is a specific question. The number has decreased for this one, but it has certainly increased elsewhere because we have so many projects and so many things being done in ICT.

(Interruptions)

The Deputy Speaker: Order!

Dr. Bunwaree: If I have well understood - I hope I have well understood - some people do not qualify to be employed. At start, they did qualify. In the course of time, they happened to be disqualified. Would the hon. Member like us to throw them out? Of course, not! Let me do what has to be done for them!

SCHOOLS – ENHANCEMENT PROGRAMME - STANDARDS III AND IV

(No. B/242) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Education and Human Resources whether, in regard to the Enhancement Programme for Standards III and IV respectively, he will state the number of resource persons available in each school in relation thereto and -

- (a) indicate the respective qualification requirements therefor, and
- (b) list out the activities that are carried out.

Dr. Bunwaree: Mr Deputy Speaker Sir, following the successful implementation of the Enhancement Programme (EP) for pupils of Standard IV last year and in a view of the tangible benefits derived from participation, the programme has been extended to cover pupils of Standard III as from February 2011. It has received widespread parental support and currently about 80% of pupils of Standards III and IV are participating. I wish to add that the programme focuses on a differentiated pedagogy and also includes co and extracurricular activities which are being serviced by Resource Persons.

On an average, there are two Resource Persons servicing each school for different activities. Normally, a school offers about three activities per week.

With regard to part (a), Resource Persons who were enlisted for Enhancement Programme fall broadly under two categories -

- (i) Educators in the Primary Sector who had expressed interest in assisting in extracurricular activities: the qualifications of the Educators (Primary) are School Certificate, Higher School Certificate and Teacher's Diploma. They have also received their training from the MIE.
- (ii) Non-teaching persons who have expertise and experience in the different specialist fields.

As regards part (b), the activities carried out are: drama, poem, sports, music (Oriental and Western) including flute playing, the Arts, SLAM and dance. Students with best performances in the respective activities are rewarded both on a regional and a national basis and prizes are offered to them.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister if he is aware that, in a few schools, teachers just carry on with academic teaching.

Dr. Bunwaree: This could be a tendency, I do not say no, in some schools, but, we try to remedy to the situation as soon as possible. If there are specific cases, please let me know, but this is not the reason. There is a question of *dosage*, I think that it is about two thirds extracurricular and one third curricular or half-half.

Mrs Ribot: I would like to ask the hon. Minister about the components of the training of the educators in the primary sector who are in charge of the Enhancement Programme.

Dr. Bunwaree: As I said, we are talking of resource persons, I suppose, because there are educators who are in charge of the academic part, they continue, but for the other

extracurricular, they are either educators who are trained in that; who have got the experience or there are specific people who come as resource persons.

Mrs Labelle: Mr Deputy Speaker, Sir, the hon. Minister mentioned the successful year of the Enhancement Programme. May I know from the hon. Minister the criteria used to qualify the Enhancement Programme as successful?

Dr. Bunwaree: There is a work which is being done at the level of the Ministry; one thing is the public appreciation for it, which is well known. This is one thing of course, it has to be more scientific as the hon. lady is trying to make us understand, and I agree with that. There is a work which is being done. It is a full assessment of the program and I can say that there are inspectors who are involved in the programme, not only teachers, educators and resource persons, but there are headmasters and inspectors who are being paid for that work to be done. The assessment is going on. I am waiting for a detailed assessment as soon as possible.

Mr François: Mr Deputy Speaker, Sir, is the hon. Minister aware that in Rodrigues the choices are limited and schools are imposing choices that the children are not even interested in? My own son, in Standard III, wanted to do music, but the school proposed only one flute! This obliged the schools to drop music and choose SLAM which is not in the interest of all children. Without any discredit, I question the qualifications of those delivering courses in SLAM. Will the hon. Minister look into that matter, especially for musical equipment?

Dr. Bunwaree: This is a very pertinent question, in fact, for Rodrigues. We thought about the weaknesses before the programme started, but we did start it and I am happy that the hon. Member is already appreciating the work that is being done. There are flaws, of course, and we have sent people for training trainees there in the first instance this year. We are going to continue on that trend and as the adage goes: something is better than nothing.

The Deputy Speaker: Last question, hon. Mrs Ribot.

Mrs Ribot: Mr Deputy Speaker, Sir, the hon. Minister talked about the assessment of what the students have acquired during those two years of Enhancement Programme. Can we know the time frame of that assessment and are we going to be made aware of its outcome?

Dr. Bunwaree: Definitely yes, but I will urge the hon. Member to think a bit for herself. How do we assess if the children are doing well in drama? We have to go and

watch them. This is the best assessment that we can make. So, I will invite her to follow what is happening in schools.

RODRIGUES – HOUSING UNITS - SALE BY LEVY

(No. B/243) Mr J. F. François (Third Member for Rodrigues) asked the Attorney General whether, in regard to the sale by levy of seized housing units and land in Rodrigues, he will, for the benefit of the house, obtain information as to –

- (a) the number thereof over the past five years;
- (b) the number of applications thereof pending, and
- (c) if Government proposes to amend the legislation to allow sale of property/land in Rodrigues and, if not, why not.

Mr Varma: Mr Deputy Speaker, Sir, as regards part (a) of the question, I have been informed by the acting Deputy Master & Registrar that there have been...

(Interruptions)

The Deputy Speaker: Order!

Mr Varma: ... some cases where housing units and/or land have been seized in Rodrigues over the past five years...

(Interruptions)

The Deputy Speaker: Hon. Mrs Labelle, please!

Mr Varma: I am tabling a list of the twelve cases as submitted by the acting Deputy Master & Registrar.

As regards part (b) of the question, I have been informed by the acting Deputy Master & Registrar that, out of the twelve cases referred to in the previous paragraph, nine cases have been disposed of so that there are only three applications pending.

As regards part (c) of the question, as the hon. Member would be aware, the Rodrigues Regional Assembly is responsible under the Fourth Schedule for the formulation and implementation of policy in respect of, *inter alia*, State lands in Rodrigues. I am, therefore, not in a position to provide information with regard to the query at part (c) of the question.

Mr François: My question about the sale of property is not only related to State lands, it is on both State and private lands. It is not a question of whether it is the policy of the Regional Assembly. What happened is: basically, there are people who have their properties seized in Rodrigues which are sold here in Mauritius and in Rodrigues, we do not have the opportunity as we have to pay an air ticket or travel by ship to come here. That is why I am asking whether we can make a certain arrangement that sales are done in Rodrigues by the Rodrigues Court or whatever.

Mr Varma: Mr Deputy Speaker, Sir, this question has not been put. The question is precise, the number thereof over the past five years and I have replied to that, the number of applications thereof pending, I have replied to that and I have also informed the House why I cannot reply to part (c) of the question.

(Interruptions)

I have not replied about State land, Mr Deputy Speaker, Sir. I have said that there are twelve cases which have been dealt with and nine cases have been disposed of. I have said why I cannot reply to part (c).

(Interruptions)

Mr Bérenger: Mr Deputy Speaker, Sir, it is not State land we talking about. I mean if the hon. Minister is not shocked, I was not aware of that. There is a mafia here in Mauritius, we all know. Land is seized in Rodrigues and sold here with these owners from Rodrigues not standing any chance.

Mr Varma: Mr Deputy Speaker, Sir, the question is whether the Government proposes to amend the legislation to allow sale of property/land in Rodrigues and, if not, why not. Mr Deputy Speaker, Sir, the Attorney General is not a policy maker in this matter. I can reply to information which is provided to me, Mr Deputy Speaker, Sir, and not more. I do not make policy.

Mr Bérenger: We are not asking you to make policy. We are saying that if the law needs to be amended for the property to be sold before the courts in Rodrigues and not here. If there is need to amend the law, we will amend it. I think that the Minister should have a fresh look at it. I am sure that he will find it, when he cools down, it is shocking!

Mr Varma: The point is noted, Mr Deputy Speaker, Sir. I will look into the matter.

STATE TRADING CORPORATION - HEDGING LOSSES

(No. B/244) **Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Minister of Industry and Commerce whether, in regard to the hedging losses incurred by the State Trading Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) the amount thereof, and
- (b) if the amount has been fully paid and, if so, indicate the -
 - (i) date of last payment thereof, and
 - (ii) reasons why a contribution is still being charged for hedging losses in the price of petroleum products, indicating if same should not be stopped with immediate effect.

Mr Soodhun: Mr Deputy Speaker, Sir, I am informed that in regard to -

- (a) the hedging losses incurred by STC amounted to Rs4.7 billion, and
- (b) that amount has been fully paid.

With regard to part (b)(i), the last payment was effected in July 2009.

With regard to part (b)(ii), in order to honour its commitment, the STC resorted to overdrafts and lines of credit which are still being refunded. To this effect, as at date, a total amount of Rs3.5 billion has been charged in the price structures of Mogas and Gas Oil leaving a balance of Rs1.2 billion.

Mr Bérenger: This hedging thing was awful. I think I have heard the hon. Minister say: to finance this awful hedging debt that turns sour, we have had recourse to overdrafts. Can I know an overdraft of how much and from which bank?

Mr Soodhun: Yes, Mr Deputy Speaker, Sir, for the overdraft it is the SBI (Mauritius) Ltd, Standard Bank Mauritius Ltd, SBM Ltd, Barclays PLC and MPCB Ltd.

Mr Bérenger: Can we know the rate of interest of the overdrafts as we all know that it is always tougher than elsewhere?

Mr Soodhun: Mr Deputy Speaker, Sir, I don't have the information in hand; I will circulate it as soon as I get it.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, this is a clear case of incompetence because we are asking...

(Interruptions)

The Deputy Speaker: Put your question! No comments please!

Mr Li Kwong Wing: We have a contribution that is being charged on the price per litre of petroleum products when the hedging losses have already been fully paid for. So, why is there a charge for contribution to hedging losses in the computation of the price of petroleum products?

Mr Soodhun: Mr Deputy Speaker, Sir, I have answered this question. I have said that we have already paid. We have taken a loan to pay this amount. In fact, we have both the loan and overdraft.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, could the hon. Minister confirm that he is not compounding the initial mess by a further mess because there is already a contribution that is being charged for the administrative and financial expenses of STC. Why is there a further charge for contributing to the hedging loss which has already been paid for? This is totally uncalled for and we therefore ask the hon. Minister to remove that contribution that is being charged unnecessarily.

Mr Soodhun: Mr Deputy Speaker, Sir, it is a matter of policy. We can't add to VAT; the people are not using Mogas and Gas Oil and now, are we going to introduce a new tax just to recover the hedging losses.

(Interruptions)

It is impossible.

Mr Li Kwong Wing: Can the hon. Minister confirm to the House whether any feasibility study has been carried out to decide on whether overdrafts should be taken to pay for a hedging loss that has already been fully paid?

Mr Soodhun: Mr Deputy Speaker, Sir, as I have already answered, it has already been decided. A policy decision has been taken just to recover.

Mr Li Kwong Wing: This is a decision that is taken by the STC which has already fully paid up the hedging loss and now there is an additional overdraft that is being paid

with high compounding interest rate to pay for a mess that has already turned sour as the hon. Leader of the Opposition said.

Mr Soodhun: Mr Deputy Speaker, Sir, I think that the hon. Member does not understand that we have already ...

(Interruptions)

The Deputy Speaker: Please don't make comments!

Mr Soodhun: ... paid by Rs3.7 billion and the remaining is Rs1.2 m. which is still to be paid.

Mr Bérenger: Mr Deputy Speaker, Sir, it is incredible that the hon. Minister cannot give us the terms of these overdrafts and the interests. He can't even do that. Can I ask the hon. Minister who took the decision to cover up this hedging mess by resorting to overdrafts? Was it the STC or was it Government?

Mr Soodhun: Mr Deputy Speaker, Sir, it is the policy decision that has been taken at that time to recover the fund. As I mentioned, we had borrowed money from the bank and then, on top of that, the STC had recourse to short term facilities on an *ad hoc* basis with the following bank. This is what we have done.

Mr Ameer Meea: Mr Deputy Speaker, Sir, since the hon. Minister informs us that an overdraft has been taken to finance the hedging loss, can I ask him what is the total finance cost of this overdraft?

Mr Soodhun: Mr Deputy Speaker, Sir, I don't have the details. In fact, if the hon. Member puts a substantive question, I will answer.

Mr Seeruttun: Mr Deputy Speaker, Sir, from the reply that I got from the hon. Minister, it looks like the losses are being financed by loans to recoup the deficit, is that right? Can I know from the hon. Minister what is the term attached to the loan? Given that we have reduced the price of petrol and diesel recently - because we intended to give some *soulagement* to the population - does it mean that we are going to extend the period of the loan to recoup the losses?

Mr Soodhun: Mr Deputy Speaker, Sir, as the House is aware, I cannot presently give a time frame when the total outstanding amount of Rs1.2 billion will be totally recovered. The House is aware that, on 29 March 2011, the Vice-Prime Minister, Minister

of Finance announced the adjustment in the hedging recovery as a temporary measure to alleviate the pressure as mentioned by the hon. Member. We expect the appropriate adjustment to be made in the recovery of hedging loss when all prices on the international market are more favourable.

Mr Uteem: Mr Deputy Speaker, Sir, this question of hedging has been discussed in this House on a number of occasions and we are still not aware who is responsible for the loss. Can I urge the hon. Minister to tell us what action has his Ministry taken or will his Ministry take to bring to task those people who are responsible for this whole mess?

Mr Soodhun: Mr Deputy Speaker, Sir, nobody is against hedging. We should not forget that hedging had started when the hon. Leader of the Opposition was the Prime Minister in 2004. This is the history.

(Interruptions)

The Deputy Speaker: Order! Order please!

(Interruptions)

Order! Order!

Mr Bérenger: Can I ask the hon. Minister whether he can make the difference between a hedging exercise which allows somebody to save money and a hedging exercise that loses Rs4.7 billion?

(Interruptions)

Mr Soodhun: It depends on the situation. Nobody is against hedging, but it depends. What is the advantage of taking the hedging? Everybody would be happy. Hedging is hedging.

The Deputy Speaker: I ask all the hon. Members to tone down please! Hon. Bhagwan!

Mr Bhagwan: Will the hon. Minister agree that he is using a double language? When he was sitting here in the Opposition...

(Interruptions)

The Deputy Speaker: Please put your question!

Mr Bhagwan: ...he was challenging the then Minister and he was going to take to task all those who were involved in the hedging losses ...

The Deputy Speaker: Hon. Bhagwan, what is your question? Yes, hon. Ameer Meea!

(Interruptions)

The Deputy Speaker: Order!

Mr Ameer Meea: Thank you, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Yes, please!

(Interruptions)

Hon. Members, please! I'll allow one last question from hon. Ameer Meea.

Mr Ameer Meea: Since several banks have been involved in this transaction, can we know what is the split among the banks for the overdraft that has been taken, and on what terms are the interest rates?

(Interruptions)

The Deputy Speaker: Please! Hon. Ameer Meea! I understand that the hon. Minister stated that, so far as the loan is concerned, he needs notice. He could not state even the interest rate and I think that the hon. Member should come with a specific question.

Mr Bérenger: The Minister can't give us the interest rates on overdrafts - not loans; you mentioned loans only. With regard to overdrafts, I asked who took that policy decision whether it was the STC or the Government. I think we are entitled to ask who chose the banks and the spread amongst the banks. Was it done at the STC or was it a Government policy decision?

Mr Soodhun: It was at the STC that the decision was taken in the case of hedging.

The Deputy Speaker: A very last question, and then we move to the next one.

Mr Li Kwong Wing: The Minister has not answered the question. The hedging losses have been paid, and now a more burdensome overdraft is being contracted for which we are paying even further charges. Will the Minister not stop adding insult to

injury and remove this contribution of one rupee per litre of petroleum supposedly for contribution to the hedging losses?

Mr Soodhun: I have already answered, Mr Deputy Speaker, Sir. We cannot put VAT or any tax upon those who are not using the gas and gas oil to pay for the losses. This is impossible.

(Interruptions)

The Deputy Speaker: Order! Next question, hon. Li Kwong Wing!

FSC - CHIEF EXECUTIVE OFFICER

(No. B/245) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the post of Chief Executive Officer of the Financial Services Commission, he will -

- (a) state when he was notified of the intention of the former Chief Executive Officer to resign, indicating when the resignation became effective, and
- (b) for the benefit of the House, obtain from the Commission, information as to the -
 - (i) names, qualifications and former position of the current Acting Chief Executive Officer;
 - (ii) if the actingship is in breach of the Financial Services Commission Act, and
 - (iii) if the recruitment thereof will be advertised locally and internationally and, if so, when and, if not, why not.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, let me, first of all, inform the House that, according to section 9(1)(b) of the Financial Services Act, the Chief Executive of the Financial Services Commission is appointed by the Board with the approval of the Minister of Finance.

With regard to part (a) of the question, I am informed that the Board of the Commission was apprised by the former Chief Executive, at its meeting of 28 October

2010, that he was proposing to resign as Chief Executive of the Commission with effect from 31 December 2010.

Regarding part (b) of the question, that, as at to date, no acting Chief Executive has been appointed. Instead, the Board, in accordance with the Financial Services Act, has approved that, in the absence of a substantive Chief Executive, his powers be delegated to the Chairperson and the vice-Chairperson.

The Board further agreed that the Chairperson or vice-Chairperson may delegate, for administrative convenience, their respective powers to such officer or officers as may be required from time to time. In that respect, the senior most officer, Mr Prakash Seewoosunkur, has been requested to look into the day-to-day operations of the Commission with effect from 04 January 2011, and authorised to sign as Officer in Charge.

As to part (b)(ii), the question does not arise, being given that there has not been any appointment as acting Chief Executive.

As regards part (b)(iii) of the question, I am given to understand that consultations on the appointment of a new Chief Executive of the Commission are still ongoing.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, may I table this extract from the Financial Services Act of 2007, as amended, which clearly stipulates that there shall be a Chief Executive Officer and there is no mention whatsoever of an Executive Chairman. The FSC must have a Chief Executive Officer, and he is solely responsible for the execution of the policy of the Board. Therefore, will the Minister not confirm again that the FSC is acting in all illegality, and has become the laughing stock of the financial services industry in Mauritius and internationally?

Dr. Bunwaree: As I said, I am informed that what has been done is in accordance with the Financial Services Act. I take note of what is mentioned.

Mr Bérenger: This is a very, very serious matter. Can I ask the hon. Ag. Minister of Finance to take it up urgently with the Prime Minister because this is the worst possible time for the Financial Services Commission to be left without a Chief Executive; the worst possible time when we take into consideration what is taking place. Can I have the names of the Chairperson and Deputy Chairperson?

Dr. Bunwaree: I will lay it on the Table of the National Assembly because I have to check. I take note of what the hon. Leader of the Opposition has said. We understand the urgency of the situation.

Mr Uteem: Mr Deputy Speaker, Sir, I heard from the hon. Minister that the former Chief Executive Officer informed the Board as far back as 28 October; so, that's more than six months. Is there any reason why, up to now, the Board has not made an advertisement calling for candidacy?

Dr. Bunwaree: I can't reply offhand on that. I'll look into the matter, but I can assure the hon. Member that we are aware of the urgency of the situation and everything is being done.

Mr Li Kwong Wing: Can the Ag. Minister of Finance confirm to the House that the assets under management of companies and professional firms, being controlled by the FSC, go up to trillions of rupees, and that their annual turnover is billions of rupees. In spite of all this, the Financial Services Commission is the only regulator in the world that is being headed by an IT Executive?

Dr. Bunwaree: We are aware of this and, as I said, procedures are on, and we will try to go as fast as possible.

CHOISY VILLAGE - WATER SUPPLY

(No. B/246) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water supply, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if representations have been made thereto by the inhabitants of Choisy, in Constituency No.14, Savanne and Black River, to the effect that rationing of water is not equitable and is limited in duration and, if so, the remedial measures that will be taken, if any.

The Deputy Prime Minister: I am informed by the Central Water Authority that the village of Choisy is supplied from Choisy borehole, located near the highest point of the village, at about 100 metres above sea level. The yield of the borehole is 100 m³/day only.

Given the topography of the village, which extends from 35 metres to 90 metres above sea level, and due to the limited yield of the borehole, valve operations are carried out to share water between the upper and lower parts of the village.

Following representations made by the inhabitants and discussions held by the Central Water Authority with the *forces vives* of Choisy village in September 2010, an agreement was reached on the following hours of supply.

Lower part of Choisy: (65 houses)	from 4.00 a.m. to 9.00 a.m. and from 3.00 p.m. to 9.00 p.m.
-----------------------------------	--

Upper part of Choisy: Village (15 houses)	from 9.00 a.m. to 3.00 p.m.
---	-----------------------------

Following the intervention of hon. Hervé Aimée and hon. Mrs Hanoomanjee, additional water pipes have been laid by the CWA to improve water supply.

I am further informed that the CWA plans to construct at a high elevation of the village, a new service reservoir which would supply water by gravity more equitably. The project, which is estimated at Rs8 m., involves land acquisition procedures and is planned to be implemented in 2012. Should the hon. Member have any suggestions on changing the hours, I will be happy to look at it.

Mrs Radegonde: May I ask the hon. Deputy Prime Minister if he is aware that the Poultry Farm in Choisy and the inhabitants share water from the same well, and thereby rationing the water to the inhabitants?

The Deputy Prime Minister: I am not aware but now that it is mentioned, I will look into it.

Mrs Radegonde: May I ask the hon. Deputy Prime Minister if he will seek information and consider the advisability to prioritise the access to water to the inhabitants of Choisy over the Poultry Farm use and to make sure that the Poultry Farm dig its own well?

The Deputy Prime Minister: If there is a well around, I would be very happy to see that it can provide the water needed.

Mrs Radegonde: Given that the hon. Deputy Prime Minister replied that the water is being distributed as such - from 4.00 a.m. to 9.00 a.m., from 9.00 a.m. to 3.00 p.m., and from 3.00 p.m. to 9.00 p.m., can the hon. Minister inform the House if the rationing of water is announced well in advance and this outreaches all the inhabitants of this region?

The Deputy Prime Minister: As I have said, Mr Deputy Speaker, Sir, these hours were discussed with the *Forces Vives* and announced to them. There are less than 100 houses only or 65 plus 15; it should not be difficult to announce it. It has been going on since September and, as I have said, if the hon. Member would like the hours to be changed, we would like to look at it as long as it does not interfere with the supply.

Mr Ganoo: It is a suggestion by the inhabitants of the locality to request the CWA to study the possibility of installing an electric pump to remedy the situation. Could the hon. Deputy Prime Minister consider that possibility?

The Deputy Prime Minister: Yes, I will look into it.

FIRINGA-TYPE HOUSING UNITS - SELLING PRICE

(No. B/247) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Housing and Lands whether, in regard to the Firinga-type housing units which will be delivered in the coming months, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to the -

- (a) selling price thereof, and
- (b) rate of interest that will be charged in relation thereto by the Company.

Dr. Kasenally: Mr Deputy Speaker, Sir, in regard to part (a) of the question, I am informed by the NHDC that 508 Firinga-type housing units, spread over ten sites, will be ready for allocation in the coming weeks. I am further informed the selling price of the housing units will be Rs465,000 per unit.

Regarding part (b) of the question, I am informed that the interest rate currently applicable is 6.5% per annum for the first five years, 8% per annum for the next five years and 10% per annum for the remaining credit period for households earning up to Rs10,000 per month. For those families with a monthly household income between Rs10,000 and Rs12,000, the interest rate will be between 8% and 12 %.

However, since my Ministry is in presence of representations from prospective buyers regarding the interest rates, the matter has been taken up with the Ministry of Finance and Economic Development with a view to looking into the possibility and advisability of reviewing the existing rates. Consultations are ongoing.

SADALLY, VACOAS - DRAINS

(No. B/248) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Local Government and Outer Islands whether, in regard to Sadally, Vacoas, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas/Phoenix, information as to if it had received a complaint from one Mr N.O., on 24 March 2011, following an accident caused by faulty drains thereat and, if so, if an inquiry has been carried out thereinto, indicating where matters stand in relation to the -

- (a) complaint of Mr N. O., and
- (b) actions taken to repair the faulty drains, indicating when payment was effected for the works.

Mr Aimée: Mr Deputy Speaker, Sir, I am informed by the Municipal Council of Vacoas-Phoenix that, on 21 March 2011, one, Mr N.O., called at the Council to report an accident sustained by him as a result of a gap caused by the displacement of a metal grill over a cross drain constructed along Sadally Road, Vacoas.

I am informed that, on 19 March 2011, late in the afternoon, it was reported to the Council that part of a metal grill covering the cross drain at Sadally Road had been displaced causing a gap as a result of which a cyclist may have been injured. The Council immediately contacted the contractor to carry out remedial works being given that the project was still under maintenance period. In the meantime, the Council mobilised its manpower and materials and arranged for the cross drain to be filled in so that it did not represent any hazard to the pedestrians and vehicular traffic. These works were completed late in the evening. It was only on the 20 March 2011 that the contractor called on the site and properly tarred the stretch of road.

With regard to part (a) of the question, I am informed that the Council arranged a meeting on 23 March 2011 between the contractor and Mr N.O. and after the meeting, they both proceeded to Vacoas Police Station to obtain a copy of the entry made in the

Occurrence Book as well as to see the damaged bicycle to enable the contractor to take up the matter with his Insurance Company. However, in a letter dated 06 April 2011, the contractor has informed the Council that there was no entry regarding the alleged accident and the damaged bicycle was not shown to him. It may be noted that Mr N.O. is claiming damages amounting to Rs30,000 and same has been referred to the Insurance Company of the contractor.

As far as part (b) of the question is concerned, I am informed that the expenses incurred by the Council for backfilling of the drain with crusher run including labour charges amounted to Rs19,500 and this will be deducted from the amount due to the contractor.

Mrs Labelle: Mr Deputy Speaker, Sir, in his answer, the hon. Minister has mentioned that these drains have been tarred. Must I take it that there was need for a drain in this area and after this incident this drain has been tarred? There is no drain now.

Mr Aimée: Yes, hon. Member. This information given to me is in the file.

Mrs Labelle: Mr Deputy Speaker, Sir, may I table a photo. After this incident, a photo was taken because with the grill that was first placed, when the vehicles go through, the grill goes apart and this caused the accident of this poor guy. Up to now, is it the contractor who has to take charge of such accident or is it the Municipality? I think this is the first question and this is the first thing that we have to sort out: who is the responsible authority in case of such accident.

Mr Aimée: Mr Deputy Speaker, Sir, in my reply, I have explained clearly that it was a grill that had been moved by people there and afterwards the Municipality has taken care - in the same evening - to backfill it. Afterwards the contractor came back to do the work. What I don't know is whether they have put back the grill, because here it is said that it had been tarred.

Mrs Labelle: Mr Deputy Speaker, Sir, I would like to ask the hon. Minister whether he can - maybe he does not have the information now - seek information to see whether there is any monitoring of such work by the Municipal Council? Here too, part of the grill was removed to take out the bicycle of this person - the grill is still there - and it's then that they were made aware of the type of work that was effected: full of pieces of metals, rocks and so on. May we know whether there is someone who monitors such work? After the complaint the only way the contractor could make this work good is by

putting tar on the drain. So, there is no drain and the inconvenience for which the work was done is still here after having spent money. This is my point. So, can we know whether there is any monitoring and I am tabling these two photos?

Mr Aimée: The hon. Member can rest assured that I will look into the matter and if I have got to take them to task, I will do so.

Mrs Labelle: Mr Deputy Speaker, Sir, regarding this drain, Mr N.O. did go to the Municipal Council - I am going to table a copy of the complaint received. On that particular complaint, Mr Deputy Speaker, Sir, the officer clearly said in a note: complaints by other residents were made in the past, but to no avail. Since this person has had this accident and, up to now, no one is trying to take charge of this problem, so who has to take charge? The Municipal Council is aware of the situation and I am tabling a copy of the complaint.

Mr Aimée: There also, after the note of the officer of the Municipality of Vacoas/Phoenix, I think there is a need to take to task somebody.

CHINA TOWN, PORT LOUIS - PROJECT

(No. B/249) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Local Government and Outer Islands whether, in regard to the plot of land, towards the end of the Royal Road, in China Town, Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if it proposes to carry out any project thereat, and if so, give details thereof.

Mr Aimée: Mr Deputy Speaker, Sir, I am informed by the Municipal Council of Port Louis that -

- the project for the construction of a cultural centre on the land at Royal Street which is municipal property, in fact, dated back to 1999 when it was taken up during a working session by the Council with members of a municipal delegation from Foshan, China with which it has a twinning relationship. However, there has been no further development on this project;
- this issue was raised again during a meeting which the Lord Mayor of Port Louis had with representatives of the Chinese Chamber of Commerce on 27

September 2010 whereat the latter had expressed its interest for a joint project with the Council for the construction of a social centre to benefit the Chinese community, particularly those living in China town and its vicinity;

- following the meeting held on 27 September 2010, the Chinese Chamber of Commerce submitted its proposal for the joint project on 30 September 2010 to the Lord Mayor and which comprised the organisation of social, cultural and other activities such as seminars/conferences in the proposed centre. It was also pointed out that the Chinese Cultural Centre had contacted an architect to design the building, and
- the project was mentioned during a working session held at the City Hall on 20 October 2010 with members of a municipal delegation from Foshan, China whereat the representative of the Chinese Cultural Centre pointed out that the Chamber had already started working on the project which would be submitted to the Council. On the other hand, the Head of the Foshan delegation indicated in the course of the meeting that the detailed project write-up be submitted to them for consideration of any financial support.

Mr Deputy Speaker, Sir, I am informed that the finalised project write-up has not yet been submitted to the Council for –

- its approval of the joint project;
- finalising the contribution of both parties to this project;
- finalising the terms and conditions of a Memorandum of Understanding as this is a joint project.

As at date, there is no decision for the project.

I am further informed that a decision was taken by the Public Health Committee of the Council on 24 February 2011 to accommodate street vendors operating at Arsenal Street and vicinity on a temporary measure but it has not yet been implemented.

I will invite the Municipal Council to reconsider the issue.

Mr Uteem: Mr Deputy Speaker, Sir, I hear from the hon. Minister that there appears to be two projects now; one, for the creation of a centre for the Chinese Community and the other one for lodging of hawkers and I heard the hon. Minister say

that he is going to ask the Municipal Council to reconsider the decision. To reconsider the decision to do what: to create a centre or to house the hawkers?

Mr Aimée: This is to look into the proposal of the Foshan Municipal Council.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, in view of the historical character of the project in China Town as everywhere in the world, the capital city has a China Town, will the hon. Minister, therefore, take the proper steps to make sure that the initial project for setting up a social and cultural centre be favourably entertained?

Mr Aimée: I just mentioned, Mr Deputy Speaker, Sir. To reply to the hon. Member, I think this area is a cultural and historical area. I would not force them but ask them to get another view on the said project and to go back to the initial one.

Mr Bérenger: I heard the hon. Minister say that the Municipality had intended to temporarily place these street hawkers there. We know how temporary things can turn permanent especially in situations like that and it would not be proper - the Minister agrees - in that part of the island, in the heart of China Town even on a temporary basis. So, can I ask him to see with the Municipality of Port Louis? There are alternative sites for the hawkers. There are plenty of alternative sites for the hawkers. The hawkers should not pay the price for this *confusion*. They should be settled permanently in the right place.

Mr Aimée: Yes, I will report the matter to the Council and do all my best.

ILE AUX CERFS - OPERATORS

(No. B/250) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Tourism and Leisure whether, in regard to the Ile aux Cerfs, he will state if he has held discussions with all the operators working thereat in relation to the proposed new arrangements and if so, indicate –

- (a) where matters stand as to the Trou-Viré Islet to allow the operators carry out their business, and
- (b) if he has received representations from the different operators and, if so -
 - (i) when;
 - (ii) the number of meetings held, and

(iii) the outcome thereof.

Mr Bodha: Mr Deputy Speaker, Sir, with your permission, I shall reply to PQ No. B/250 and PQ No. B/256 together as they relate to the same subject matter and I would like to thank the two hon. Members for raising this issue in the House.

The Ile aux Cerfs has, over the last three decades, acquired an iconic status, Mr Deputy Speaker, Sir, in terms of image, epitomising the lure of an island destination at its best. It is the promise of a dream to the holidaymaker aspiring for total relaxation and the Ile aux Cerfs intrinsically symbolises the exclusive and the discerning visitor who wants to have a unique hideaway. Such has been the image projected of the Ile aux Cerfs and I am tabling a poster that we show of Ile aux Cerfs to the world.

Aussi, M. le président, nous avons un devoir de préserver notre patrimoine pour que l'île garde son cachet vingt ans après et c'est une responsabilité à l'égard des générations futures.

Mr Deputy Speaker, Sir, we have noted that the attractiveness of Ile aux Cerfs and Îlot Mangénie have been seriously impaired as a result of a series of undesirable acts and doings of operators on the islets and in numerous cases, these are being done illegally.

We have, in fact, identified many issues which have contributed to eroding the attractiveness of the islets and which need to be addressed urgently.

Mr Deputy Speaker, Sir, these include, amongst others –

- Undue harassment of tourists by canvassers and beach hawkers;
Numerous representations from tourists who are subject to persistent harassment by canvassers who operate illegally – there are 14 of them – and many cases of aggression against tourists have been reported and allegations of drug offences as well.
- Undisciplined pleasure craft operators as regards to speeding and mooring;
The pleasure craft operators carry out multiple activities; moor their vessels in a disorderly manner and also do not respect the speed limit.
- We have the barbecue activities carried out in unhygienic conditions;

These barbecue operators carry out their activities without compliance to the basic requirements laid down in the Food Act and as such represent health hazards.

- We have a proliferation of posters and billboards where there is a huge competition among the canvassers and the operators and all these impact adversely on the natural beauty of the islets.

Mr Deputy Speaker, Sir, there was this visit which was carried out on 11 April and I am showing the photographs of what we have seen on Ile aux Cerfs.

Mr Deputy Speaker, Sir, as a responsible Government, we have the duty to maintain and preserve the islets and we need to act now.

In the past, similar measures had been taken. I am going to take two examples. At the SSR National Garden, traffic was allowed; we could visit the garden with our car, but this was stopped and had to be stopped because can you imagine what would have happened today on a Sunday if we hadn't taken that decision? On Chamarel, formerly when we were children, we could walk on the Chamarel site. What would happen today if hundreds of people were to tread on the site?

Third, measures have been taken to preserve the *patrimoine*. For example, the Food Act regulates that *grillades* are forbidden on beaches.

Mr Deputy Speaker, Sir, this is to say that we have to preserve the *cachet* of our *patrimoine*. Similarly, we have to take remedial measures.

In this regard, a Steering Committee, comprising different stakeholders, including beach hawkers, boat operators, canvassers, National Coast Guard, Tourism Authority, MTPA, Sun Resorts Ltd, has been set up at the level of my Ministry. So far, two meetings of the Steering Committee were held on 04 March 2011 and 05 April 2011 respectively as well as two sub-Committees have been held on 14 March and 25 March respectively. Several site visits have also been carried out. I have personally chaired two meetings and I have gone on the site together with some of the stakeholders.

In the light of the consultations held, an Action Plan is currently being worked out, which will provide -

- Prohibition of activities of canvassers and the fourteen illegal canvassers will be offered an activity. They will be given a permit so that they can earn their living.
- Control of activities of beach hawkers. There are three who are illegal. They are going to be given a permit.
- Removal of billboards because they are eyesores.
- Mooring of catamarans at specific places; only one bay has been earmarked.
- Embarkation and disembarkation at specific places; one jetty has been earmarked.
- Speed limit checks.
- Regulating of the activities of barbecue - I will come back to that.
- Setting up of appropriate infrastructure to enable the barbecue operators to carry out their activities in the best possible conditions.

Mr Deputy Speaker, Sir, we have reached consensus with all the stakeholders except on two issues. First of all, the barbecue activities and second the issue of fees. I am going to come to both. In fact, Mr Deputy Speaker, Sir, in regard to the barbecue operations, the way that the operators are currently carrying out these activities is not in line at all with the image that we want to project of our flagship touristic destination.

On îlot Mangénie, there are four operators who carry out their activities without compliance to basic sanitary norms requirements. They cater for around 250 persons everyday and all these activities are carried out in the absence of water supply, toilet facilities, waste disposal facilities.

In addition, 15 other operators, who are competing with the four, have gone to create their own barbecue corner. Moreover, they have put up structures made of aluminium, wooden poles, tarpaulin attached with ropes where jerry cans are being used for provision of water and dogs are kept at night to guard these materials and structures. I am showing this in the pictures, Mr Deputy Speaker, Sir.

The House will agree with me that we cannot tolerate such a state of affairs. In the discussions that we had, there was general agreement that we should put appropriate facilities in a dedicated place in order to enable these activities to be carried out in the best possible conditions, through the provision of necessary infrastructural amenities such as

water supply, waste water disposal facilities, electricity supply, open showers as well as toilet facilities.

Sun Resorts has agreed to put to our disposal, the Tourism Authority, *îlot Trou-Viré* for that purpose. We propose to transform it into a five-star barbecue venue. In addition to the provision of the basic facilities, it is even proposed to put up beautifully designed kiosks which can accommodate some 250 guests at one time.

A first estimate of the investment cost for such a project is Rs15 m. and we are considering the possibility of financing these Rs15m. from the Tourism Fund.

Mr Deputy Speaker, Sir, I also contemplated the imposition of a nominal fee of Rs10 as a moral obligation for the preservation of the *patrimoine*. However, we have received many representations from the public, the stakeholders and my colleagues, some on a question of principle, because they believe that the islet should be free and some on a question of cost. I am prepared to reconsider the proposed sum. I think what we have to do, at the end of the day, should be done to the best of the country. Moreover, it is also being envisaged that big catamaran operators will have the possibility of carrying out the barbecue activities on board whereas for the other operators they will be invited to operate on the site that we have been dedicated and the site is going to be free.

Mr Deputy Speaker, Sir, with reference to part (a) of PQ No. B/256, I am advised that there has been no undertaking taken by Touessrok hotel with my Ministry for maintenance of the site.

However, the lease agreement signed in 1997 between Government and Sun Resorts Ltd provides for the lessee to maintain the area in a neat and tidy state and old building thereon to be maintained to the satisfaction of the lessor. I am further informed that Sun Resorts Ltd has, at present, a team of seven persons which ensures the cleaning of the island on a daily basis.

As regards the undertaking for the construction of a public jetty at Trou d'Eau Douce, I am informed that Sun Resorts Ltd has, in 2003, conveyed its agreement in principle, to contribute partly to this project. However, this undertaking was subject to certain conditions relating to the purchase of tickets by passengers ferrying from Trou d'Eau Douce to Ile aux Cerfs and this undertaking has not, however, materialised.

Mr Deputy Speaker, Sir, I appreciate that this project has triggered a national debate on the future sustainability of our fragile islets. This is a good thing. *Nous devons être à leur chevet ces îles-là*. Our paramount objective, Mr Deputy Speaker, Sir, is to

ensure the long-term sustainability of Ile aux Cerfs in the interest of the local population as well as our tourists. May I inform the House, Mr Deputy Speaker, Sir, that the turnover of Ile aux Cerfs today is half a billion rupees with 350,000 people visiting the islands and I think, Mr Deputy Speaker, Sir, that future generations will appreciate that timely measures have to be taken to preserve our heritage and tourist sites.

Mr Deputy Speaker, Sir, *comme je l'ai dit, nous avons un devoir de patrimoine* and I reaffirm the will of the Government to uplift our beaches with provision of necessary amenities to facilitate their access to the Mauritian population. I appreciate, as I said, the fact that the two hon. Members raised this issue and I can reaffirm to the House that access to the islets for all people will remain free. Thank you, Mr Deputy Speaker, Sir.

Mr Bhagwan: Mr Speaker, Sir, I have listened carefully to the hon. Minister and I consider that the hon. Minister should not restrain himself to Ile aux Cerfs. He will remember that, in 2003, we had a survey on all the islets and it is not only Ile aux Cerfs which is in such a deplorable state at this particular time. Unfortunately, from 2000 to 2005 nothing has been done. Can I ask the hon. Minister whether he has had discussions; nothing will succeed if he does not discuss with the operators who have been working and contributing to the image of Mauritius, and who have helped poor people and senior citizens to go to Ile aux Cerfs. Can I ask the hon. Minister whether that project of Trou-Viré islet has been lengthily discussed with the operators, have provisions been made for mooring areas and will Touessrok hotel contribute in that project?

Mr Bodha: I thank the hon. Member for his interest. In fact, I have a record here of a meeting we had on 26 March 2003 where, in fact, this issue was addressed. As regards the operators in Trou d'Eau Douce, we have had extensive discussions with them, but we can understand that those who are already there - the four big - would like to stay where they are, which we can't accept. Now, there are about 15 others squatting the island everywhere. We are working on the architectural design and we are going to work together so that they have the best state-of-the-art infrastructure. As regards the other islets, of course, I totally agree we have to take care of them because they are the assets of the industry.

Mr Bhagwan: Can I ask the hon. Minister, pending the implementation of the Trou-Viré islet project which has also to be approved by the operators, whether, whilst giving instructions for cleanliness or whatever, the operators won't be harassed; they will

be allowed to work peacefully as they are earning their living, but, at the same time, bringing them on board for future development?

Mr Bodha: I am giving my support to them. Of course, they will continue working and we are going to come with the designs. I am going to show them the designs and they will see for themselves that it will be an improvement for them to work better.

Mr Seetaram: Mr Deputy Speaker, Sir, the hon. Minister stated that he has an Action Plan for the Ile aux Cerfs project. Can I ask him whether he would consider setting up a meeting so that all elected Members of the regions, that is, Constituencies Nos. 9, 10, 11, can form part of the meeting and, if possible, other stakeholders also, so that we can consider, agree or disagree on all aspects?

Mr Bodha: As soon as the architectural design is done, we will come together.

Mr Bhagwan: We have seen in the past that whatever action the Ministry initiates, the Ministry is dictated by the hotel operators. The hotel operators can form part of the committee, but the Ministry must not be guided or dictated by the hotel operators *qui font leur loi sur ce quartier*. Can the hon. Minister let us know whether those operators, who are registered, will form part in that implementation committee, and until and unless they give their approval the Minister won't take any new initiative?

M Bodha: As regards the Rs10, I have said what my position is. As regards the *grillade*, I think that the Trou-Viré islet project is the best project. The estimate of the project is going to cost about Rs15 m and as soon as the architectural designs are done, I am going to call everybody and they will see for themselves that this is the best project for us all.

Mr Bérenger: So, we take it that this Rs10 is done away with. That's one. What happens as far as the tourists are concerned? Just to clarify the point: the confirmation that this Rs10 entrance fee for Mauritians is done away with and confirmation that pending the design, the building and so on of the barbecue spot on Trou-Viré islet, will the present legal operators be allowed to perform?

Mr Bodha: The operators are not legal barbecue operators, but they will be allowed to operate. In fact, there will be a transition period upon until we implement the project. As regards the tourists, the question is whether we will charge the tourists, we are going to address the issue with the stakeholders to see whether this can be done.

Mr Ramano: M. le président, est-ce que je peux savoir du ministre si une compagnie en particulier a été identifiée pour remplacer les opérateurs sur l'îlot Mangénie ou bien il n'y aura pas d'opérateurs du tout?

Mr Bodha: Il n'y aura pas d'opérateurs du tout.

Mr Lesjongard: Mr Deputy Speaker, Sir, in his reply, the hon. Minister has talked about *la protection de notre patrimoine. Est-ce que je peux demander au ministre s'il va voir seulement ce qui se passe à l'île aux Cerfs ou il va s'étendre sur les autres îlots...*

The Deputy Speaker: This issue has been raised.

Mr Lesjongard: ...spécifiquement concernant un îlot qui a été donné à un agent politique, qui n'a pas respecté les normes de développement, M. le président?

(Interruptions)

The Deputy Speaker: Please!

Mr Bodha: M. le président, j'ai visité l'îlot Gabriel et, avec mon collègue, le ministre de l'agriculture, nous sommes en train de voir comment cet îlot, qui est un site touristique d'exception, pourrait être mieux utilisé. Au fait, j'ai déjà visité l'îlot. J'attends que mon collègue s'y rende pour qu'on puisse voir avec celui qui a obtenu le bail qu'il mette à la disposition des mauriciens et des touristes ce site dans de meilleures conditions.

Mr Bhagwan: I think it would be very unfair to put all the blame on Mauritians who have gone to the islets. I, myself, have been on the islet and witnessed it. The tourists have also a share of responsibility as far as littering and other things are concerned. Will the hon. Minister take it with the relevant authority, at least, to educate these people, who use the catamaran to go to île aux Cerfs, îlot Mangénie and other islets, on how to behave by way of posters? As far as solid waste is concerned, the hotel operators have also a responsibility to do the waste collection.

Mr Bodha: Je pense, M. le président, que ce serait bon d'avoir un code de conduite concernant les opérateurs, mais aussi un code de conduite concernant les touristes, parce qu'il s'agit d'une île très fragile.

The Deputy Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10 (2)

The Deputy Prime Minister: Sir, I beg to move that all the business of today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

On motion made and seconded the following Bills be was read a first time -

- (a) The Ilois Welfare Fund (Amendment) Bill (No. VI of 2011)
- (b) The Chinese-Speaking Union Bill (No. VII of 2011)

The Deputy Speaker: I suspend the sitting for half an hour.

At 4.16 p.m. the sitting was suspended.

On resuming at 4.51 p.m. with Mr Speaker in the Chair

MOTION

HER EXCELLENCY, SMT. PRATIBHA DEVISINGH PATIL, THE PRESIDENT OF THE REPUBLIC OF INDIA - NATIONAL ASSEMBLY - SPECIAL SITTING

The Prime Minister: Mr Speaker, Sir, I beg to move the motion standing in my name which reads as follows -

“That, this Assembly is of opinion that a special sitting of the National Assembly be held on Tuesday 26 April 2011, at such time as may be fixed by Mr Speaker, to enable Her Excellency, Smt. Pratibha Devisingh PATIL, President of the Republic of India, to address the House and that such sitting be exempted from the provisions of all the Standing Orders of the National Assembly, other than Standing Order 8 insofar as it relates to the election of a Speaker for the day, Standing Order 11

insofar as it relates to the adjournment of the Assembly by a Minister, and Standing Order 14 insofar as it relates to the issue of the Order Paper.”

Mr Speaker, Sir, the aim of this Motion is to allow for a special sitting of the National Assembly during the course of which we shall have the opportunity to listen to Her Excellency, Smt. Patil, President of the Republic of India, who will be on official visit to Mauritius from 24 to 28 April 2011. We shall indeed be privileged to receive, in this August Assembly, the first woman to hold the office of President of the largest democracy in the world.

Smt. Patil has had a long and distinguished career which culminated in her election as the 12th President of India in July 2007 succeeding to Dr. Abdul Kalam. Smt. Patil started her professional career as a practising lawyer and, at the same time, she devoted herself to various social activities, especially for the upliftment of the poor. She joined India's Congress Party in the early 60s and served in the Maharashtra State Legislature for the two decades. She was continuously elected four times between 1962 and 1985. She was the first female Leader of the Opposition in Maharashtra. She later moved into national politics, sitting in both the upper and lower Houses of India's National Parliament. In fact, she served as a Member of Parliament in the Rajya Sabha from 1985 to 1990. In 1991, she was elected as a Member of Parliament in the Lok Sabha where she served until 1996. Smt. Patil has a unique distinction of not having lost a single election that she contested.

While in the Rajya Sabha, Smt. Patil was the Deputy Chairperson from 1986 to 1988. During this period, she was also the Chairperson of the Committee of Privileges and member of the Business Advisory Committee, and while in the Lok Sabha, Smt. Patil was the Chairperson of the House Committee. In 2004, she was appointed as Governor of the State of Rajasthan becoming at the same time the first woman Governor of that State. Smt. Patil has also been very active in a social field and she is particularly committed to the welfare and empowerment of women, children and the underprivileged section of the Indian society.

Mr Speaker, Sir, as the House is aware, we share very special relationships with India. The visit of Smt. Patil to Mauritius will no doubt strengthen further the already excellent relations between our two countries and lead to increased cooperation in the

economic and cultural fields. I consider that it will be a privilege for this House to hear the message of our distinguished guest.

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

The Leader of the Opposition rose and seconded.

(4.55 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, can I be allowed to second the hon. Prime Minister's motion. I join the hon. Prime Minister in welcoming wholeheartedly Smt. Devisingh Patil, first lady President of the Republic of India.

Thank you, Mr Speaker, Sir.

The motion was, on question put, agreed to.

Mr Speaker: I fix a special sitting on Tuesday 26 April 2011 at 11.30 a.m.

PUBLIC BILLS

Second Reading

THE CLINICAL TRIALS BILL

(No. XIX of 2010)

Order for second reading read.

The Minister of Health and Quality of Life (Mrs S. Hanoomanjee): Mr Speaker, Sir, I beg to move that the Clinical Trials Bill (No. XIX of 2010) be read a second time.

Mr Speaker, Sir, as we are all aware our health services are offered free of user cost to the population, from the primary to the tertiary levels. Successive Governments deserve ample credit for having maintained this model, in spite of economic ups and downs that we have faced over the years. Now, we have the ambition of stepping up the quality of care further by benchmarking it with the best in the world. So far, our health system has focused on service delivery with relatively little attention being given to clinical research.

Up to now, my Ministry has undertaken operational research and epidemiological research namely NCD Surveys, with the help of foreign teams. It is well known that these surveys have shown that the NCDs, such as high blood pressure, heart and vascular diseases and diabetes along with their risk factors such as high cholesterol, obesity, poor diet, and lack of physical exercise, constitute nearly 75% of our disease burden.

Mr Speaker, Sir, I wish to highlight that biomedical and health research underpins good clinical practice and hence drives quality of care by bringing about innovations such as new drugs, sophisticated technology and clinical applications which help to prevent and/or cure an increasing range of diseases and conditions.

With the explosion of research in the field of genomics, the potential for drug discoveries and clinical applications, based on these discoveries, is practically unlimited. Worldwide, laboratories and pharmaceutical companies are pursuing multicentre clinical trials, particularly in the field of NCDs. The time is ripe for Mauritius to position itself in the network of such centres. This is because experts involved in our NCD surveys have concluded that Mauritius can be considered to be a microcosm of the world as far as diabetes is concerned given its multiracial and multiethnic population. Diabetes is well-known to be a major complicating factor in all the NCDs, whose high prevalence in our country further expands the scope for research.

Pursuing the opportunities for clinical trials would be in line with the expressed philosophy of this Government to develop Mauritius as a knowledge and medical hub. In fact, my Ministry has taken a proactive step in this direction by initiating a Family Diabetes Genetic Study in collaboration with the Baker-International Diabetes Institute of Melbourne, Australia and in association with the University of Mauritius, which was our partner in the 1997 NCD survey. There is a strong possibility that findings from this study may lead to the initiation of future clinical trials in Mauritius.

Besides, Mr Speaker, Sir, during two Symposia that were organised in 2008 and 2009 by the BOI with the entire participation of my Ministry, it was pointed out that Mauritius has all the prerequisites to become a leading platform in biomedical research, drug discovery, and bio-pharmaceuticals. Factors such as -

- investment-friendly climate;
- ethnic diversity;
- political and social stability;

- high prevalence of certain diseases like diabetes and other non-communicable diseases, as mentioned earlier, make Mauritius an ideal platform for clinical trials. Our unique genetic heritage and the accuracy and completeness of our health records are an added advantage.

Mr Speaker, Sir, our current legislation in force in diverse sectors has created an enabling environment for pursuing research. It is an undeniable fact that this, together with the other facilities available in the country, increases the potential of Mauritius to be among the world's best places for activities related to the production of goods and services, including healthcare.

However, there is a need for an appropriate legal framework to regulate clinical trials and related activities so as to render research work scientifically valid and ethical in design and mode of operation in order to attract potential investors in the field. In this respect, the clinical trials legislation has been prepared to provide for the essential components of internationally accepted provisions to regulate clinical studies on human beings for the purpose of discovering or verifying the effects of investigational medicinal products.

Mr Speaker, Sir, in the process of drafting the Bill, my Ministry has consulted extensively, and harmonised it with legislation governing clinical trials in European Union countries and the USA. Inputs were also obtained from various expert sources such as the University of Maryland School of Medicine, USA; Professor Paul Zimmet of Melbourne, Australia; Professor U. Tuomehlito of Helsinki, Finland, and Professor David Owens of United Kingdom. Furthermore, the Board of Investment assisted my Ministry by recruiting a Consultant namely Health Check Consulting UK Ltd, to review and fine-tune the Bill. This was done through video conferencing, during which the representatives of the Attorney General's office were also present.

For the preparation of the Clinical Trials Bill, my Ministry had first in-house brainstorming involving all the directors at the Ministry, Consultants from several specialities, the Pharmacy Division and the scheduled administrative staff. This was followed by wide consultations and discussions with all relevant stakeholders including the State Law Office and the University of Mauritius. The first draft Clinical Trials Bill was prepared by Sir Victor Glover, Q.C. in 2008, and it was subsequently reviewed in the light of further comments and views received.

Before finalisation, the draft Bill was widely circulated to the public and put on the Ministry's website for views, comments and suggestions. Subsequently, inputs were received from the Ministry of Gender Equality, Child Development & Family Welfare; the Ministry of Education & Human Resources and the Ministry of Housing and Lands. All relevant views and suggestions received have been incorporated in the proposed legislation. Furthermore, the draft Bill was circulated for the First Reading in the National Assembly in December 2010.

Mr Speaker, Sir, at this stage, may I point out that a clinical trial is meant to test pharmaceutical products on human subjects. It is a well-developed and regulated practice worldwide, in advanced and many developing countries as well. It is the essential step that leads to the development of new and safe drugs for existing and emerging diseases. Without clinical trials, major progress in medicine and in the health of populations would not have been possible. Clinical trials account for 50% of the development time for a new drug, which takes between six to ten years.

Mr Speaker, Sir, clinical trials comprise 4 phases -

- Phase I is conducted on a small group (20-100) of healthy volunteers to assess drug safety and tolerability.
- Phase II is conducted on a larger group (100-1000) to assess the effectiveness of the drug.
- Phase III consists of randomised multicentre trials on large groups (3,000-10,000).
- Phase IV focuses on post-marketing surveillance about the safety of the drug once it is put on the market (Pharmacovigilance).

In the first instance, regulations will be made to allow only Phase III multicentre trials, so as to allow Mauritius to gradually build capacity for the conduct of clinical trials in due course, of Phase I and Phase II trials.

Mr Speaker, Sir, given this background, it is, therefore, high time that Mauritius builds a strong foundation to support innovative developments in the pharmaceutical and biotechnological sectors, and adequately prepares itself to exploit more fully the opportunities available therein, as the country's progress in these fields has been rather slow.

Mr Speaker, Sir, I wish to point out that the protection and safeguard of human subjects has been the basic principle guiding the drafting of the Bill. The Clinical Trials Bill provides for -

- (i) a legal framework for the conduct of clinical trials on human beings for the purpose of discovering or verifying the effects of investigational medicinal products, and
- (ii) the setting up of the following -
 - (a) a Clinical Research Regulatory Council;
 - (b) an Ethics Committee, and
 - (c) a Pharmacovigilance Committee.

Mr Speaker, Sir, I will now highlight some of the main components of the Bill.

- (i) Section 3 of the draft Bill relates to the functions of the Clinical Research Regulatory Council which are: to exercise control over licensees, prepare or approve guidelines for the safe and ethical operation of clinical trials, ensure the health, welfare, safety and protection of human subjects. The Council will be responsible for the regulation of the grant, refusal, extension, review, suspension or cancellation of a trial licence, based on the recommendation of the Ethics Committee and any feedback received from the Pharmacovigilance Committee.
- (ii) Section 7 of the draft Bill provides that -
 - (a) the Ethics Committee will give its opinion on every application for trial licence, and advise the Council on the health, welfare, safety and protection of human subjects in clinical trials. The committee has to ensure that ethical values and international scientific standards are complied with, and that local community values and customs are respected, and
 - (b) the Ethics Committee is also required to give its opinion on any proposal prior to the issue of a trial licence or starting of a clinical trial. It will advise the Clinical Research Regulatory Council on the

physical and health conditions of the subjects involved in clinical trials.

- (iii) Section 9 of the draft Bill provides that the Pharmacovigilance Committee will be responsible to collect, analyse and classify information on adverse events and reactions on subjects involved in clinical trials. It also acts as an Advisory Body to the Clinical Research Regulatory Council and the Ethics Committee.
- (iv) According to section 11, no person, sponsor or investigator, is allowed to conduct a clinical trial without being a holder of a trial licence.
- (v) Section 12 provides that all applications for trial licences should be accompanied by a Certificate of Good Manufacturing Practice (CGMP) and a Certificate of Pharmaceutical Product (COPP) in relation to every investigational product from its country of origin.
- (vi) Section 12 also provides that the sponsor or the investigator is compelled to state the amount of investigational product to be used in the clinical trial as well as ensure that all precautionary measures are taken to protect the health and safeguard the interest of the subjects namely through an insurance cover.
- (vii) The Council shall cause to be published in the Gazette and on the website of the Ministry not later than 15 days after the issue of a trial licence, the particulars of that licence.
- (viii) Section 22 of the Bill also makes provision for any subject undergoing a clinical trial to be appropriately compensated in the event of any clinical trial-related injury. It is compulsory for any sponsor to enter into an insurance contract to cover this liability and the liability of every person intervening in the trial. The Bill further provides for treatment of the subject for any acute clinical trial-related injuries even outside Mauritius, and it also allows for any legal claim for full compensation before a Judge in Mauritius or in the country of the insurer.

Mr Speaker, Sir, there are in my view two critical factors for the success of clinical trials in a country. These are -

- (a) a strong regulatory framework, and
- (b) the capacity to enforce the provisions of the legislation.

The Bill, in front of us this afternoon, puts in place a truly strong regulatory framework. Insofar as implementation capacity is concerned, I wish to assure the House that my Ministry will enlist the support of foreign experts and institutions with proven track records, to ensure that those engaged in clinical trials do so in strict compliance with the criteria spelt out in the law.

We are also envisaging the possibility of having recourse to a foreign institution to carry out a compliance audit of this new activity on a regular basis.

Mr Speaker, Sir, the adoption of the Clinical Trials Bill will be highly beneficial for Mauritius by providing the following opportunities -

1. It will generate a culture of research amongst health professionals and scientists through their interaction with the foreign experts who will be involved in the clinical trials.
2. It will position Mauritius in the fields of pharmaceuticals research and biotechnology.
3. As a growing industry, it which will attract investment from big players and create jobs in high-end biotech and research activities for young professionals, academicians and researchers.
4. The conduct of clinical trials in Mauritius will lead to the development of the Pharmaceutical Clinical Research Industry, which is a business process outsourcing (BPO) activity with a strong employment potential.
5. Clinical trials of latest and new drugs for complicated conditions in diseases such as cancer, rheumatoid arthritis and degenerative diseases of the nervous systems will allow Mauritian patients suffering from these conditions to enter into protocols with a genuine possibility to improve their health status. It is to be noted that these drugs are very expensive and unaffordable, even in many advanced countries except when administered within the strict parameters of the Clinical Trials Protocols.

Mr Speaker, Sir, from an investment point of view, we may note that -

- (a) the pharmaceutical companies outsource 25% of all clinical trials and such outsourcing is expected to increase to 35% over the next five years;
- (b) since 2001, spending by pharmaceutical and biotech companies on contract clinical research has grown up to 15 % annually. The clinical trial market is currently worth US\$50 billion, and
- (c) the global pharmaceutical market is worth US\$830 billion; biotech US\$53 billion; clinical trial research US\$50 billion and contract research US\$18 billion.

With the introduction of this legislation, Mauritius may capture a share of this market.

Mr Speaker, Sir, once the proposed legislation is promulgated, the Board of Investment can help Mauritius to market itself in clinical research. This will attract leading pharmaceutical companies and research organisations to establish themselves and invest in Mauritius. This will also help in transforming Mauritius into a hub for the conduct of clinical research.

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

Dr. A. Boolell rose and seconded.

(5.14 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, on this side of this House, we are, of course, for scientific progress and the production of new drugs for cancers, diabetes and other diseases but, at this stage at least, we are against clinical trials in Mauritius. I emphasise, at this stage at least, and I will say why. At this stage at least, we are against clinical trials in Mauritius because it is our convictions that the risks are too big. It is our conviction that we are not equipped as at present for clinical trials in Mauritius.

I heard the hon. Minister insist that what we are setting up is the regulatory framework. I agree but we do not have, at this stage, the scientific and *surveillance* backup that would make the introduction of clinical trials on human beings as safe as it can be. We are not in this situation. We are going to vote - but the Government has the

majority - a regulatory framework, but for clinical trials on human beings to be safe in Mauritius, we also need the scientific backup and the *surveillance*, the follow-up mechanism to be there during the different stages of trials and even after.

I will come to that aspect of pharmacovigilance which is totally absent and which has not been referred to by the hon. Minister; because of that, the risks are too big for the population. If we take those measures, if we vote the proper regulatory framework and if we equip ourselves with the scientific and follow-up *surveillance* backup, yes, then we can start clinical trials on human beings in Mauritius, but I insist, we feel that the risks are too big at this stage. In fact, the legislation before us is incomplete. As the hon. Minister said, it is a regulatory body, but the law needs to include that scientific and *surveillance* back up that I referred to. It is not provided for under that law and we don't have that scientific and *surveillance* backup. That's why we say it's premature; it's too risky to go for clinical trials on human beings at this stage, Mr Speaker, Sir.

Of course, we all know that clinical trials on human beings have been ongoing for years in Europe, US, India and in many other countries for scientific purposes and to develop new drugs. I heard the hon. Minister say that the Ministry has looked at the legislation existing in those countries. The laws existing there, apart from the scientific and follow-up backup I referred to, are much stricter than what we are being asked to approve here. The law in the case of clinical trials there is very strict. I insist on that, there is *tout un système de suivi y compris de pharmacovigilance*. We have just had one example, Mediator, where a drug, that has been in use for decades, has been found, as a result of the proper *pharmacovigilance* existing in France as in other countries, that this has killed a lot of people. This Mediator drug has killed many people in France and probably elsewhere as well.

In fact, most of the drugs across the world, according to my information, are withdrawn after the different stages of clinical trials on human beings have been completed. All these trials have been completed. Sometimes a drug is withdrawn at an early stage and, at times, at a later stage, but most are withdrawn after all the clinical trials on human beings have been carried out successfully. This is where the pharmacovigilance is vital. I have not heard a word about that; it is not provided for in the legislation and we don't have the staff, the experts, the scientific backup for that, Mr Speaker, Sir. I mentioned the Mediator incident, very recent.

I am also disturbed. I don't pretend to be an expert in that field, but I have tried to get as informed as possible. There is the possibility of this piece of legislation opening the door not just for clinical trials on human beings in the ordinary sense, but also opening the door now or in the future to gene therapy trials, gene therapy research, and then we get into deep waters indeed, Mr Speaker, Sir.

One thing which I did not hear the Minister say, she said rightly that clinical trials go through different phases, but she missed the first one and, with your permission, I'll start with that one because in the US and elsewhere, before we go for human clinical trials, animal testing takes place first. It is directly linked and I did not hear a word on that. I was not even able to guess listening to the Minister whether we envisage animal testing, here, in Mauritius. I will come back onto that, Mr Speaker, Sir, but, at any rate, what I am saying is that in the US, in Europe and so on, before we reach the stage of clinical trials on human beings, animal testing must have been done thoroughly and under the supervision of authorities like the Federal Drugs Administration in the US and such authorities exist in the various countries concerned. This raises this issue of animal capture, of animal testing. Everywhere where animal testing is done, it is admitted that animal sufferings must be minimal and the use of animals for testing purposes before moving on to human clinical trials must be minimal. In fact, testing for cosmetics is on its way out. The European Union is coming forward with a ban on animal tested cosmetics and in countries like New Zealand and Netherlands, invasive experiment on non-human primates is already banned. There is a drive which I think we should support and this is an occasion to say it - there is a drive to end the use of animals in research safety testing by resorting to new technologies that use cell cultures and computer models.

Here, Mr Speaker, Sir, I have tried to find out under what piece of legislation monkeys, for example, are captured, bred, fed and sent by plane overseas. I tried to get information from the Ministry of Agro-Industry, but it is very difficult. It is as if *il y a un secret autour*. There should not be! From what I see, it is under the Veterinary Services Act that authority is given for half a dozen companies to capture, breed and export monkeys. I take this opportunity, Mr Speaker, Sir, to say that there is clearly and urgently need for new legislation to control the conditions of capture, detention, breeding, transport including by plane and licensing of trappers. This is the first stage, animal testing and then we move to clinical trials on human beings.

I am sure the hon. Prime Minister is perfectly aware, there have been recent reports and articles in the European and American press and there have been, I understand, letters

written to the Prime Minister by different organisations militating for animal rights against animal testing.

After having said that, I repeat, I believe this is an occasion to insist that there must be new legislation on this big business of capturing, breeding and exporting monkeys, Mr Speaker, Sir. My question is: are we in the future going to have animal testing here in Mauritius? If the answer is in the affirmative, we certainly need other legislation. I was referring to legislation to regulate this big monkey business, if that is the expression, but if we are going to have animal testing, then we need another piece of legislation as exists in other countries, Mr Speaker, Sir.

We have clinical trials that are industry-sponsored and there is big money; it is a huge business. The pharmaceutical business industry is big money and we should always keep that in mind. I believe we should keep two things in mind: that there is big money involved and secondly, that there will always be an element of risk. I am not satisfied from what I heard from the Minister. From what I heard, there has been no reference at all to that element of risk that will always be there when we talk of clinical trials on human beings. So, we have industry-sponsored for a new variety of drugs, but we have also Government-funded clinical trials to answer medical questions. We have also clinical trials to see how combination of different drugs will work or to improve on doses of already developed drugs, Mr Speaker, Sir.

I repeat my point, the key point, we must tell that to the population. I am amazed that the Minister could present the Bill without any reference to the fact that the key point is that when we talk of clinical trials on human beings, there is always an element of risk present. We can minimise that risk through proper legislation, proper regulation, and scientific and *vigilance* follow-up, but where you have clinical trials on human beings, you cannot completely eliminate that element of risk. This, we must tell the population; we must make the population aware and we must ourselves be fully aware of that, Mr Speaker, Sir. What is before us here, without that element of scientific and *vigilance* backup increases the risk to a point where we say we are not ready for that; at this stage, we are not ready for that, Mr Speaker, Sir.

As the hon. Minister said, as for clinical trials on human beings, after they have successfully jumped that the first hurdle is animal testing, then you can divide them in three or four, and I understand from what the hon. Minister has said that we will be

involved in only a third phase of clinical trials. After the animal testing, the first phase is on a restricted number of persons, a limited area and healthy persons who come in very often for monetary considerations, and then it expands into larger groups until thousands of people are involved. Even when we have passed the last stage, it is not finished, we must have, as I said, the *pharmacovigilance* required for follow-up to go on after the drug has been approved. 30 or 40 years later, you can find out, as has been the case in this 'Mediator' French scandal, that people have been damaged if not killed by a drug that went all through the trials and that was approved, Mr Speaker, Sir.

If we are not going to have animal testing here - and I don't think we are equipped for it; the legislation is not before us, we are not equipped - then who will check that the animal testing phase elsewhere, in the United States or in Europe, or that the first and second phases of human clinical trials, that has been foolproof, that this has been done as is required? Is it going to be the Clinical Research Regulatory Council? Are they going to be equipped to check and double check that the animal testing phase and the first and second human clinical trial phases have been thorough, have been to the letter of the law and the practice in the other countries?

I have my doubts because, as I said, the Clinical Research Regulatory Council, by itself, will not have the scientific backup required to check and double check on that: whether the animal testing phase, the first and second human clinical trial phases have been foolproof and then we can get involved in that third clinical trial phase. I mentioned the Clinical Research Regulatory Council, Mr Speaker, Sir. Clearly, it will not, as a Council, be equipped to do this checking and this follow-up work which I mentioned.

The Chairperson is appointed by the Minister and I see no qualifications mentioned, Mr Speaker, Sir. I am not sure that I am happy with the composition of the Clinical Research Regulatory Council, apart from that remark on the Chairperson, and it is said, Mr Speaker, Sir, that on the Board we must also have a person having wide experience in the field of clinical trials. Clearly, we won't find that locally at this stage. If we are going, as the hon. Minister said, to resort to outside expertise, are we going to have permanent members of the Clinical Research Regulatory Council and then a foreign part-timer who will satisfy this qualification of being a person having wide experience in the field of clinical trials, Mr Speaker, Sir?

There is also this question of the Council having to decide before granting an application for human clinical trials. The Council will, therefore, have to decide - and I would like to be enlightened how this duty is going to be exercised - whether the anticipated benefits of the clinical trials outweigh its risks. In fact, this is the only place where clear reference is made to that risk element. It is in the law: one line. I expected the hon. Minister to be more forthcoming on that issue of the risks. At this point, my question is: with what expertise is the Council going to weigh - *'mettre dans la balance'* - whether the anticipated benefits of the clinical trials outweigh its risks, Mr Speaker, Sir? I would wish to be enlightened on that. I repeat, Mr Speaker, Sir, the key part is that there is always an element of risk in clinical trials. In India, in 2009 - I checked as far as I could get information but, of course, India is a huge country with a huge population - according to my information, there were 637 deaths due to human clinical trials, Mr Speaker, Sir. Now, there is also the point that before a clinical trial on a human being can take place, the person or persons concerned must give his informed consent, Mr Speaker, Sir. It is spelt out that a full and reasonable explanation of the nature and object of the clinical trials and the risks involved must be put to the person or persons concerned. The question is: how inform is inform? As I said, it is big money and big business this whole issue of the pharmaceutical industry, including the clinical trials. I nearly say business because it is huge money. It is a clinical trials business, Mr Speaker, Sir. You will have, on the one hand, informed consent required, but the more poverty you will have in the country and the more people will be tempted for the remuneration available to agree to clinical trials. We must handle that with great care. The public in general must be fully informed of the risks involved, including in 30 to 40 years later. I am not saying that we must frighten everybody to death, but we have a duty to inform the population not just the individuals that will be offered clinical trials opportunities, but the country at large, Mr Speaker, Sir.

I must say I don't think that the drafting is very clear. I am talking about paragraph 20 at page 21, Mr Speaker, Sir. It is said -

20(5) "Subject to subsection (6), no person shall, by means of any threat or coercion or reward, compel or induce another person to be a subject."

I can agree with that no problem: "no person shall, by means of any threat or coercion, compel another person to be a subject.", but the paragraph is not clear at all. It seems to say that you can reward somebody to induce another person to be a subject.

Where do we draw the line between compelling and reward somebody or induce somebody to be a subject? The next subsection (6) reads - because this is subject to subsection (6) -

20(6) “Subsection (5) shall not apply to a sponsor who compensates a subject for his participation in a clinical trial.”

I am a bit at a loss. I would have expected the term ‘compensation’ to be kept in case there is damage or trouble down the line. This is the usual use of the term compensation. Here, no! These two paragraphs are not clear at all when we read them together. I repeat, one says: “no person shall, by means of any threat or coercion or reward, compel or induce another person to be a subject.” So, is compensation not a reward? Then, the next paragraph is –

20(6)“Subsection (5) shall not apply to a sponsor who compensates a subject for his participation in a clinical trial.”

I must say that I am not happy at all with that part of the legislation before us. The legislation makes provision for strict liability of the sponsor; his need to take an insurance contract. Fair enough! That is the law everywhere: that a sponsor shall be strictly liable for any damage or injury suffered by a subject as a direct or indirect result of the clinical trial. I am bit at a loss because, as I said earlier on, death has resulted from clinical trials also. Why should the sponsor be strictly liable for any damage or injury suffered by a subject and not for death if a subject unfortunately meets with that fate, Mr Speaker, Sir? I must say that I am not happy with those two parts of the legislation: the one relating to reward or compensation and secondly, when and in what circumstances victims of clinical trials which have gone wrong will be able to claim compensation for damage, injury or death as a result of clinical trials on human beings, Mr Speaker, Sir.

As I said, the more poverty there will be in any given country, including Mauritius, and the more *la tentation* to say yes, even not sufficiently informed consent to give, not sufficiently informed consent will exist. I believe the more poverty there will be and the more temptation there will be to go for clinical trials against reward and vice versa.

As far as the offences are concerned, the legislation provides for a maximum fine of Rs500,000 and up to eight years. *Cela me semble* a bit awkward that the possible fine is limited to Rs500,000 in cases like that, but the imprisonment provision is up to eight years. I find it a bit lopsided. I wonder whether there is no need to review that.

To conclude, Mr Speaker, Sir, I think we should not go ahead with that piece of legislation introducing the possibility of clinical trials on human beings in Mauritius at this point in time. I think that there should be a full debate at the National Economic and Social Council and at the Mauritius Research Council in particular, but we should ventilate much more in the population, eventually a revised piece of complete legislation when we have the scientific backup including pharmacovigilance when that will be available. How long it would take I don't know. As the legislation stands, the absence of that scientific and *surveillance* backup make risks much too big in Mauritius at this point in time, Mr Speaker, Sir. Government has a majority; probably, as usual, rushes the legislation through. I consider that we will have done our duty to warn the population at large that there is an element of risk always present when we talk of clinical trials on human beings. Right now, in Mauritius, with that piece of legislation as it stands and with the absence of scientific backup and follow-up capabilities I think we should not go ahead. We should prepare ourselves as long as it will take. It is good that there is a first debate here today, but I consider that it will be dramatic if we have a first debate here and we close the debate here and rush forward. I think it is healthy - if that is the expression - that there is a first debate here in the House. We should refer it to the National Economic and Social Council, to the Mauritius Research Council. We should ventilate and open debate, think well about it and when we will be ready for clinical trials in Mauritius, then we would go forward, Mr Speaker, Sir.

Thank you.

(5.43 p.m)

The Minister of Foreign Affairs, Regional Integration and International Trade (Dr. A. Boolell): Mr Speaker, Sir, let me first and foremost congratulate the previous Minister of Health and the present Minister of Health and I made it a point to listen very carefully to the points canvassed by the Leader of the Opposition. I can understand his fear. I am not saying that his fear is inherent, but he has instilled fear and there is no justification for fear to be instilled. I feel like saying that he has made a false start. Let me come to the Bill which had been in gestation since 2006 and this is a Bill which is not being untimely ripped from the womb of the Ministry. In fact, it is timely and this is a Bill that has been discussed at the bar public opinion widely. It is a Bill that has

been on the website. The Bill has been the subject of wide discussions by State and non-State actors; by members from the medical profession; our friends from the MRC and from the universities were involved, so, I think, in my humble opinion, no stone was left unturned. It is good to go through the genesis of the Bill. From 2006, consultations started with the Ministry of Health and Quality Life for legislation on Clinical Trials Bill; proposed amendments of the Pharmacy Act include the Clinical Trials and, in some countries, the Clinical Trials Bill or provisions for Clinical Trials are incorporated into the Pharmacy Act. What we have done, Mr Speaker, Sir, after careful deliberations, the Bill has been drafted. We have seen to it and are seeing to it that today we introduce a comprehensive legislation based on model which exists in countries which make it a point to ensure that safety is first and foremost of vital importance. The Bill, of course, was drafted by BOI and SLO in 2008; April 2008, symposium of export health care services; decision probably taken by hon. Faugoo to finalise and present Clinical Trials Bill and we go on till as of date. There have been public circulation, consultations with all stakeholders, clinical trials modified-based on feedback obtained from consultations. Had we not obtained feedback, Mr Speaker, Sir, we would never have brought the amendments and done away with the fear the Leader of the Opposition today has wanted to instil once again.

Let me make it quite clear and I said that the Leader of the Opposition had made a false start. I am rather surprised because he has failed to make the difference between pre-clinical trials and clinical trials. In fact, the demarcation line is wide. It is so wide that there was no need for him to raise the point here. Talking about export of monkeys, I cannot understand where is the logic of even raising the issue of export of monkeys in respect of the Clinical Trials Bill and we know what the Bill is. It is a Clinical Trials Bill on humans and not on animals. I think this is a fair and valid point. The drugs coming here for testing on humans have already gone through the stage of pre-clinical trial on animals. Had the Leader of the Opposition made a thorough reading of the Bill, he would have understood right from the outset, Mr Speaker, Sir. If we go through the Interpretation, there is established very clearly the relevance of Certificate of Good Manufacturing Practice (GMP); the Certificate of Pharmaceutical Product (COPP), Mr Speaker, Sir, issued in a format recommended by the World Health Organisation by a drug regulatory authority and purporting to information which is available in the Bill. So, there is no justification to instil fear. In fact, what are we doing? We are introducing the regulatory

and legislative framework because the object of the Bill is to create the enabling environment, to attract investment in a sector where there is constant breakthrough, biotechnology and research in pharmaceutical development. There is an explosion, Mr Speaker, Sir, and our objective, as a small island, faraway from remunerative market, is to consolidate existing sectors and make the leap from manufacturing to services sector. What are we doing today? We are laying the foundation of a strong pillar which is becoming an emerging sector. This is what we are doing today.

My view on this Bill, Mr Speaker, Sir, is that we need to grasp the opportunities, but, at the same time, we need to air on the principles of caution and this is precisely what we are doing when we go through the Bill, when we look at the importance and relevance of the Pharmacovigilance Committee; the Clinical Research Regulatory Council; the Ethics Committee. I grant you that we need to build on existing capacity slowly but surely. Mr Speaker, Sir, allow me to pay tribute to our Mauritian diaspora because there are many people who would be willing to come and dispense their services to set up research or clinical trials in Mauritius, Mr Speaker, Sir. We all know that India built its success on its diaspora. It is a fact, Mr Speaker, Sir, we have the acumen, but we have to make sure that we build on existing resources. Let me make it quite clear also, already there are 10 companies, involved in research and development, which have submitted their projects to the Board of Investment. If we don't have a regulatory framework, if we don't have a proper legislative framework, how can we create this enabling environment? This is a sector, as the hon. Leader of the Opposition rightly pointed out and hon. Minister Hanoomanjee, where the amount of investment that goes into research and development by these pharmaceutical companies can be as high as 30%. We are talking of a phenomenal sum more than US\$7 billion by a single company. We are talking of a sector which has a turnover of more than US\$1 trillion and we are talking of release of new drugs which can take 13 years before they are available on the market. We are talking of investment that can cost up to US\$1 billion for a drug to be released on the market. So, it is no joke. We cannot take this lightly and instil fear. In fact, we need to refer to the provisions of the legislation and I can go on and on in respect of the legislation. Provision for a Clinical Research Regulatory Council - it is stated very clearly what is the objective: to examine all applications, to run a clinical trial, to ensure compliance with conditions set; the reason as to why we have ensured that the Council is well-balanced. We have made sure that the exhaustive functions provide for the health, welfare, safety and

protection of subjects and this is a recurrent theme. In fact, this Bill reminds me of Human Rights Bill. It is a Human Rights Bill, Mr Speaker, Sir, to some extent because if we refer to different provisions in the Bill, the provisions in respect of health, welfare, safety and protection of the subjects recur more than once in several provisions of the Bill. Let me remind the House that there had been studies conducted where there had been no application of provisions under the Helsinki Declaration, where there had been no application of provisions under the Nuremberg Code. What are we saying? We are saying that the subject is not only going to be informed, but there is a need for voluntary consent, that is, it is mandatory for information to be disclosed and the person concerned has to be fully informed otherwise, the risk, the sanction to be taken against the investigator or the sponsor is very likely. Of course, when we read literature, let us go back to the US, we go back to the year 1943, Mr Speaker, Sir, when in Alabama, Afro-Americans acquired a sexually transmitted disease. America is supposed to be the cradle of democracy; they were denied basic treatment so much so that this created a huge public outcry and it is from then onwards that proper legislation had been introduced to cater for the safety of patients, Mr Speaker, Sir. This is why it is mandatory. We are talking of trials in Mauritius, where are the risks? Of course, the risks are there, but these are going to be minimised. We are talking of Phase III Clinical Trial. This is the difference. We are minimising the risk. We are mitigating the effect that has been raised by the hon. Leader of Opposition, but, of course, we have heard of thalidomide crisis, Mr Speaker. We heard of the thalidomide scandal, but why did it happen? It is because there was no proper clinical trial conducted in the 1960s and we know what the consequences were. So, where is the argument that we are going for gene or cell line research and development. These arguments do not stand, but we have an objective. Our objective is to turn this country into a soft power industry, Mr Speaker, Sir. This is the objective, a superpower in the soft power industry and this is where our brains are. Had we thought of starting at an incredible pace, where would we be with the financial services? When we introduced the legislation, we ushered it slowly. It was a soft approach and this is precisely what is being done in respect of this legislation. It is uncalled for to instil fear, it is uncalled for to create undue prejudice and the Opposition has to act in a rational manner. I expect them to be responsible when it comes to clinical trial, Mr Speaker, Sir. This is the fallacy. This is the problem with our friends sitting on the Opposition. Instead of rallying to the good cause of Government; instead of creating an enabling environment and adding value to the health

sector; instead of encouraging our people from our diaspora to come over and work in our laboratory and set up a Special Research Unit, no, they want to create an atmosphere of fear and this, Mr Speaker, Sir, shows how irresponsible the Opposition is.

Mr Speaker: I will have perhaps to stand here. I think it is the duty of any Member of this House to criticise the welcoming Bill and it is the absolute right of Government to argue for the Bill and against the argument that has been put forward.

Dr. Boolell: I bow to your sound ruling. Mr Speaker, Sir, let me highlight again some of the relevant points in this Bill. In respect of the subject, if ever there is an adverse reaction from a drug, nothing stops the subject from withdrawing from the trial, nothing, and, in fact, the onus of responsibility if there is an adverse reaction is on the sponsor, on the investigator. So, where is the problem Mr Speaker, Sir?

The other issue is that there are people who really cannot afford to pay for drugs which are yet to be marketed, but which are made available for clinical trial. The number of cases of women with breast cancer who cannot afford to purchase very expensive drugs, but who can be part of a random sample, there will be a control, there will be treatment. Of course, we know how samples are established and I see no reason, Mr Speaker, Sir, that they should not be part of a clinical trial. However, there is no question of reward. Where is the reward? There is an obligation on the sponsor to see to it that some expenses are met. This is a fact and they have to meet the expenses. When it comes to the incestuous relationship between the investigator and the sponsor there is provision in the law; they are bound to disclose. We know what happens in some countries. I agree with you; we have seen Heads of pharmacological bodies like university making the most of the sponsorship and travel the world over, but they have been named and shamed. There, I agree with the Leader of the Opposition. The law is an ass, but we need to introduce the necessary amendments as we go along. So my appeal to our friends from the Opposition bench: there is no need to be deeply concerned. I can understand; we are here to err on the principle of caution. The provisions in the legislation make it quite clear that it is mandatory on the sponsor to act in a very responsible manner. Clinical trials have to be conducted; it is an opportunity which is knocking, but we have to make sure, as the hon. Minister has said, that the provisions of the legislation are enforced. We will build on existing capacity as we go along. Mr Speaker, Sir, this Bill deserves to be commended.

Thank you very much.

(6.01 p.m)

Mr A. Ganoo (First Member for Savanne & Black River): Mr Speaker, Sir, it is the sacred duty of an Opposition to disagree with a Bill which is being proposed by Government. It is our right, and there is no political motivation, especially when we are dealing with such an important issue. I can reassure the hon. Minister who just spoke before me that the motivation of the Opposition today is to sensitise the country about the importance of such legislation, and the dangers that face our population if a law dealing with such an important and sensitive subject matter is not properly addressed.

Mr Speaker, Sir, as the Leader of the Opposition has rightly said, we are not against clinical trials. We have very, very strong reservations with this Bill. I personally feel that this Bill is a half-baked piece of legislation which has failed to address certain main issues. Our duty today is to highlight and underline these flaws and limitations in this piece of legislation. I don't think we are doing anything sinister, Mr Speaker, Sir.

The Clinical Trials Bill, in fact, raises a multiplicity of issues, of which, according to me, one of the most prominent issues is the balance that must be found between the interest of medicine, science and society and the well-being and dignity of the human being. Indeed, Sir, clinical trials have no doubt accelerated the progress of medicine, of science by giving way to treatment for a number of diseases - cancer is one of them, yet, the methodology of clinical trials has given rise to very pertinent ethical issues. In the same way, the issues raised by the Bill today encompass the important question of conciliating the progress of science with the protection of human rights and safeguarding the dignity of the human being.

As the hon. Leader of the Opposition has said before me, clinical trials date long back in history. They found their roots, in fact, Mr Speaker, Sir, thousands of years before Christ. Centuries later, the Nuremburg Code became the first international instrument dealing with ethics of medical research. This Code was promulgated in 1947, as you will remember, as a consequence of the trial of the Nazi doctors who had conducted experiment on prisoners during the Second World War then, came the Universal Declaration of Human Rights in 1948. You will remember, Mr Speaker, Sir, the General Assembly of the UN adopted in 1966 the International Covenant on Civil and Political Rights of which Article 7 states -

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

This is the key statement, Mr Speaker, Sir, which has underlined the protection of the rights and the welfare of all human beings from scientific experimentation.

Sir, the Bill mentions the Declaration of Helsinki issued by the World Medical Association in 1964. Today, in fact, it is this Declaration which stands out as the guiding statement of ethical principles in biomedical research, and which has acquired the most prominent reference in that field. This Declaration, Mr Speaker, Sir, has been revised on several occasions, the last one being in 2008, and it is the most comprehensive international statement of ethics as regards research involving human subjects.

After this Declaration, there have been several other instruments published regarding ethical trials by the World Health Organisation; the Council of Ministers of the European Union; regulatory authorities in several advanced countries like Japan, US, and so on; the Manila Declaration of 1981 and so on and so forth. I will not trouble the House with all these declarations, statements, directives and instruments regarding research in the biomedical field.

Mr Speaker, Sir, yet, *quand on fait un bilan*, when we look objectively at what happened in this field in spite of all these international declarations, covenants, directives of the European Union, in spite of the abundance, of the proliferation of all these international declarations and all these warning systems, if I may say so, all the progress achieved by the world in this domain, but, in view of the complexity of the matter, success has not always been ensured. In fact, the success of the clinical trials system rests, as the Leader of the Opposition underlined so rightly, on its backup, on its cautiousness, on its safety, on its integrity and, above all, Mr Speaker, Sir, on its transparency, hence, the *sine qua non* condition of a rigorous legal framework which should be made available and also of a viable, and robust institutional framework which should provide the guidelines for proper clinical trials. I will come to the legal and institutional framework in a few minutes.

Besides, setting this legal and institutional framework, as we are doing today - and it varies from country to country - the core issue is to realise that, when dealing with research involving human subjects, there are three ethical principles which should be in

the forefront, and we should ask ourselves the question as to whether today the legislation we are dealing with has addressed these questions properly: firstly, respect for persons; secondly, the question of beneficence, and thirdly the question of justice.

I will just try to elaborate on what I mean, Mr Speaker, Sir, that is, respect for persons, and I will come to the question of informed consent which is in our Bill in a few minutes. Respect for persons means respecting the autonomy of those who are capable of deciding about their personal choices; treating them with respect and protecting those with impaired capacity, those who are dependent, the children, those who are vulnerable and must be afforded security against abuse or harm.

Beneficence, Mr Speaker, Sir, means keeping in mind the obligation to maximise benefits and minimise harms. The risk of research must be reasonable in the light of expected benefits; the investigators must be competent to conduct the research and protect the welfare of subject.

Mr Speaker, Sir, I have gone through this Bill several times. What does it do? What is the architecture of the Clinical Trials Bill (No. XIX of 2010)? When we look at its architecture, the way it has been drafted; it, in fact, encapsulates all the important principles to be found in the different declarations, international documents and directives which have been published and which I have just referred to. *C'est un pas*, but there is still a long way to go, Mr Speaker, Sir. This is why we have reservations and objections to this Bill and its provisions.

The drafters have clearly inspired themselves heavily from other legislation of the publications dealing with the matter of ethical trial and literature dealing with research involving human subjects. The Bill provides with what is obtained in other legislation. I agree, the avowed aim and purpose of the Bill is to legislate with a view to ensure that clinical trials are conducted in accordance with ethical principles laid down in several declarations especially the Helsinki Declaration; addresses some important issues: the protection of the person, the assessment of risk and benefit, the ratio of research, the need for information, the question of consent of individuals to which I shall come back, the question of setting up regulatory bodies, but we still think, Mr Speaker, Sir, that this Bill is half-baked, it has not gone all the way. Fundamentally, it should have been more rigorous and it should have provided for more. It should have gone deeper in many issues, Mr Speaker, Sir. In fact, the Bill should have been more strict, stringent, rigorous on the issue

that research should be carried out only by or strictly supervised by suitably qualified and experienced instructors and in accordance with a protocol that clearly states the aim of the research, the nature and degree of any known risk on the subjects, the means proposed for ensuring that consent should be adequately obtained and voluntary, that the protocol which had been referred to should be subscribed to by the Ethics Committee and the Regulatory Body.

Mr Speaker, Sir, I come, for example, to the Regulatory Council. I heard the hon. Leader of the Opposition saying it. We know nothing of the Chairman of this Regulatory Council. Nothing is required to be a Chairman of the Regulatory Council and this is such an important Body. I am sorry I have to repeat what the hon. Leader of the Opposition has said, but, in the case of the Ethics Committee and the Pharmacovigilance Committee, the law spells out what should be the competence, experience and the track record of the two Chairmen of these two other committees. For the main Regulatory Body, the Clinical Research Regulatory Council, the law says -

3. Clinical Research Regulatory Council

- (1) ...
- (2) The Council shall consist of C
 - (a) a Chairperson;

As I said, it's unlike the case of the Ethics Committee or of the Pharmacovigilance Committee. This is treating, not the legislation, but that part of this legislation with much levity, Mr Speaker, Sir. 'Guidelines' is an important word in this piece of legislation, Mr Speaker, Sir. Why is the word 'Guidelines' important?

4. Functions and powers of Council

The functions and powers of the Council shall be to r

- (a) consider and grant or refuse applications for a trial licence;(…)
- (f) prepare or approve guidelines for the safe and ethical operation of clinical trials;

Mr Speaker, Sir, that's one. The definition of 'Guidelines' is given in the Interpretation section.

“‘guidelines’

- (a) means guidelines which the Council considers applicable to the conduct of clinical trials in Mauritius;
- (b) includes, but is not limited to, existing international standards such as the good clinical practice guideline (ICH E6) of the International

Conference on Harmonisation of Technical Requirements for the
Registration of Pharmaceuticals for Human Use;”

Mr Speaker, Sir, hon. Dr. A. Boolell, the Minister of Foreign Affairs, just told us that, as from 2006, this piece of legislation is being ventilated. Everywhere in the country, it is being discussed with the stakeholders. Why didn't the drafters think it proper and fit to prepare and elaborate on the guidelines; to give the nation an idea about what the guidelines should be or ought to be, Mr Speaker, Sir? I humbly suggest that this shouldn't have been difficult. I have a copy of the guidelines which have already been published with me, Mr Speaker, Sir. There are 21 of them. I don't have to go through them one by one, but the guidelines underline each and every important issue of the subject matter on which we are talking: Guideline 1: Ethical justification and scientific validity of biomedical research involving human beings; Guideline 2: Ethical Review Committees. Comments are made on each and every guideline, Mr Speaker, Sir. You can see from my hands the thickness of this document; how elaborate and eye-opening it is; how it provokes the reflection, our thoughts. Guideline No. 3: Ethical review of externally concert research. I can go on all the important issues and the issues the hon. Leader of the Opposition just raised about this question of informed consent; what is meant by reward: you are allowed to take reward but you are not allowed to be induced and so on and so forth. What I mean, Mr Speaker, Sir, is that this piece of legislation should have been more elaborate with more details because it is such an important one, Mr Speaker, Sir. We cannot vote a piece of legislation without knowing what will the guidelines be. This is what we have been asked to do today, Mr Speaker, Sir. We vote this piece of legislation and then we leave it to the Council not even to the Ethics Committee to decide upon the guidelines. I would have thought, Mr Speaker, Sir, that it should have been the other way.

With regard to the informed consent, this is primordial and pivotal to the whole issue, Mr Speaker, Sir. The subject must give his consent to a clinical trial. I agree there is a clause in our Bill which addresses the issue: clause 20 - Protection of subjects. Again, I have gone through clause 20 and the other clauses, Mr Speaker, Sir. This is where the hon. Leader of the Opposition raised the issue a few minutes ago –

20. Protection of subjects

- (5) “Subject to subsection (6), no person shall, by means of any threat or coercion or reward, compel or induce another person to be a subject.”

- (6) “Subsection (5) shall not apply to a sponsor who compensates a subject for his participation in a clinical trial.”

Mr Speaker, Sir, in fact, what we understand and what this Bill should be saying is that payments or rewards that undermine a person's capacity to exercise free choice invalidate his consent. So, that is why, nobody is allowed, by means of any coercion or reward to induce another person to be a subject. That does not prevent the sponsor from compensating a subject because he must be reimbursed for his costs, expenses and so on and so forth.

All this, Mr Speaker, Sir, I humbly submit, should have been very clear. We cannot surmise on what is the intention of the legislator, especially as the whole population is concerned with this Bill. Mr Speaker, Sir, on this question of informed consent again, Article 22 of the Helsinki Declaration lays an obligation to inform the person who will be subject of the trial. This obligation of information is not sufficient; it must be followed by the informed consent; informed consent expressed unequivocally by the subject of the research. What is meant by informed consent, Mr Speaker, Sir? Article 2 of the European Directive of 2001 gives a clear definition of informed consent. It is a decision which must be written, dated and signed to take part in a clinical trial, taken freely after being duly informed of its nature, of its significance, the implications, the risk and appropriately documented by any person capable of giving consent, or where the person is not capable of giving consent, by his/her legal representative. If the concerned person is unable to write, oral consent in the presence of, at least, one witness must be given, Mr Speaker, Sir. The investigators must fully describe his participation and explain to him the details of the study.

In other countries, Mr Speaker, Sir, the legislation says that even the regulatory authorities or the Ethics Committee are responsible for the procedure for collecting the informed consent and are in charge of scrutinising the validity of the informed consent. All this is not to be found.

(Interruptions)

No, it is not in our legislation.

(Interruptions)

Non li pas dans nou Bill, hon. Boolell. I humbly disagree with you.

(Interruptions)

No, there is a difference in what the Bill is proposing and what I have just referred to which is, in fact, obtained in other legislation and to be found in the Helsinki Declaration and the European Directive.

Mr Speaker, Sir, the role of the expert is also to inform the subject of the disadvantages of experimentation; the risk, the inconvenience and the compensation in case secondary effects occur after experimentation; also the guarantee of confidentiality and the integrity of the data which have been collected. All this, I humbly submit, Mr Speaker, Sir, is missing in our legislation.

Let us come to the Ethics Committee. The Ethics Committee, Mr Speaker, Sir, complements, in fact, the existing regulatory body which cannot cover and control all the aspects of clinical trials hence the need of an Ethics Committee and this is so in all legislation. The responsibility of the Ethics Committee is very, very important, Mr Speaker, Sir. It is the key body. It has the key role of approving the clinical trial. Again, such is not the case in our law.

Let me read clause 8 – Functions of Ethics Committee –

- (1) The functions of the Ethics Committee shall be to l
- (a) give its opinion on every application for a trial licence or an amendment to a trial licence, submitted to it by the Council;(…)

It has to give its opinion, Mr Speaker, Sir. Does it have to approve? Does it have to say: “yes, I agree with this particular application.”? Mr Speaker, Sir, the law is not clear. I would tend to say that such is not the case in our law. In fact, a clinical trial in other countries may be initiated only if the Ethics Committee comes to the conclusion that the therapeutic and public health benefits justify the risk and may be continued only if compliance with the requirement is permanently monitored.

What I am saying, Mr Speaker, Sir, is that it should have been so in our law. Our law should have provided very clearly that the clinical trial may be initiated only if the Ethics Committee concludes that the therapeutic and public health benefits justify the risk and can be continued, Mr Speaker, Sir, but this is not the case in our law.

The composition of the Ethics Committee has varied across member States. In other countries, there has been a balance between lay members and experts. There has been a mix of medical, lay members, lawyers or philosophers familiar with the fields of

clinical trial and ethics. I regret to say, Mr Speaker, Sir, that the composition of our Ethics Committee fails on that score and should have been reconstituted to include, as I said, the appropriate balance between lay members and experts. It should have included a mix of medical and lawyers, philosophers familiar with the field of clinical trials and ethics.

The third point that I wish to make on the Ethics Committee is that no time frame from the date of an application to give its reasoned opinion to the application and to the competent authority, that is, there should have been a time frame when the application has been sent to the Ethics Committee for it to give its reasoned decision. Again, there is nothing as such in our Bill.

The last point that I wish to make about the Ethics Committee, Mr Speaker, Sir, is the question of resources. Ethics Committees have very limited resources. The members are voluntary, I am asking the question. The financing of the Ethics Committee is an important issue that should have been addressed differently, Mr Speaker, Sir. In some cases, legislation has provided for the establishment of a fee for application to the members of the Ethics Committee. In our law, I have seen nothing of this sort, Mr Speaker, Sir. So, that is why, again, I think that such a body like the Ethics Committee which is fundamental to the whole issue of clinical trials and research should have been addressed in a more serious manner.

Mr Speaker, Sir, I have listened to the two hon. Members who have spoken before me, the hon. Minister and the hon. Minister of Foreign Affairs. They seem to have said that here is an opportunity knocking at our door and here is a business which we should make the most of. Isn't it? I understand that this was one of the reasons why the hon. Minister of Foreign Affairs, in fact, tried to blame us for not being able to understand what is happening and for not being able to make the most of this opportunity. Mr Speaker, Sir, I would see the situation the other way round. In fact, in the past years, an important issue concerning biomedical research has been this issue related to the phenomenon of globalisation as regards to clinical trials.

This globalisation process in this field has resulted in the delocalisation of clinical trials for the sake of minimising their cost. Wealthy countries are delocalising to poorer countries. It has been estimated, Mr Speaker, Sir, that 40% of all clinical trials now take place in Asia, Eastern Europe, Central and South America and the consequences are that unethical trials have proliferated in these developing countries. In some cases, trials are not being approved by any ethical committee or regulatory body or approval has been

given for unethical trial designs and such trials have provoked considerable controversy in the countries concerned, Mr Speaker, Sir.

From 2002 to 2007, 41% of clinical investigation sites utilised by US companies were located outside the US, Mr Speaker, Sir. Similarly, 25% of all subjects, who were recruited for trials in Latin America, Asia and Africa, submitted an application for marketing authorisation between 2005 and 2008. There are clear market forces driving this globalisation process, Mr Speaker, Sir. What I am saying is: opportunities are knocking at our doors, yes! At the door of poorer countries, yes! Of developing countries, yes, Mr Speaker, Sir, but we must be wary of the temptation of the international community and promoters who resort to practices which are only motivated by economic profits.

Sir, *dans absolu*, we are for clinical trials. I will end up here, Mr Speaker, Sir. We are not against clinical trials, but what we are saying is that we have strong reservations with regard to this Bill because we think that not all the issues have been being addressed to and this is a half-baked legislation, Mr Speaker, Sir. As the hon. Leader of the Opposition said, we feel that not enough ventilation has taken place. Mr Speaker, Sir, you have a long experience as a Parliamentarian. This is a proper case where a White Book should have been published with all the draft legislation, the proposed legislation, the international declarations, the contents of these directives; all these guidelines to which I have referred to and this should have been diffused so that the nation at large would have been more conscious of the consequences of such a legislation.

With these words, Mr Speaker, Sir, I resume my seat.

(6.33 p.m.)

The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum): Mr Speaker, Sir, let me first of all congratulate the hon. Minister for introducing this Bill to the House. The purpose of this Bill is to provide the legal framework for the conduct of clinical trials for the purpose of discovering or verifying the effects of investigational medicinal products. This Bill is much awaited and answers the necessity for regulation in the field of clinical trials.

Over the years, the media has evoked cases of clinical trials being conducted in Mauritius without a regulated framework. On occasions, such articles have been the

subject matter of cases in court where questions arose as to whether clinical trials have been taking place in Mauritius and, if so, whether these trials were properly commissioned.

The subject of clinical trials is important as it touches the consent of the subject and it touches the issue of ethics also. The question of the consent to be given by the subject is a vexed one. Today, there appears to be unanimity in most jurisdictions of the world that the consent to be given by the subject should be an informed consent. Equally important is the question of ethics and I am pleased to note that these two issues on which I shall talk have been well considered in the present Bill.

After the World War II, the world came to learn of the atrocious and unspeakable clinical experimentations carried out on innocent prisoners of war in what is known as the Nuremberg Trials. The international community unanimously condemned such criminal practices. The international community was, however, faced with a dilemma in that clinical experimentations on human beings were necessary for the advancement of science and medicine. Thus, it was felt that, if clinical experimentation is to be allowed, it should be done within defined parameters. Hence came about the declaration of Helsinki in 1964, which stated in its preamble that, the purpose of biomedical research involving human subjects must be to improve diagnostic, therapeutic and prophylactic procedures and the understanding of the etiology and pathogenesis of disease. Since 1964, the Declaration of Helsinki has been revised and there have been various conventions on clinical trials. More importantly, several countries have legislated to regulate clinical trials. In this respect, I am glad that Mauritius also will henceforth form part of such countries having adopted a legal framework for clinical trials.

Mr Speaker, Sir, the present Bill has managed to reconcile the interest of two fundamentals when it comes to clinical trials. Firstly, the Bill specifies that a subject for a clinical trial must be above 18 and must give a written consent thereto. Where the subject is under 18 or is incapable of giving a written consent, the relevant person as specified in the Bill has to give a written consent on behalf of the subject. This is an important safeguard as, in the past, there had been articles in the press suggesting that clinical trials were being conducted in Mauritius in the absence of the knowledge of the subjects. Let alone in the consent, there is more by way of protection for the subject in the Bill. The

investigator must give the subject a full and reasonable explanation of the nature and object of the clinical trial and the risks involved before the subject undergoes the trial.

Furthermore, the sponsor of clinical trials shall ensure that proper quality assurance and proper control system are in place for the carrying on of clinical trials. The duty that the Bill imposes on the sponsor, the investigator and the doctor shows that the legislator has taken great care to protect the subject and to avoid any situation where the subject may be abused or exploited. Secondly, the Bill places a lot of emphasis on ethics and rightly so. Ethics or bio-ethics as some countries will have it in clinical trials are so important that it has become a subject of study at university level.

The Bill provides for the creation of an Ethics Committee which shall have a number of important functions. The Ethics Committee shall give its opinion on each application for a trial licence to conduct clinical trials. Thus, it will act as a filter to ensure that the applications have the required standards before being further processed. It will also advise the clinical Research Regulatory Council on the health, welfare, safety and protection of subjects in clinical trials.

The Ethics Committee shall ensure that ethical values and international scientific standards are complied with and that local community values and customs are respected. We all know that in a society such as ours with its diverse cultural values and traditions how important this consideration is. The Ethics Committee shall also have the task to elaborate statement of general principles on which to base its evaluation. It will be the custodians of all records of a clinical trial for at least fifteen years following the completion of the clinical trials and this to ensure that proper procedures have been followed and, if there is any query as regards same, the record is there to verify the query.

Mr Speaker, Sir, the economy of the Bill in providing how clinical trials will be organised in creating various committees to implement and to supervise the carrying out of clinical trials in providing for checks and inspections to verify how such clinical trials are carried out in Mauritius and in ensuring that a proper record and register be maintained detailing the particulars of such clinical trials demonstrate that the draughtsman has left no stone unturned for clinical trials to be conducted here in a safe protected and highly ethical environment.

With this I recommend the adoption of the Bill to the House.

(6.41p.m)

Dr. S. Boolell (Second Member for Curepipe and Midlands): Before I start dissecting that Clinical Trials Bill I would like to refer to one part of the statement just made by the previous orator who said...

(Interruptions)

I would be most grateful if I could be not interrupted by hon. Jhugroo please!

Mr Speaker: No, don't worry.

Dr. S. Boolell: The previous orator has mentioned "where the subject is under the age of 18," his responsible party gives written consent thereto, but he forgets the next part of it and this is at paragraph 20 – "Protection of Subjects" and this is the dangerous bit. This is where the subject is under the age of 18. It might be your child of 14 or your child of 16.

"In case he is capable of forming an opinion, the sponsor and investigator are satisfied of his willingness to participate in the clinical trial"

Here we have exactly how school kids, in need of money, can volunteer behind their parent's back and become part of the normal subjects who actually will be called upon to participate in a clinical trial. This having been said, I intend coming to the informed consent eventually, but I would like to talk about trials. What are clinical trials? We have been talking globally about clinical trials, but clinical trials consist of, at least, five forms of trials - treatment trials to treat disease; prevention trials to prevent disease; diagnostic trials to be able to reach the diagnosis; screening trials to be able to detect and also the quality of life trials. This is something which is absolutely missing. There is a Bill here which is giving the global point of view; there are all kinds of trials and we fail to note that. As the Leader of the Opposition told earlier, we might be dealing with almost anything, from genetic manoeuvring, from any form of creating the new Dolly, going forward in a world that we know very little about and to be able to prove my point, Mr Speaker, Sir, I would like to refer this House to the mishaps of clinical trial.

One year which has been taken as a reference far too often is the year 2006 and I was trying to figure out what happened in 2006 for this law to have come to Mauritius in 2006 and in 2006 there was a trial in England where there were about eight volunteers for an anti-inflammatory agent which was meant to be the panacea, the miracle treatment for

multiple sclerosis, rheumatoid arthritis and a couple of rare diseases. Four of the subjects went into a coma. Two had a lot of side effects and two others, who had been given a placebo – that means not given the drugs - survived. As from 2006, the reaction from British Government was such that there were, at least, seven regulatory councils placed in between clinical trial and getting to the phase 4 where the drugs actually come on the market. The phase 4 is the dangerous part because - whatever drug, I am using the word drug loosely, but it has to be a pharmaceutical product - whatever pharmaceutical product comes on the market at phase 4 this is where you start learning about its side effects, its interaction with other tablets on the market and this is where the 2006 made it so difficult and also it became convenient at this stage, for most of those firms conducting clinical trials to move out to those countries where to get volunteers in Bangladesh. Was it the hon. Leader of the Opposition who mentioned India? Why do we have more clinical trials? The Food and Drug Agency in the States made it quite difficult and it is a mystery how many of those big-name companies just moved out and then we started having the convenient epidemics. There was a convenient epidemic in Nigeria of meningitis and the American Government, those American Drugs agencies, promised their help. The Nigerian Government was expecting help of a humanitarian nature; this firm came along and said that they were there to help, they were there to treat and they started treating the kids.

In this epidemic in Nigeria, 11,000 children died and among 110 subjects which were taken for clinical trial by a big company, a major one, Thiser, it is in the literature, they proceeded because they wanted their drug to be recognized by the FDA and they needed a set of people suffering from meningitis. That was the famous story, Mr Speaker, Sir, of the convenient epidemic which helps companies to move out, get the results, get the statistics and get the big market. Then we come to an ethical problem of a major nature. The hon. Minister of Health has been talking about Mauritius coming of age in the world of pharmaceutical development. The question was asked: Mr Speaker, Sir, is it fair to try expensive drugs on third world developing countries in people who are volunteers, who will never be able to afford that therapy eventually? We are the guinea pigs of the developed states. We have exported the macaques, as the hon. Leader of the Opposition said, we are the human macaques who stay behind and who are there to be taken as guinea pigs.

Most of the orators have been talking about the principle of the informed consent. Now informed consent is not simply informing the person. I was looking for it in the Bill as to how long will the liability of the company be after you are a subject in the clinical trial. I think the previous Minister used the words '15 years', but it is more than 15 years. There is a delayed action, if I were a woman of child bearing age I would never, absolutely never, consent to being a party in this clinical trial. We are leaving too much on the shoulders of the Regulatory Council, on the shoulders of the Ethics Committee. Many people here are quite concerned. All the lady MPs are concerned with the gender issue. Would it be fair to just take women of child bearing age to participate? I have just mentioned that and then we have to go forward again. In the late 70s, the hon. Minister for Foreign Affairs mentioned thalidomide and that it was not tested. It was actually tested on animals and thrown to the market on human beings. I am going to go for another one. Growth hormone therapy on those people who were stunted growth and all the women, who are very small, just actually grew up, and the product which was given to them - and this leaves another issue open - was of a bovine origin. You know in the world of clinical trials, according to our specificity, we have to be sure whether we are not dealing with bovine or porcine product. Already for insulin, for a long while, there has been a lot of convincing that some products are not of porcine origin, but here we have been dealing with these people who came up and were given products of bovine origin and, much later, they developed the famous creutzfeldt-jakob syndrome. I am sure, they must have developed it more than 15 years later, when the company that you are going to look for, for liability, is far gone, has not paid the insurance premiums; when the insurance people will not consider themselves to be liable.

If you are to go even further, you have cases of - I could go to the literature and find out for you, how many people - mediators in France, as mentioned by the hon. Leader of the Opposition on the basic of ethics as well. Is it ethical to use healthy subjects in the course of a clinical trial? Is it ethical to use people who are going to say yes because they are diseased? When you are going to use people who suffer from cancer and say there is a clinical trial with a wonder drug everybody will rush because they will be consenting to the trial under duress just like these young people in the need of money. I should know; when I was at medical school and living on 25 pounds a month, I volunteered with five other guys for a clinical trial. We were paid 10 pounds. We took one tablet every day, I think, twice a day for five days and we donated blood. The 10 pounds went into

celebrations. We never heard about the company and all the side effects. We were lucky not to have the side effects, but this is what exactly is going to happen.

Also, we have to look again under the subject of the famous informed consent, which even though the two Ministers have been insisting, during the speech of hon. Ganoo, that the word 'informed consent' is there; I fail to see the word 'informed consent'. Now, informed consent, we have to go a little bit further than just asking the person for permission and just telling him what it's all about. 'Informed consent' implies the purpose of the study; who is going to be in the study? How long is it going to take? Will it entail hospitalisation? Any complications will they be taken care of? Any long term complications who will be responsible? At the end of the day - like somebody has said - you may leave the trial at any time feet forward and you would have no chance of being able to get any form of compensation. The thing is: at the end of the day, informed consent for someone who wishes to understand would mean - who will be responsible for my care should any mishap occur?

We all know far too often about international insurance contributions when you have had a problem. In some countries, you can't even get a refund for VAT when you buy at the duty-free; now you are going to expect money back from these companies which will have disappeared, which will have changed names, which will have changed vocations. Maybe at the end - it has been a long afternoon, many people have intervened on the subject and the hon. Minister has yet to conclude - as we have been talking about the principle of Helsinki, I think it will be wise to quote it for everyone, the principle 22 of the declaration 2000/2007 -

“In any research on human beings, each potential subject must be adequately informed of the aims, methods, sources of funding, any possible conflicts of interest, institutional affiliations of the researcher, the anticipated benefits and potential risks of the study and the discomfort it may entail.(...)”

The hon. Minister said that we are going to have the very best at the level of these Councils and, I think, the hon. Minister for Foreign Affairs mentioned about importing from the diaspora. We import enough in this country, we need no more. If we cannot cope with our own specificity, if we cannot here feel safe - we are not trying to be negative, but, at the end of the day, if most of you think that clinical trials in this form should be implemented, I would invite you to place your words where your mouth is and volunteer

your wives, yourselves and your children for clinical trials. If you have the courage of your convictions then this is a good Bill. I do not have the courage of my convictions in this Bill.

Thank you, Mr Speaker, Sir.

(6.55 p.m.)

The Minister of Health & Quality of Life (Mrs S. Hanoomanjee): Mr Speaker, Sir, I wish to thank all the hon. Members of the House who have expressed their views on this important piece of legislation and also for the valuable contributions they have made.

First of all, Mr Speaker, Sir, allow me, at the very outset, to reassure the House that the fundamental principle that has guided the preparation of the Clinical Trials Bill has been the protection of the patients, while, at the same time, giving long overdue importance to research for health in Mauritius.

Mr Speaker, Sir, I have listened carefully to the hon. Members on this side of the House, but also to the hon. Members of the Opposition and, I think, that their qualms are logical; because, in fact, when I was looking at the Bill, in fact, I had asked the same questions, but I should say that I am satisfied that the replies are found in the Bill itself.

I wish now to address some of the issues, which had been raised by the hon. Members who intervened on the legislation and provide some clarifications. First of all, I think the hon. Leader of the Opposition had mentioned about drugs; whether the drugs will be used in clinical trials or will already have been tested on animals. I think, one of the orators on this side of the House had made the point on pre-clinical trials and clinical trials. I am also informed that the Ministry of Agro-Industry is presently working on a draft legislation, the pre-Clinical Trials Bill, which concerns the use of animals for clinical trials.

Now, on the question of the protection of subjects where clause 20(5) of the Bill has been mentioned; it's mentioned –

20(5) “Subject to subsection (6), no person shall, by means of any threat or coercion or reward, compel or induce another person to be a subject.”

The question of reward was mentioned by the hon. Leader of the Opposition. Mr Speaker, Sir, there is no reward and there cannot be reward because if we look at clause 20(6) of the Bill - compensation for participation in clinical trial is not to be construed as a reward for the purpose of clause 20(5). It relates to reimbursement of the subject for any inconvenience, that is, mainly the transport cost.

Now, with regard to risks; well, there will never be zero risk whenever a clinical trial is carried out not only in Mauritius, but anywhere in the world. This, I think, is a point on which everybody agrees as rightly pointed out by the hon. Leader of the Opposition, but, the whole issue is the question of minimisation of those risks which have been provided for in the Bill where clause 20 deals amply with the protection of subjects. In fact, the Bill has all the necessary built-in safeguards as stated in the Helsinki Declaration and in compliance with good clinical practice to protect the rights, safety and well-being of subjects. I also wish to emphasise that the Bill already makes allowance for surveillance through the Pharmacovigilance Committee.

The Clinical Research Regulatory Council and the Ethics Committee will scrutinise all aspects of the proposed trial before a licence is issued and, as the trials will be multi-centred, the safety aspects will also be examined at international centres where the trial is also being conducted. There will be coordination between surveillance locally and surveillance internationally. I think it is the Leader of Opposition who mentioned the penalty under clause 30. As is the case under other laws, a sentence of imprisonment will not usually be imposed for a first time offender. It is likely that a fine will be imposed on the first occasion, and that a sentence on imprisonment is imposed depending on the gravity of the offence, if the offender commits the same offence again.

The question of pharmacovigilance has been mentioned by almost all Members on the other side of the House, and I should say that Mauritius is in the process of joining the WHO programme for International Drug Monitoring. We hope to be able to implement a fully fledged pharmacovigilance system in two months, with a National Pharmacovigilance Committee. Already, we have run some workshops with the help of WHO where all stakeholders were present, both from the public and the private sectors. The Pharmacovigilance Committee in the Bill will concern clinical trials only. The Pharmacovigilance Committee for clinical trials will be separate from the National Pharmacovigilance Committee, but will share information with it.

Another point which has been mentioned concerns the monitoring of clinical trials. I must state here, Mr Speaker, Sir, that this legislation is one of the few which includes a monitoring and inspection mechanism. In fact, the Bill provides for a sponsor to send progress reports to the Clinical Research Regulatory Council at prescribed time intervals. Similarly, completion or discontinuation of trials must be notified to the Council. Furthermore, provision is also made for members of the Council or members of the Pharmacovigilance Committee to enter and inspect a site; to inquire about the conduct of the clinical trials with a view to safeguarding the integrity and health of participants. Mr Speaker, Sir, all these measures are specifically meant to track trials and to keep control on all operations undertaken in a trial; they are in line with international requirements which aim at ensuring transparency in the process of a clinical trial.

Regarding the composition of the Council, Mr Speaker, Sir, I would remind the House of the extensive consultations which we have had with both international consultants and experts who are well versed in clinical trials, as well as local stakeholders, before arriving at the composition of the Clinical Research Regulatory Council. The Chairperson will be a medical practitioner with, at least, 15 years in clinical practice and previous experience in clinical trials, and members will have high level expertise and relevant academic qualifications. As I said earlier, in my second reading speech, if we don't have expertise, we will have to look for expertise internationally.

Hon. Ganoo stated that the Bill encapsulates the different Declarations. He said *c'est un premier pas* but, Mr Speaker, Sir, we must start somewhere. Our responsibility is to protect our subjects. Hon. Ganoo mentioned that it is half-baked, but I don't think he has been able to justify how the Bill is half-baked. He has also mentioned guidelines. Guidelines, as has been defined in the Bill in clause 2, mean not only the guidelines to be prepared by the Council, but also include existing international standards such as good clinical practice guidelines of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH)

The Bill already provides, as indicated, of what the guidelines will consist of, but I should also say that the guidelines will be prepared and approved under regulations to be made with the help of any international expert in the field, and that regulations cannot be made before the Bill has been adopted in this House.

Mention has also been made about the Ethics Committee. The Ethics Committee cannot approve a trial; it only makes recommendations to the Council for such approval, and that has been mentioned in clause 4(e) of the Bill.

Hon. Dr. Boolell has talked extensively about informed consent, but this is not a new concept. Everyday, the medical staff in my Ministry uses this concept to communicate with patients undergoing any sort of medical procedure.

Mr Speaker, Sir, thanks to clinical trials, the safety of drugs has been established and the frontiers of ignorance have been pushed further. Clinical trials have established the safety of drugs to be administered on large scale. As these trials are done in strict conditions, the drugs have been vetted thoroughly and all untoward reactions have been noted, evaluated and its risks established. Through clinical trials, new drugs have been safely introduced into clinical practice, and this has saved the lives of many people, be it antibiotics, cardiovascular drugs and replacement therapy for diseases like diabetes and other metabolic diseases.

To conclude, Mr Speaker, Sir, this Clinical Trials Bill will in many ways enhance the quality of clinical practice in Mauritius and pave the way for access to novel medicinal products which are currently unavailable to the population.

Thank you, Mr Speaker, Sir.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Clinical Trials Bill (No. XIX of 2010) was considered and agreed to.

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

Third Reading

On motion made and seconded the Clinical Trials Bill (No. XIX of 2010) was read the third time and passed.

Second Reading

THE PROFESSIONAL ARCHITECTS' COUNCIL BILL

(No. V of 2011)

Order for Second Reading read.

The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I move that the Professional Architects' Council Bill (No. V of 2011) be read a second time.

At the outset I wish to inform the House that a first Bill was circulated in December 2010. However, following additional representations received, some amendments have been brought to the composition of the Council and a new Bill has now been circulated.

Mr Speaker, Sir, I am presenting the Professional Architects' Council Bill to the House at a time when the construction industry is undergoing a period of boom which started a few years ago. This new legislation will replace the Professional Architects' Council Act of 1988 which has outlived its purpose and can no longer adequately cater for the requirements of a modern Mauritius.

There have been substantial developments in the construction sector over the past few years. The construction industry contributes more than 6% of the GDP and employs over 50,000 workers and the employment trend in this sector is on the rise. The construction industry has the potential to develop into another pillar of the Mauritian economy. We need therefore an appropriate legislative framework to support this industry. We have, in this context, envisaged a number of measures. We passed in 2008 the Act which establishes the Construction Industry Development Board. This Board is expected, *inter alia*, to develop and improve the industry; establish appropriate norms and exercise proper monitoring, and control over contractors and consultancy firms in this sector.

We are also currently reviewing the Building Act of 1919 to take on board current day concerns and imperatives. There is need these days to ensure that buildings are

environment friendly and energy efficient, besides catering for the needs and comfort of users. Energy Efficiency Regulations and an Energy Efficiency Code are also being prepared in the context of this Bill. We hope to introduce the new Building Control Bill during the next session of the National Assembly.

Mr Speaker, Sir, the role and responsibilities of architects in this dynamic context have greatly evolved. The need to provide the architect profession with a more appropriate legal framework to enable architects deliver to expectations has been felt for some time now. The review of the existing Professional Architects' Council Act has been rendered necessary by a number of other factors including the need to better serve to profession. The Professional Architects' Council Bill has been prepared after due consultations with all stakeholders concerned.

The object of the Bill is to provide for the establishment of a new Professional Architects' Council which will be a body corporate. The Council will have the following main functions -

- (a) to register professional architects;
- (b) to authorise foreign architects, subject to certain conditions, to practise architecture in Mauritius;
- (c) to enrol trainee and student architects;
- (d) to exercise and maintain discipline in the profession with the assistance and support of such Professional Conduct Committee as may be set up;
- (e) to be responsible for the institution of disciplinary proceedings against an architect and the taking of disciplinary measures;
- (f) to be responsible for the dissemination of literature in connection with new construction techniques, technology and materials to architects;
- (g) to be responsible for the improvement of knowledge in the field of architecture by means of Continuous Professional Development programmes, and
- (h) to be responsible for the advancement of architecture.

The Bill provides for the Council to be constituted as follows -

- (a) three professional architects posted at my Ministry;
- (b) three professional architects to be elected in the manner specified in the Schedule;
- (c) one professional architect from the Mauritius Association of Architects;
- (d) a representative of my Ministry, and
- (e) a representative of the Attorney General's Office.

The last two members, not being architects, will not be eligible for election as Chairperson or vice-Chairperson of the Council, but they will have voting rights. The architects on the Council will come from both the public and private sectors. Under the existing legislation, the Council comprises four architects from the public sector and three architects nominated by the Mauritius Association of Architects. It was initially proposed in the Professional Architects' Council Bill that, except for the three architects from my Ministry, the other four architects serving on the Council would be democratically elected through a process prescribed in the Schedule to the legislation.

Following representations received after circulation of the first Bill, as I mentioned earlier, it is now proposed that three of these four architects be elected and the fourth one be a nominee of the Mauritius Association of Architects. This will give the Association a direct voice on the Council.

The composition of the Council, as provided in the Bill, will ensure a broad-based representation ensuring fairness and stability which is in the interest of the advancement of the profession and of the construction industry generally. The members of the Council who are not architects will provide a different and broader perspective to discussions at the level of the Council. Moreover, the representative of my Ministry who will be a senior officer from administration will be better able to follow up on policy issues, whilst the representative of the Attorney General's Office will provide guidance from the legal angle on important issues discussed at the Council. Such broad-based representation has already been adopted, for example, at the Medical Council.

The Professional Architects' Council will be administered by a Registrar who will also be a professional architect. The Council will set up a Registration Board to assist it in the determination of applications from architects for registration. This Board will comprise

of professional architects having, at least, 15 years of experience and who are persons of good character.

Mr Speaker, Sir, allow me to elaborate on the other salient features of the Professional Architects' Council Bill.

Under the Professional Architects' Council Act of 1988, architects seeking registration must have, at least, one year's experience in the practice of architecture. The new legislation will provide for an architect to have, at least, two years' approved post-qualification experience to be eligible for registration. This is in line with international best practice. The purpose of increasing the number of qualifying years for registration purposes is to ensure that, at the start of their career, professional architects have adequate experience.

The Council will also register foreign architects who will be allowed to practice in Mauritius subject to specific conditions which have been clearly spelt out in Part V of the Bill. Foreign architects will be eligible for registration if they are involved in the construction of buildings for the Government, Government companies or statutory corporations. They will also be eligible for registration if they are appointed by the Public Service Commission or if they have entered into a joint venture with a professional architect or firm of architects in Mauritius.

In addition to the registration of professional architects, the Council will also enrol trainee architects. Trainee architects are those who have completed their studies but need to acquire post-qualification experience prior to registration as professional architects. Students following courses in architecture may also get enrolled as student architects with the Council. This will provide them with some exposure to the profession through the activities of the Council.

Mr Speaker, Sir, as I mentioned earlier, we want to ensure that buildings and such other structures are designed by competent persons and implemented according to plan. Under the new legislation, a Code of Practice will be established which will set out clearly the professional conduct expected of professional architects.

Provision has been made in the Bill for the Council to be empowered to take disciplinary action against architects in case of professional misconduct, fraud or dishonesty, and in case of breach of the Code of Practice. The procedures and process for such action are clearly spelt out. For the purpose of disciplinary measures, it is provided

that the Council may set up a Professional Conduct Committee to inquire into any charges preferred against an architect and to report to the Council. The sanctions inflicted by the Council may be in the form of a reprimand, suspension, or deregistration depending on the gravity of the fault. In the case of foreign architects the authority granted to them will be revoked.

The Council may, under delegated power, also inquire into cases of misconduct by architects appointed by the Public Service Commission. In such cases, the Professional Conduct Committee will submit its report to the Public Service Commission which will take disciplinary action as appropriate.

Mr Speaker, Sir, the Building Act currently provides for the minimum floor area of buildings to be designed by architects to be 250m². In the Bill, we are reviewing this figure to 200m² by way of a consequential amendment to the Building Act. The reason for this is to allow for a larger number of buildings to be properly and professionally designed in the interest of improved aesthetics, greater efficiency and also for better comfort of the users.

Construction is a dynamic sector. With technological advancement and development taking place worldwide, it is imperative for professionals in this sector to keep pace with such development and adopt state-of-the-art techniques. There is need to continuously improve the quality of service and provide professional standards that will increase public confidence and reflect well on the whole sector. In this regard, provision has been made in the Bill for the Council to be responsible for the improvement of knowledge in the field of architecture by means of continuous professional development programmes for the benefit of all professional architects.

Mr Speaker, Sir, we propose, in the same spirit, to review the Registered Engineers Council Act which dates back to 1965 and we are working on a similar legislation for professional Quantity Surveyors. My Ministry will take all steps necessary to develop and consolidate the construction sector and prepare it to become a future important pillar of the economy, given its capacity to generate revenue, create employment and promote export of professional services to the region in the near future.

Mr Speaker, Sir, I now commend the Bill to the House.

Dr. Boolell rose and seconded.

(7.05 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, we have no quarrel with this Bill. The intention is to improve on what exists as at now, therefore, this Professional Architects' Council Bill to become an Act will replace the existing Professional Architects' Council Act and a new Professional Architects' Council will replace the existing one.

I heard the Minister say that there were the required consultations and that representations have been made by those concerned which have caused amendments to be brought to the Bill. Also, all the architects that I consulted are in agreement with the Bill. They are not too happy that there will be a majority of civil servants on the Council, *mais c'est la vie*. I listened to the hon. Minister. Maybe he will put in a word when summing-up. In the Explanatory Memorandum, we are told that –

“A modern and appropriate legislative framework has been rendered necessary by a number of factors, including a large increase in the number of professional architects, the growth of the construction sector (...)”

Fair enough, I heard the Minister, and then “and globalisation”. I did not hear a word about globalisation. So, can we be enlightened? This is in the Explanatory Memorandum, but I heard nothing from the Minister's mouth. Can we know, therefore, what is this globalisation dimension that is referred to, but that has been forgotten by the Minister in his speech?

More seriously, regarding the composition of the Council, there will be three professional architects posted at the Ministry. Fair enough! Three will be elected and one will be appointed by the Mauritius Association of Architects. I can go along with that, I have no problem. I think it is a good balance. There will be a representative of the Ministry of Public Infrastructure and a representative of the Attorney General's Office. I am not too sure that this is required, but, anyway, I am not suggesting that any representative from Government's side should be withdrawn. Does not the hon. Minister think that it would be a plus if there was a representative of the Ministry of Environment? We are talking about architecture. I think the Ministry of Environment should be represented. In the Explanatory Memorandum as well as in the Minister's speech, emphasis was rightly put on energy saving. We have just gone to the piece of legislation.

Therefore, I would request the Minister to think whether it would not be to the advantage of one and all to include a representative of the Ministry responsible for Environment - the official title, of course - and a representative of the Ministry responsible for Energy.

Thank you, Mr Speaker, Sir.

(7.25 p.m.)

Mr F. François (Third Member for Rodrigues): Mr Speaker, Sir, from the very outset, allow me to congratulate the people in the profession of architects for their creative ability and universality. Professional architects are not only building designers, but are also models working for the community and are visionaries of society.

Les architectes sont formés en tant que hommes universels capables de planifier une ville aussi bien qu'une volière ou un jardin. Les architectes sont formés sur la science sociale et humaine, sur l'environnement et l'occupation de l'espace. L'architecte est partout et forme partie de toutes les sphères de la planification sociale et spatiale. Philosophiquement parlant, il ne faut pas oublier que l'homme vit dans des espaces sociaux et non seulement dans des bâtiments.

La réduction de la pratique de l'architecte au simple fait du bâtiment, c'est de limiter la contribution de l'architecte dans la planification de la construction de la société. Ce n'est pas étonnant de voir tous les problèmes de nos cités construits sans le concours des architectes et les différents problèmes de la société qui surgissent. Je ne vais pas rentrer dans les détails ici.

Mr Speaker, Sir, it is necessary to state that an architect is not only a person who makes plans for buildings, construction, or sets of buildings, but he is also a person who is charged for the quality of living, who has skills and knowledge to create a valuable environment. The initiative to propose this architect legislation is no doubt a timely decision. I congratulate the Government and the Minister for taking the opportunity to review the 23-year old Professional Architects' Council Act of 1998. The introduction of this new Professional Architects' Council Bill, I believe, is of great importance to architects operating in Mauritius with much interest to the public, the principle behind the legislation of architects, recognition of architects' profession and to improve standards in respect of architecture.

The Explanatory Memorandum clearly states that there is a large number of professional architects, growth of the construction sector and uncontrolled development in Mauritius. The establishment of a Council as proposed to be set up by clause 3 of the Bill with objects in clause 4 and powers set out in clause 5 would increase recognition of the profession. This Bill shall inspire to give you other professional legislation of our Republic such as the Registered Professional Engineers Council Act, the new Construction Industry Development Board Act, the Professional Quantity Surveyors Act, the Building Act, the Planning and Development Act and the outdated Surveyors Act.

Mr Speaker, Sir, this Bill will certainly force Government to speed up with the presentation of a new building code for Mauritius if it is subject to a full-fledged functioning. The Prime Minister, last week, talked about the seismic activities in our region that will encourage architects and engineers to consult, to design calamities-resistant buildings. Mauritius needs an urgent modern and updated building code. There is too much ill-planned building development around Mauritius as well as in Rodrigues. The building code should be the measure that decides how people operate and how people build buildings. This Bill is now introduced, I don't know on the primary motive of whom - is it the Ministry of Public Infrastructure, the professional architects or the public, but what is important, Mr Speaker, Sir, is the need for a better coordination and association between all professions with a view to establish standards in our Republic. None of these legislations can work on a stand-alone position. One may question whether it is too early for the introduction of this Bill or whether a postponement is possible. The debate is on.

Mr Speaker, Sir, however, the general argument of this Bill is the establishment of the Professional Architects' Council and the regulation of a profession in relation to practice and discipline of architects. There has been amendment, management of Council. Certainly, I find that there are more representatives from the public service and I believe that this is unfair to the professional architects in the private sector and this might be perceived as antidemocratic and bias, but it looks that there have been amendments. Certainly, there is improvement in design in our Republic today despite the non-compliance at certain levels where many persons are simply drawing plans with a surface area less than 250 m² as per the Building Act without the fundamental education and elements of an architect. These categories of persons exist all around the island and their plans are getting approved at Local Government's level; most of the time ignoring

completely the importance of an architect inputs thus leading to a lot of irreversible damages.

Mr Speaker, Sir, this is a serious issue that this Bill fails to strike the right balance between regulating the profession and improving standards for architecture. Architects play a vital role in the construction of modern societies, as I said, through its social, economic and philosophical missions. Architects inputs in the environment determine the esthetic value of our urban and rural landscape. Competent architects simply leads to competent building designs. Architects inputs also in sustainable development projects with regard to environmental impact assessment as per the Environmental Protection Act are decisive. They can either enhance or destroy beautiful landscapes. In Mauritius, there is still a number of inferior buildings; there are too many places where our beautiful landscapes have been defied by ill-planned and badly constructed buildings.

Mr Speaker, Sir, despite there is improvement in design in both Mauritius and Rodrigues, there are some fine buildings like the *centre de la culture et des loisirs à Mon Plaisir à Rodrigues* and the brilliant building of MCB under construction at St Jean. Being given that architects have a responsibility in promoting better responsible and environmental designs; with all the challenges they face, they need to prove that they have the necessary skills and knowledge to exercise this profession. This Bill makes provision for this.

Concerning foreign architects, it appears that there are foreign architects working on a few major projects in Mauritius. The contribution of foreign architects, bearing in mind the protection of local architects, is noted in sections 24 to 26. This is a good thing.

Mr Speaker, Sir, just imagine that for the current Bagatelle Commercial Development Project, qualified architects did not commit themselves to integrate this beautiful environment with the project objectives, we could end up with something disastrous in such a beautiful area. I am personally against developments that are too close to the main roads or highways where no buffer zone exists between the highway and the commercial buildings. There are a few examples, I won't mention all. It will be realised that it is only by suitable training that an architect can reach the desired intellectual standard and that no mere test of ability can guarantee his possession of these qualities. Thus, the registration of professional architects as per section 19(1)(c) states that a person -

“satisfies the Council that he has at least 2 years’ approved post-qualification experience;(...)”

This is acceptable.

Mr Speaker, Sir, this is where I put in question the practice of licensed architects who have been practising for many years by designing buildings and who are granted a licence under the Repeal Act without the necessary university architectural training. My concern is whether the Council will continue to register any person as professional architect if he satisfies the conditions of a licensed architect. There is no mention of a cut-off date in the Bill. Will the hon. Minister enlighten us on this transitional provision at section 49 which, in my opinion, is not clear in the Bill?

Mr Speaker, Sir, without targeting anybody, will licensed architects continue to be registered as professional architects, thus continuing to cause damages to the creation of society and special occupation and not only drawing plans? Well, it is said that the provision to organise and cause to be organised continuous professional development programmes by the Council meets the requirements for training and continuous training for architects. That is positive.

Mr Speaker, Sir, we have to assist the public, generally, who may be responsible for the erection of buildings in this country in the future by enabling them to recognise a qualified architect and by preventing them from employing a person in the belief that he or she is a qualified architect when, in fact, he is not. It is quite true that a person may go through any amount of training and still be a very inefficient architect. There is a better chance that he will be a competent worker in his profession if he has undergone a certain line of training and has had a certain amount of experience; the nature of which will be decided upon by persons competent to decide, as I mentioned, in the interest of the public as provided by this Bill.

Mr Speaker, Sir, another shortcoming of this Bill is that nowhere is it to be found a provision to make it obligatory professional indemnity insurance by architects even though in practice they do it. This, I believe, should be included in this Bill as is the case in the Surveyors Act. If there are disagreements on this issue, what about those who are planning more than 80% of construction in Mauritius? Here, I am referring to the category of building plans less than 200 m² where no insurance cover is necessary.

Mr Speaker, Sir, section 18(2)(b) – Practice of architecture reads as follows -

- “(2) Nothing in this Act shall prevent a person –
- (a) (...);
 - (b) for the purpose of section 8 of the Building Act, from drawing up plans or making drawings for the construction of, or alterations, additions or repairs to, a building, the floor area of which does not exceed 200 square metres.”

This Act has simply reduced by 50 m² the allowable surface area which is 250 m² as per Building Act. This is unsafe and is in contradiction in promoting a good standard for building and that in relation to properly designed buildings. Nowadays, some statistics show that about 80% of buildings construction of less than 250 m² are drawn and approved at Local Government’s level without a professional architect’s approval, but by any person with a computer-aided drawing knowledge and the other 20% are approved by a professional architect.

M. le président, il ne faut pas comparer un dessinateur à un architecte car leur formation n’est pas la même. Ce sont deux corps de métiers différents, ils n’ont pas les mêmes objectifs. Le dessinateur est formé pour assister l’architecte dans la production des plans tandis que l’architecte est formé pour produire l’espace sociale et environnementale. Or, donner droit à un dessinateur de planifier 80% de la construction à Maurice, c’est aller à l’encontre même de cette loi qui a pour vocation de mettre de l’ordre dans le secteur de la construction dans la République de Maurice. M. le président, qu’allez-vous faire pour encadrer cette catégorie de planificateurs sans aucune formation dans la production d’espace et de l’environnement social.

Mr Speaker, Sir, this Bill would have looked into this problem and shifted the 200 m² surface area to 100 m² surface area. This can be substantiated from the fact that the Ministry of Housing today, for the scheme grant for casting slab to an individual, allows up to a maximum surface of 100 m² *ce qui limitera l’intervention des dessinateurs au service des ti-dimounes pour éviter des soulèvements dans la population*. It is clear that the developer of those buildings with a surface area of more than 100 m² will be able to pay for an architect service. It is up to the Council to regulate or standardise the cost of service to avoid any abuse for surface area between 100 m² and 200 m² if the promoter retains the service of an architect.

Mr Speaker, Sir, it is a good thing that students can be qualified for registration by the Council as trainee student architects in preparation to obtain their professional qualifications. This Bill shall also instigate those responsible for delivering tertiary education to think in the line of introducing architecture at the level of our institutions here in Mauritius not simply with a view to produce architects for designing buildings, but to create a strong pool of experts to meet development challenges, technological and sustainable development trends in our Republic.

Mr Speaker, Sir, I have to point out that if we look at the work of the architects in Mauritius, there is still progress to be done. This is where the Research Council has to spend a lot of time to standardise adaptive and integrated design models for Mauritius.

Talking about discipline, the exercise of maintenance of discipline guarantees the integrity of the profession which is good, but there must be published in the annual list of professional architects, as a sign of protection to the title of architects, those who are charged by the disciplinary committee, who are suspended or deregistered. It shall also be publicly publicised. People in our Republic need to accustom themselves with beautiful and adaptive architecture. This is where architecture looks at sustainable development for future generations. I believe that the recent Energy Efficiency Bill, the concept of sustainable development in developing eco-villages, the vision of *Maurice Ile Durable*, the concept of modern Mauritius carry well Villa Belle which fits in architects.

Mr Speaker, Sir, I also believe that the project for a new town at Highlands will be a revolutionary decision where architects will play a vital role through its overall concept. In Rodrigues, the OPR Party, under the leadership of my leader, Mr Serge Clair, we value integrated sustainable development in our quest to make Rodrigues an ecological island as is recommended by the setting up of the visionary Sustainable Integrated Development Plan for Rodrigues, instigated by the OPR.

Mr Speaker, Sir, to conclude, I do believe that the registration of architects will, in itself, call attention to the importance of having qualified advice where the erection of buildings and creating society are concerned and I believe that, in time to come, in our Republic, all buildings - I repeat, all buildings - will be erected from plans prepared by an architect. That is very crucial if Mauritius truly wants to materialise its vision and that of creating a modern society. I would like to say that the establishment of a Professional Architects' Council will guarantee protection to the profession of architects.

Mr Speaker, Sir, leading architects whom I have consulted are of the opinion that a necessary step to pave the way forward for the profession of architect is the passing into law of this Bill together with other mentioned legislations that require a review. Thus, despite the few shortcomings of this Bill, I personally feel bound to support the initiative for the introduction of this Bill because I am myself a professional and I am very much interested with professionals and in line with my political engagement to create a better society, social and sustainable environment. Mr Speaker, Sir, I thank you for your attention.

(7.44p.m)

Mr Bachoo: Mr Speaker, Sir, I wish to thank the hon. Leader of the Opposition and the hon. Member from Rodrigues who have participated in the debate on the Professional Architects' Council Bill. With regard to the comments made by the Leader of the Opposition, there are three issues that he has raised.

The first concerns the slight changes which have been brought; they have already been incorporated in the Bill itself which has been circulated. Secondly, as regards the question of globalization, foreign architects are being invited to perform in our country and that also facilitates the transfer of a bit of know-how and the latest technologies relevant to the sector. That is one of the ways of moving one step towards globalisation. It is also good to note that our architects have also the possibility now of practicing overseas, for example, in Réunion, Seychelles, the United States and other countries because they are qualified. There have been many cases where they have been invited to participate in works.

The next issue concerns the participation of experts from the environment division in that Bill. The new Building Control Bill will address the energy efficiency aspect as well as the environmental aspect. The Professional Architect's Council Bill is regulating only the practice of the architecture division; this is what I have been told.

Mr Speaker, Sir, hon. François has raised up a few points, for example, regarding the composition itself, but I would like to make it very clear that there will be more architects, for example, four from the private sector and only three from the public sector plus two officers - one from the State Law Office and one from my Ministry. It is

important to keep them, we cannot put only architects, we need to have a legal adviser and one officer to provide a broader perspective to discussions at the level of the Council.

Secondly, the smaller buildings, as far as the question is concerned, are less than 200m². Ideally all buildings should have been designed by architects, but, in our context, it is very difficult because we have got a limited number of architects. If I am not mistaken, we have got around 150 architects only in the private and public sectors. This is one of the departments where we have a shortage. In my own Ministry, we are trying to recruit but, unfortunately, there is a shortage on the market. So, for buildings which are below 250 m² surface area, courses are being run by the ex-IVTB and the private drafting schools to provide necessary skills. Under the UNDP assistance, standard designs for buildings less than 500 m² are also being prepared by consultants to address questions of energy efficiency and economic design.

Another issue which he had raised was the question of coordination. The Engineers Council Act is being reviewed; the Quantity Surveyors Bill is also under preparation. All these will be presented in the Assembly and I do not find any problem as far as coordination is concerned. The question of professional indemnity insurance cover will be taken up under the regulations.

Mr Speaker, Sir, I have explained in the statement which I have made the importance and role of the construction industry in the improvement of the environment in which we live. I have also talked about the contribution of the construction industry in the economic and social development of Mauritius. As I have already mentioned, the construction sector contributes 6% of the GDP, employing over 50,000 workers and it requires to be supported by an appropriate and enabling legal framework. I have stated, time and again, that we cannot compromise on quality in this sector though all of us know that we have got limited number of architects. Construction standards and norms have to be respected and that is one of the reasons why we have come forward with the CIDB. We have all heard about buildings collapsing in a number of countries due to poor construction and design and causing unnecessary casualties and loss of life. This proposed legislation aims at better structuring and supporting the development of the architect profession, ensuring through a code of practice that the professional performance and conduct of architects are of desirable standards. The necessity for continuous upgrading of their skills and knowledge is also duly recognised and addressed to in the Bill. It is

unfortunate that there are a number of buildings whether in villages or towns which constitute real eyesores. Provision in this legislation will ensure that more buildings are professionally designed.

This Bill will also help to promote environment friendly buildings, optimise the use of resources including energy, in line with Government's initiative in the context of *Maurice Ile Durable*. By allowing foreign architects to practice, the transfer of know-how and latest technologies will also be promoted. This also provides a modern and appropriate legal framework which will promote the growth of the construction industry and the development of architect's profession in this country.

Mr Speaker, Sir, I hope, with this Bill all the lacunas, shortcomings in the previous Bills have already been addressed. I sincerely believe that, in our modern context, it will be a helpful tool for the architects.

With these words, I 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 Professional Architects' Council Bill (No. V of 2011) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Professional Architects' Council Bill (No. V of 2011) was read the third time and passed.

The hon. Minister of Arts and Culture (Mr M. Choonee) gave notice of his intention not to move the second reading and the other stages of the Arabic-Speaking

Union Bill (No. VII of 2010); the Bhojpuri-Speaking Union Bill (No. VIII of 2010); the Chinese-Speaking Union Bill (No. VII of 2010); the Creole-Speaking Union Bill (No. IX of 2010) and the Sanskrit-Speaking Union Bill (No. XI of 2010) today.

ADJOURNMENT

The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 10 May at 11.30 a.m.

Dr. A. Boolell rose and seconded.

Mr Speaker: The House stands adjourned.

At this stage the Deputy Speaker took the Chair.

MATTERS RAISED

The Deputy Speaker: Hon. Members, we have a long list of 12 Members and we will start with hon. Mrs Labelle.

(7.54 p.m)

CHALTA LANE LA TOUCHE/SADALLY – ACCESS ROAD

Mrs F. Labelle (Third Member for Vacoas & Floreal): Merci, M. le président, de me permettre d'attirer l'attention de la Chambre sur deux points qui concernent ma circonscription. Mon premier point: c'est une requête adressée au ministre des infrastructures publiques, une requête de la part des habitants d'une partie de la rue John Kennedy, tout près de Chalta Lane La Touche, qui souhaiteraient avoir un accès plus rapide vers Sadally. Actuellement ils doivent faire un détour, mais il y a déjà un pont piétonnier. Donc, si on pouvait étendre ce pont pour permettre à ces habitants d'aller dans la direction de Sadally. Il faut se rappeler, M. le président, que dans ce coin, il y a un kovil, une mosquée et un temple. Donc, il y a quand même un grand va-et-vient, des activités religieuses et cela facilitera la vie de ces habitants donc de Chalta Lane au nouveau morcellement qui se trouve à l'arrière du supermarché Winners.

JOHN KENNEDY AVENUE, VACOAS – LAW & ORDER

Mon deuxième point, M. le président, concerne la dégradation de l'ordre et la paix sur la route John Kennedy. Ce problème a été soulevé à plusieurs reprises dans cette Chambre. Malheureusement, encore une fois, les habitants de John Kennedy continuent à en souffrir et le dernier incident remonte au samedi 26 mars 2011. Il y a eu des incidents, des bouteilles brisées et il y a des commerçants qui continuent à vendre de l'alcool aux mineurs. Cela se fait régulièrement et donc, il y a pas mal de dégâts. Ces habitants font un appel aux autorités pour essayer de contenir tout ce désordre. Il y a même eu une tentative de vol à la quincaillerie Windsor et là il y a un lampadaire qui demande à être remplacé depuis plus d'une année. Les habitants ont écrit une lettre à la municipalité en février 2010 et rien n'a été fait jusqu'à l'heure.

Donc, voici, M. le président, rapidement deux demandes des habitants de ma circonscription. Je vous remercie.

The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, regarding the footpath, I will look into it. As far as the second issue is concerned, I will transmit it to the Prime Minister's Office.

ROUSSET ROAD, NOUVELLE DECOUVERTE - ABSORPTION DRAIN

Mr S. Dayal (Third Member Quartier Militaire & Moka): Mr Deputy Speaker, Sir, at Rousset Road, Nouvelle Découverte, there is an absorption drain which is not serving its purpose. It requires an extension and the road which is uphill requires levelling. With the slightest rainfall, water gets accumulated and goes to the houses of several inhabitants in the region. The officials of Moka/Flacq District Council have already conducted site visits regarding this matter.

QUARTIER MILITAIRE – FOOTBALL GROUND

With the conversion of the football ground at Quartier Militaire into a stadium, the inhabitants of Quartier Militaire and the vicinity are deprived of their favourite sport, that is, football. Two places have been identified. One is behind the stadium itself, between the stadium and Quartier Militaire SSS (Girls) or it could be at the St. Martin Dam at Quartier Militaire itself. On my personal initiative with regard to Valetta football playground, I contacted the ENL group and I am going to lay the document on the Table of the

Assembly. The ENL group has given the Moka/Flacq District Council permission to maintain and upgrade the football playground.

With regard to the Qabarastan at Circonstance St. Pierre, yet the fencing has not been done; the alleys have not been constructed, and the incinerator project is still pending. Therefore, I would request the hon. Minister if he could give due attention to these problems as the people of the region are expecting it as soon as possible.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Deputy Speaker, Sir, I have been listening to all the requests from my colleague, I will look into them.

RAGAVEN, MS S. – POINTE AUX SABLES – CT SCAN

Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West): Merci, M. le président, je voudrais soulever deux cas concernant ma circonscription. Le premier cas que je vais évoquer concerne la ministre de la santé. Il s'agit du cas d'une jeune fille de 18 ans S. Ragaven, habitant aux Pointe Aux Sables. Cette jeune fille souffre de complications au niveau de sa santé à la suite semble-t-il de prise d'antibiotiques. En tout cas, c'est ce que ses parents disent. S'ensuit alors une dégradation de la santé à tel point qu'elle ne peut plus entendre d'une oreille. Elle a perdu l'ouïe. Elle souffre de migraine permanente. Son médecin lui conseille de faire un *scan*. Son cas, paraît-il, est très grave. Or, le scan de l'établissement hospitalier ne fonctionne plus depuis deux mois environ. La jeune fille a été mise sur la liste d'attente alors que son cas doit être traité urgemment. Je fais donc un appel à la ministre pour que ce cas soit traité en urgence; sa santé se détériore de jour en jour.

CITE DEBARCADERE – POINTE AUX SABLES – WORK PERMIT

Le deuxième cas concerne le ministre des Administrations Régionales et celui de l'Égalité des Genres. Cela concerne une dame qui habite ma circonscription, à Cité Débarcadère, Pointe aux Sables. J'avais, lors de mon intervention sur le budget, M. le président, évoqué son problème. Son mari ne peut plus travailler; le couple a des enfants, et la femme doit subvenir aux besoins de la famille. Elle fait un petit business de 'boulettes'. Elle a fait une demande depuis l'année dernière auprès de la municipalité de

Port Louis pour avoir son permis qui lui permettrait d'opérer en toute légalité, mais, jusqu'à maintenant, rien. Cet après-midi même, elle a été convoquée par la police à une réunion avec les commerçants de la région, et là on lui a sommé de ne plus vendre ses boulettes et ses 'mines', au risque d'être poursuivie par la police. Comment va-t-elle faire vivre sa famille? Je demande donc au ministre des Administrations Régionales d'intervenir auprès de la municipalité de Port Louis afin qu'elle puisse continuer à travailler. Je fais un appel également à la ministre de l'Égalité des Genres, du Développement de l'Enfant et du Bien-être de la Famille, surtout en ce qui concerne son projet d'*empowerment* des femmes.

Merci, M. le président.

The Minister of Health and Quality of Life (Mrs S. B. Hanoomanjee): Mr Deputy Speaker, Sir, the case of Ms S. Ragaven surely requires an in-depth inquiry. If the CT scan does not work, usually we send the patient to a private clinic. I am a little bit surprised that this has not been done in spite of the fact that the case mentioned is very serious. I'll have an in-depth inquiry into the matter.

The Minister of Gender Equality, Child Development and Family Welfare (Mrs S. Bappoo): M. le président, certainement je demanderai au conseil des femmes entrepreneurs si on peut prendre l'affaire en main et de donner tout appui à la dame concernée.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Deputy Speaker, Sir, the hon. Member has not given the name of the person concerned. In any case, I will look into the matter. I will probably get in contact with the hon. Member to have the name of the person, so that I can go back to the Municipal Council.

LES SALINES BERTH CRUISE TERMINAL – TAXIS

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, I address the House on behalf of ten taxis drivers who are facing considerable hardship at Les Salines. As the hon. Minister must be aware, in 2009, the Les Salines Berth Cruise Terminal came into operation. To the surprise of these taxis drivers, they are not allowed to operate in that area, whilst taxis owners of Quays A, C, D and Sir

Seewoosagur Terminal Port area have been allowed to operate in that area. They are excluded. They have written to the hon. Minister through their attorney; they have, themselves, addressed the problem to the hon. Minister - copy to other Ministers - with no reply unfortunately. They are facing considerable hardship as there is no work for them and they are indebted with regard to the loan they have taken for their taxis. I would request the hon. Minister to look into the matter urgently as they are really facing considerable hardship. I'll give the letter for the hon. Minister to have an insight of the problem.

The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, in fact, they have written to my Ministry, and we are negotiating with the Port Authorities because there is a question of space also. Secondly, we have to look at the legal aspect, but, at the same time, I have already promised them that I will look into the issue.

ROSE HILL MARKET - RATS

Mrs L. Ribot (Third Member for Stanley & Rose Hill): M. le président, ces jours-ci, et ce, depuis quelque temps déjà, les maraîchers du marché de Rose Hill se plaignent de la prolifération de rats au marché. Des rats gros comme des lapins courent sur les pieds des maraîchers et des clients, et sur les légumes et les fruits. En plus du danger que ces rats représentent pour la santé des habitants, le chiffre d'affaires des maraîchers a évidemment baissé drastiquement. Là où le bât blesse, M. le président, c'est que, d'après nos informations, le contrat de dératisation du marché a été une fois de plus alloué à la même compagnie qui avait fait cet exercice de dératisation l'année dernière ou l'année d'avant à l'insatisfaction de tous. Je demanderai donc au ministre des administrations régionales de bien vouloir considérer ce problème de prolifération de rats au marché de Rose Hill comme une affaire sérieuse et urgente. Merci.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Deputy Speaker, Sir, I am going to look into the matter.

PLAINE VERTE GARDEN - TREES

Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East): M. le président, je serai très bref. Mon point concerne le ministre des Administrations Régionales par rapport au jardin de la Plaine Verte. Il y a beaucoup d'arbres dans ce jardin, et il y a un arbre en question qui se trouve à l'angle de la rue Magon et la rue Ail Doré dont une branche est complètement sèche et perchée sur la route. A n'importe quel moment, la branche peut se fracasser sur la route, sur une voiture, ou bien, pire encore, sur les passants. D'ailleurs, j'ai déjà parlé de cela. C'est une affaire sérieuse...

(Interruptions)

J'ai déjà parlé de cela avec le Lord Maire de Port Louis mais rien n'a été fait. Donc, je saisis cette occasion pour demander au ministre concerné de traiter cette affaire d'une façon urgente avant qu'un malheur ne se produise. Merci.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Deputy Speaker, Sir, I am going to look into it.

NHDC HOUSES, CHEBEL - MILLIPEDES

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): M. le président, mon intervention ce soir concerne un problème peu commun qui a surgi depuis trois semaines déjà à Chebel, principalement dans la région du nouveau complexe de la NHDC. Tous les soirs, il y a une invasion d'insectes, qu'on appelle couramment mille pattes, qui envahissent dans les maisons qui se trouvent juste à côté des champs de cannes. Dès que nous avons été informés de ce problème, l'honorable Bhagwan, l'honorable Li Kwong Wing et moi-même avons averti la police et ils sont venus sur place de même qu'une équipe du ministère de l'agriculture qui a en effet désinfecté tout le quartier. Malgré tout, ce problème perdure, et chaque soir, comme je viens de vous le dire, c'est la panique totale dans cette région; toutes les maisons sont envahies. Donc, je fais un appel pressant au ministre de l'Agriculture, de même qu'au ministre de l'Environnement pour qu'ils prennent contact rapidement avec les responsables de la propriété sucrière de Médine, à qui appartiennent les champs de cannes pour que, justement, on puisse mettre fin à ce gros problème qui peut paraître rigolo, mais ce n'est pas le cas du tout. Je n'aurais pas voulu, M. le président, être à la place de ces personnes, et je compte sur l'intervention

de notre ami l'honorable ministre de l'Agriculture, et peut-être aussi de l'Environnement pour agir rapidement. Merci.

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Deputy Speaker, Sir, I had a feeling that this matter could be raised this evening, so I have come prepared. In fact, on 11 April, this year, in the evening, around 7.00 pm, the Ag. Permanent Secretary of my Ministry received information regarding this problem, that is, the presence of millipedes in the region of Chebel, near sugar cane fields, at the NHDC premises. He immediately contacted the Police Information Room for details, and gave instructions to the Chief Agricultural Officer to visit the site and take necessary actions.

In fact, on the same night, at 21.30 hours, the Chief Agricultural Officer and also staff of the Entomology Division, accompanied by Police officers, went to visit the site. They found that the NHDC houses were infested with millipedes and that the inhabitants of the NHDC were concerned about the situation and feared for their safety and health. It would appear that the manifestation of millipedes arose from the spraying of pesticides in the cane fields of Médine, as rightly pointed out by the hon. Member.

Medine Sugar Estate has been advised by the Entomology Division of my Ministry to remove all the dry cane trash in the vicinity of the Housing Estates and Medine has taken action accordingly. The Entomology Division of my Ministry undertook spraying of the region on 12 and 13 April. A further site visit was effected by the Entomology Division on 18 April, that is, yesterday and it was found that the situation is under control as the millipedes were no longer coming from the sugarcane fields, except that some millipedes are still found under stones and in the crevices in the yards of inhabitants at a very reduced number. The situation is being closely monitored by my Ministry.

Furthermore, we are making available 75 units of 500 ml of Baygon - insecticides safe for household use - freely tomorrow, to allow the inhabitants to spray inside the house because the pesticides which have been used cannot be used inside the houses. There is no need to exaggerate. Action has been taken and we are following the situation.

The Deputy Speaker: Thank you, hon. Minister! Hon. Mrs Radegonde!

CONSTITUENCY NO. 14 - AMBULANCE

Mrs J. Radegonde (Fourth Member for Savanne & Black River): Mr Deputy Speaker, Sir, allow me to present an issue regarding my Constituency to the hon. Minister of Health.

Mr Deputy Speaker, Sir, there is only one ambulance serving a large population in this Constituency, which includes Le Morne, Tamarin, Chamarel and so on, to Victoria Hospital in Quatre Bornes. Very often, patients spend hours waiting for a pick up to the hospital and back to their home. Many patients have complained about the huge impact that the long waiting hours have on their health and given that they are poor they cannot afford any other alternatives to access the Victoria Hospital in Quatre Bornes.

Mr Deputy Speaker, Sir, may I ask the hon. Minister of Health to look into the matter so that these people may have access facilities to the hospital.

Thank you.

The Minister of Health and Quality of Life (Mrs S. Hanoomanjee): Mr Deputy Speaker, Sir, *les cordonniers sont mal chaussés. C'est dans ma circonscription.* According to me, there should have been, at least, two ambulances there. I will look into the matter and inquire as to why this is so.

(1) GLEN PARK SPORTS COMPLEX – LIGHTING POLES

(2) VACOAS, JOHN KENNEDY - NEW BUS ROUTE

Ms S. Anquetil (Fourth Member for Vacoas & Floreal): Mr Deputy Speaker, Sir, I have two requests. The first one is addressed to the hon. Minister of Youth and Sports. Since several months, lighting poles are out of order at the Glen Park Sports Complex causing inconvenience to the footballers. We request the intervention of the hon. Minister for urgent action.

The second request is addressed to the hon. Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. Can the hon. Minister consider the operation of a new bus route during peak hours from the bus terminal of Vacoas along John Kennedy to cover the regions of Grassy, Sadally, Quentin, La Vanille, Tres Bon, Latour, Moreau and La Touche, turn to Diolle towards Route No. 3 to reach Quatre Bornes and Rose Hill? Thank you.

The Minister of Youth and Sports (Mr S. Ritoo): I take note of the light defects at the football ground and we will take the necessary measures.

The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I will convey the request of the hon. Member to NTA to have a look at it.

RODRIGUES - FREIGHT

Mr J. F. François (Third Member for Rodrigues): M. le président, mon propos ce soir concerne la vie chère à Rodrigues. Il y a une hausse drastique du *freight* entre Maurice et Rodrigues. Cela s'adresse au Premier ministre, au ministre des Finances, au ministre des Transports Maritimes et celui du Commerce. A partir du voyage du Mauritius Trochetia vers Rodrigues, tous les articles...

The Deputy Speaker: Soyez aussi bref que possible!

Mr François: Yes, I won't be very long, but it is a very important issue, Mr Deputy Speaker, Sir.

The Deputy Speaker: We have got three more hon. Members!

Mr François: Tous les articles classés de la catégorie A à G ont connu une augmentation de 30%. En 2001, le coût du *freight* était de R 720 la tonne - le riz, la farine et les autres matériaux ; en 2008: R978 la tonne et en 2011: R 1,270 la tonne. Vous imaginez une pochette de ciment et un sac de riz de 50 kgs coûtent environ R 16 plus chère! Les différents articles achetés dans les boutiques coûteront beaucoup plus chers qu'à Maurice de R 20, R 50 à R 60.

M. le président, aucune communication n'a été faite pour avertir la population et c'est en catimini que nous avons appris cette hausse avec amertume. La population de Rodrigues est en colère par rapport à la vie chère et en plus de cela, il n'y a pas de développements bien planifiés pour amortir cette spirale infernale de la pauvreté qui guette notre pays.

A trois reprises, ici, M. le président, j'ai plaidé pour une baisse de tarif et de subvention par rapport au coût de la vie à Rodrigues. Si, vous permettez, M. le président, premièrement, ma question parlementaire B/48 du 15 juin 2010...

The Deputy Speaker: Please, the hon. Member should be brief.

Mr François: Je ne vais pas rentrer dans les details.

The Deputy Speaker: The hon. Member made your point. I don't want him to repeat what he stated earlier on. I'll ask the Minister to respond, please.

Mr François: M. le président, ma question est: pourquoi rien n'a été fait car aujourd'hui, c'est le contraire que nous voyons de la part du gouvernement central, M. le président. La situation est très alarmante avec cette augmentation de 30%.

De nouveau, je fais un appel avec beaucoup de modestie au Premier ministre, au vice-Premier ministre et ministre des Finances, au ministre du Transport Maritime et du Commerce pour se concerter afin de freiner et revoir cette augmentation du *freight* malgré les recommandations du rapport de KPMG. J'aimerais bien savoir combien cela va coûter.

The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, as far as the freight increase is concerned, since the past few years there was no increase in freights, but there was no way out. We were bound to increase it otherwise the corporation would have gone bankrupt because we had been cost-subsiding heavily the freight rates for Rodrigues. I have to say that we are helpless about it, but we have not increased it as much as it should have been. There was a sense of *retenue* on our side and I do hope that we are going to provide the best of services to the inhabitants of that region.

(a) **ECROIGNARD CEMETERY - CREMATION GROUND**

(b) **BEL AIR/RIVIERE SÈCHE - VILLAGE COUNCIL - THEFT**

Mr J. Seetaram (Second Member for Montagne Blanche & GRSE): Mr Deputy Speaker, Sir, I will direct my question to the Minister of Local Government. Firstly, it is one issue concerning the cremation ground of Ecroignard which has become a littering ground basically. This is causing prejudice to all users especially when there are cremations. I would like to know whether the hon. Minister could look into it in relation to the cleaning up and for the cremation ground to be properly fenced.

Secondly, it concerns, with utmost urgency, the Bel Air/Rivière Sèche Village Council where windows have been broken into and materials in the Bel Air Village

Council have been stolen. Outside the Council also, we have children swings where the seats of these swings have been stolen. Can the hon. Minister kindly remedy the situation?

The Minister of Local Government and Outer Islands (Mr H. Aimée): I will inform the Quartier Militaire District Council so that the needful can be done.

ROSE BELLE - MAHARISHI DAYANAND ROAD

Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle): M. le président, le sujet que je vais aborder concerne le ministre des Administrations Régionales. Cela concerne un problème de sécurité routière à la rue Maharishi Dayanand à Rose Belle. C'est un chemin latéral, très étroit dans un quartier résidentiel qui mène à la foire de Rose Belle. Les automobilistes, qui vont vers la foire, notamment les mercredis et les dimanches, les jours de la foire, empruntent ce chemin-là. Aujourd'hui, ce chemin est très fréquenté et comme c'est dans un quartier résidentiel cela cause un problème de sécurité.

Je demande au ministre d'intervenir et de voir dans quelle mesure il peut assurer la sécurité des résidents afin qu'il n'y ait pas de problème grave dans cette région. Merci.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Although traffic problems do not fall under my Ministry, I will liaise with the TRMSU to remedy the situation.

At 8.19 p.m., the Assembly was, on its rising, adjourned to Tuesday 10 May 2011 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

RODRIGUES REGIONAL ASSEMBLY ELECTIONS

(No. B/222) Mr F. François (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the forthcoming Rodrigues Regional Assembly Elections, he will –

- (a) for the benefit of the House, obtain from the Electoral Supervisory Commission, information as to if necessary arrangements will be made to

enable the disabled electors to vote at ground level in the polling stations,
and

- (b) state if –
- i. the Code of Ethics and Good Conduct will be enforced, and
 - ii. Government proposes to bring amendments to the Constitution, the Representation of the People Act and the Rodrigues Regional Assembly Act, prior thereto to review the electoral system in Rodrigues in relation to proportional representation.

Reply: With a view to making our voting procedures disabled friendly, ramps have been constructed in almost all polling stations in Mauritius last year. I am informed by the Electoral Commissioner's Office that the same arrangements and procedure are being extended to Rodrigues. In fact, a delegation led by the Electoral Commissioner himself carried out site visits to all the polling stations in Rodrigues on 05 and 06 April 2011 together with representatives of the Commission of Public Infrastructure of the Rodrigues Regional Assembly.

A room has been identified on the ground floor of each polling station to cater for disabled electors and construction of ramps, where necessary, has already started. Works are scheduled to be completed by the end of this month.

Furthermore, the Electoral Commissioner's Office has dispatched to Rodrigues 18 wheelchairs, one for each polling station, for use by disabled voters.

Regarding part (b) (i) of the question, the House will recall that, in line with the recommendations of the Sachs Commission and in the light of the observations and recommendations made by the Supreme Court in the case of R. D. N. Ringadoo v/s A. K. Jugnauth, which recommendations were later endorsed by the Privy Council, a Code of Conduct was prepared by the Electoral Supervisory Commission for the National Assembly By-Election held in Constituency No. 8 – Quartier Militaire and Moka on 01 March 2009.

In the light of the experience gathered with this first Code of Conduct, and taking into consideration various suggestions made pertaining to it, the Electoral Supervisory Commission elaborated a fresh Code of Conduct in connection with the National Assembly Elections held on 05 May 2010.

I am informed that the Electoral Supervisory Commission intends to implement a Code of Conduct for the forthcoming Rodrigues Regional Assembly Elections.

In regard to part (b) (ii) of the question, as I have already stated previously in this House, Government will appoint a team of constitutional experts, as announced in the Government Programme 2010-2015, to consider appropriate constitutional reforms, including the reform of our electoral system.

However, in the particular context of the forthcoming elections of the Rodrigues Regional Assembly, I believe we should give priority to making amendments to the Rodrigues Regional Assembly Act in the light of our experience so far. Of course, we are going to consult with all the partners concerned.

PMO - MRS K. R. - SENIOR ADVISER

(No. B/223) Mrs J. Radegonde (Fourth Member for Savanne and Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Mrs K. R., Senior Adviser at the Prime Minister's Office, he will –

- (a) state –
 - i. her qualifications;
 - ii. her salaries and terms and conditions of appointment, and
 - iii. the make and model of car put at her disposal, and
- (b) for the benefit of the House, obtain from the Commissioner of Police, information as to the number of times a chauffeur-driven car from the Police Transport Branch has been put at her disposal, over the past four months.

(Withdrawn)

ICAC - MR H. B. - STATEMENTS

(No. B/224) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will state if he has received a letter from Mr H. B., informing him that he has made statements to the Independent Commission Against Corruption

against the Honourable Vice-Prime Minister, Minister of Finance and Economic Development in relation to the acquisition of landed property and, if so, indicate the actions he proposes to take, if any.

(Withdrawn)

ROSE HILL - TOWN CENTRE - DRUGS & PROSTITUTION

(No. B/225) Mr D. Nagalingum (Second Member for Stanley and Rose Hill) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Town Centre at Rose Hill, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if there is a proliferation of drugs and prostitution thereat, especially at night and, if so, indicate the additional measures, if any, that will be taken to reinforce security thereat.

(Withdrawn)

FLACQ - PATISSERIE MURDAY - FOOD POISONING

(No. B/226) Mr J. Seetaram (Second Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the recent case of food poisoning in Flacq, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out as to the –

- (a) cause of death of one Mr V. D., and
- (b) conditions in which the Patisserie Murday was operating, indicating the actions taken in relation thereto.

Reply: In regard to part (a) of the question, I am informed by the Commissioner of Police that on 08 April 2011, the Montagne Blanche Police Station was informed by the Flacq Hospital Police Post that one Mr V. D., a 29-year old resident of Montagne Blanche, passed away at 21.55 hrs. It was suspected that the patient died after he had consumed cakes bought from Patisserie Marday situated at Montagne Blanche. The matter was referred to the Police for inquiry.

On 09 April 2011, the wife of the deceased, reported to the Police that on Thursday 07 April 2011 at about 02.30 hrs, her husband and herself suffered from belly pain after they had consumed cakes bought from Patisserie Marday earlier. They attended treatment at Flacq Hospital but were not admitted. On the same day at about 13.00 hrs, they were still feeling sick and they proceeded to Montagne Blanche Health Centre for treatment. They were referred to Flacq Hospital where they were admitted. It was on that evening that her husband passed away.

Autopsy carried out by the Chief Police Medical Officer on 09 April certified that Mr. V. D. had died of "*Acute Cerebral and Pulmonary Oedema*". Specimens of stool, blood and stomach contents of the deceased were collected and sent to the Forensic Science Laboratory for Virology and Bacteriology examinations.

On 13 April 2011, a statement was recorded by the Police from Mr M. M, Director of Patisserie Marday in the presence of his bar-at-law. Mr M. M denied the fact that Mr V. D. had died after eating cakes bought from his pastry shop. A provisional charge of "Involuntary Homicide" was lodged against him and he was brought before the District Magistrate of Flacq. He was released on bail after furnishing two sureties of Rs50,000 and Rs100,000 respectively, and a recognizance of Rs250,000. He was also ordered to report to the nearest Police Station every Saturday between 06.00 hrs and 18.00 hrs. The case will be heard again on 06 September 2011.

In a report dated 14 April 2011, the Forensic Science Laboratory confirmed the presence of a bacteria known as "Coagulase Negative Staph" in the blood sample of Mr V. D.

Police is pursuing inquiry into the matter.

In regard to part (b) of the question, in view of the ongoing investigation, it would not be proper to disclose the information requested by the hon. Member. However, I wish to inform the House that following tests carried out on four samples of cakes produced by Patisserie Marday which revealed the presence of salmonella bacteria in three of the samples, the Ministry of Health and Quality of Life has issued a prohibition order against Patisserie Marday.

BEL AIR VILLAGE CENTRE - TRAFFIC CONGESTION

(No. B/227) Mr J. Seetaram (Second Member for Montagne Blanche and Grand River South East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Bel Air Village Centre, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if there is an increase in traffic congestion thereat, especially from the Bel Air roundabout to the Clemencia Branch Road and, if so, if consideration will be given for the posting of Police officers thereat, indicating the measures that will be taken, if any, to address the issue of traffic congestion thereat.

Reply: The Bel Air-Montagne Blanche Road B27 is an important road linking the eastern and central parts of the island. It runs across the Bel Air Village Centre starting at one side from the roundabout to the other side towards Pont Lardier. There is no alternate public road in that area for vehicular traffic.

The section of the road from Bel Air roundabout to the junction of Clemencia Branch Road is densely built up with commercial developments on both sides and generates a significant amount of vehicular and pedestrian traffic on the road frontages. During morning and afternoon peak hours of the day and during market fair on Sundays, it is observed that there is localised traffic congestion during brief intervals due to –

- temporary onstreet parkings and stopping of vehicles to embark or disembark passengers;
- queuing of vehicles behind existing bus stops, and
- onstreet loading or unloading on the frontages of some commercial centres.

To ensure the fluidity of traffic along the stretch of road, eight Police officers on foot patrol cover the area during peak hours. Three additional Police officers are deployed on fixed point duties at the three main junctions. Also, the personnel of the Divisional Support Unit, Divisional Traffic Police and the Emergency Response Service carry out hourly mobile patrols.

The Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping has prohibited onstreet parking at some places by yellow line markings to further improve the traffic flow in Bel Air. It is also studying the construction of a trunk road starting from Pont Lardier up to Grand Bay to bypass Bel Air Village which should decrease traffic in this region.

**HUMAN RIGHTS PRACTICES OF THE UNITED STATES
DEPARTMENT OF STATE – REPORT**

(No. B/228) Mr V. Baloomoody (Third Member for GRNW and Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he has taken cognizance of the observations made in the 2010 Country Reports on Human Rights Practices of the United States Department of State with regard to Mauritius in respect of human rights and freedom of the press and, if so, will he state the remedial measures he proposes to take.

Reply: It is a common practice every year for the US Department of State to issue country reports on human rights practices for countries that receive assistance from the US Government or for countries which are members of the United Nations. These reports cover internationally recognised individual, civil, political and worker rights, as set forth in the Universal Declaration of Human Rights.

This report contains many inaccuracies, and this is not the first time that discrepancies are included in such a report. Mauritius has on various occasions, since 1993, submitted comments so as to set records straight on inaccuracies noted. The last occasion on which such an exercise was carried out was in August 2010.

I would like to pinpoint one glaring example of inaccuracy contained in the report. I quote –

”There was no development in the February 2009 death of an inmate in Central Prison who died after being stabbed by another prisoner.”

There is no record that an inmate died in February 2009 after being stabbed by another inmate.

I must add that Mauritius has a very good track record when it comes to human rights and we have adhered to all the major Conventions and Treaties in this area. Mauritius, being a member of the United Nations, was last reviewed on 10 February 2009 by the Human Rights Council through a Universal Periodic Review on issues which included the rights of minorities, gender issues, human rights training of law enforcement officers, domestic violence, and commercial sexual exploitation of children, among others.

I must also add that the third periodic report of Mauritius under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment will be examined at the forty-sixth session of the Committee against Torture on 19 and 20 May 2011. Follow-up is done with the various stakeholders to see to it that we respect our commitments.

Mauritius is equally under constant review by regional bodies such as the African Convention on Human and People's Rights. Periodic reports are submitted to these human rights treaty bodies. Reports are compiled following consultations and extensive discussions with the Attorney General's Office and other key stakeholders with a view to integrating their recommendations within our legislations and policy.

Periodic Reports thus make mention of all the changes in the legal framework to enhance the promotion of human rights. Such legislations include, *inter alia*, Child Protection Act, the Employment Relations Act, the Employment Rights Act, the Truth and Justice Commission Act, the Sex Discrimination Act, the Mutual Assistance in Criminal and Related Matters Act, the Equal Opportunities Act, the HIV and Aids Act and Protection from Domestic Violence Act.

There are equally national institutions such as the National Human Rights Commission to ensure compliance with human rights standards. In fact, the National Human Rights Commission mainly enquires into complaints from persons alleging violation of their rights under Chapter II of the Constitution by the acts of members of the Police force. It can also enquire of its own motion into such acts. Its functions also include visiting Police stations, prisons and other places of detention to study detainees living conditions.

The Ombudsman and Ombudsperson for Children also investigate into complaints in cases of abuse. Compliance with human rights instruments is a moving target. Much has been done and there is still room for improvement. We are constantly striving to achieve this goal.

In regard to freedom of the press, I would like to stress that section 12 of the Constitution provides for the freedom of expression. Chapter II of our Constitution provides for the exercise of the fundamental rights and freedoms found under this Chapter to be subject to the rights and freedoms of others and the interests of defence, public safety, public order, public morality or public health. These restrictions must further be

reasonably justifiable in a democratic society. Section 12 of the Constitution provides for the protection of freedom of expression and such right includes the freedom to hold opinions and to receive and impart ideas and information without interference and freedom from interference with one's correspondence. Freedom of the press is an essential component of the right to freedom of expression as enjoyed under section 12 of the Constitution. The local media enjoy a long tradition of freedom and pluralism. There are various dailies, weeklies, fortnightlies and monthlies. The audiovisual landscape consists of the national radio and television broadcaster, the Mauritius Broadcasting Corporation, and private radio stations.

The Independent Broadcasting Authority regulates broadcasting in Mauritius, deals with the licensing of new radio and TV channels and the devising of parameters and criteria for the authorisation of new channels, including guidelines for programmes, safeguards against indecency and sanctioning non-conformity with established standards.

I have on several occasions stated in the House that a new media law is being worked out to modernise our outdated legislation and to review the role and functions of the Media Trust. In this connection, Mr Geoffrey Robertson, QC, an international respected human rights lawyer known for his defence of freedom of expression and individual rights will submit his report soon.

The report clearly acknowledges that the Constitution guarantees freedom of expression and of the press. Individuals criticise Government publicly or privately without reprisal and that the independent media are active and express a wide variety of views. All that the report says is that at times, those rights are not respected in practice. It is unavoidable in a vibrant democracy that there is sometimes disagreement as to whether in a specific case, fundamental rights have or have not been infringed by the State. Some of the cases reported upon refer to matters which are being or have been dealt with by our court.

This shows that we have in Mauritius effective remedy in case of infringement of human rights and even if the State is unintentionally in breach of human rights, any aggrieved citizen can enforce those rights against the State.

The US Country Report 2010 will have to be studied by different Ministries and Government Departments and the records will have to be set straight with regard to some inaccuracies contained therein. However, with regard to areas of concern, Government

will consider remedial actions as may be called for in the ongoing implementation of its constitutional and international human rights obligations.

POLICE OFFICERS - TRAFFIC BRANCH - MOTORCYCLES

(No. A/87) Dr. R. Sorefan (Fourth Member for La Caverne and Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the motorcycles put at the disposal of Police Officers attached to the Traffic Branch, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, indicating the number thereof which are aged eight years and above, indicating the frequency at which they are renewed.

Reply: 136 motorcycles have been allocated to the Traffic Branch for its day to day operations, of which 40 are over 8 years.

The economic life of these motorcycles depends on their mileage run, handling and maintenance. In some cases, depending on their running conditions, they can be used for more than ten years.

SECURITY GUARDS COMPANIES - REGISTRATION

(No. A/88) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the private security guards companies, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof registered with the Commissioner of Police, as at to date, indicating, in each case, the –

- (a) name of the company;
- (b) registered address
- (c) number of employees, and
- (d) date of registration.

Reply: As at 14 April 2011, 19 Private Security Companies have been registered with the office of the Commissioner of Police.

The information requested in other parts of the question is being compiled and will be laid on the Table of the National Assembly as soon as it is available.

Meanwhile, I refer the hon. Member to the reply I gave to a Private Notice Question on 06 December last and to inform that I have called for a complete review of the regulatory process for the registration of companies offering Private Security Services.

DAILIES AND WEEKLIES – GOVERNMENT PUBLICITY FEES

(No. A/97) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to each of the dailies and weeklies which have benefitted from publicity fees from Government, since July 2010 to date, he will, in each case, table information as to the amount thereof.

Reply (The Prime Minister): Inasmuch as the whole issue of allocation of paid Government Publicity to the Press is presently the subject matter of pending litigation before the Supreme Court, and as I had indicated in reply to Parliamentary Question No. 1B/31 on 15 June 2010, it would not be proper to give the information requested by the hon. Member, at this stage.

8TH INDIAN OCEAN ISLAND GAMES – ATHLETES - TRAINING SESSIONS

(No. B/251) Mr F. Quirin (Third Member for Beau Bassin and Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the forthcoming 8th Indian Ocean Island Games to be held in the Seychelles, he will state if he has been informed that some preselected athletes therefor are facing difficulties to obtain release from duty from their employers to attend the training sessions and, if so, the measures taken by his Ministry in relation thereto, if any.

Reply: In the context of the preparation for the forthcoming Indian Ocean Islands Games, all the 15 federations concerned have been contacted and a first list of those preselected athletes who would need to be released by their employers was drawn in January. This list has been extended or amended at least four times, the latest being during the first week of April.

My Ministry has promptly arranged for letters to be issued to their employers and I must say that most of them have reacted positively. The complaints relate to those requests received during the course of this month. It is expected that other requests for release may be received until the final selection is done in mid June. My Ministry is closely monitoring the situation.

However, I wish to inform the Honourable Member that we cannot impose on any employer to release his employees to take part in competitions or training camps. However, my Ministry and myself rely on the good faith and collaboration of each and everyone concerned directly or indirectly with the forthcoming Games.

I am convinced, that the sense of patriotism of every employer will prevail over every other consideration, as it is a question of national pride.

INDIAN OCEAN ISLAND GAMES – FEDERATIONS - TRAINING CAMPS

(No. B/252) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the forthcoming 8th Indian Ocean Island Games to be held in the Seychelles, he will give a list of the federations which have expressed their intention to participate in local or foreign training camps, indicating-

- (a) in each case, the cost thereof and
- (b) how his Ministry proposes the financing thereof.

Reply: In view of the preparation for the Indian Ocean Islands Games, all the 15 concerned federations have planned specific training camps locally and abroad.

I wish to inform the hon. Member that the preparations for the Indian Ocean Islands Games have started since long. At the time of the budget allocation in January 2011, each of the federations concerned was requested to plan its training programme in light of the budget earmarked, as, in most cases, the financial proposals were exorbitant.

The federations were also advised that all their training programmes and budget allocation should be geared towards the Indian Ocean Islands Games. I am satisfied that this is being done.

Moreover, on top of the budget allocation by my Ministry, we have entrusted to the Club Maurice the responsibility to look for other financial sources to assist sports federations in their preparation, including local and overseas training camps.

A list of the training camps already financed by my Ministry together with a list of training camps planned by the federations is being compiled and will be placed in the Library of the National Assembly soon.

MEDICAL INTERNSHIP PROGRAMME

(No. B/253) Dr. S. Boolell (Second Member for Curepipe and Midlands) asked the Minister of Health and Quality of Life whether, in regard to the Medical Internship Programme, she will state the number of doctors awaiting internship posting and training, indicating-

- (a) their prospective conditions of employment, including financial and other benefits and
- (b) the proposed changes to be brought to the duration thereof, if any, and the reasons therefor.

Reply: As at date, a total of 169 new medical graduates have applied for pre-registration training in our hospitals. 111 of them have been recommended to the Public Service Commission for enlistment as Pre-Registration House Officers as from May 2011. The recommendation has been made on the basis of the dates of applications made to the Ministry.

With regard to part (a) of the question, trainees are enlisted for a period not exceeding 24 months and are paid a flat allowance of Rs24,000 monthly plus compensation at approved rates.

As regards part (b) of the question, a proposal has been made by the Medical Council for the duration of the training to be reduced to 18 months. The matter is being examined by a Technical Committee at the level of my Ministry in the context of the overall review of the Medical Council Act.

VEHICLES - FIRE EXTINGUISHERS

(No. B/254) Dr. S. Boolell (Second Member for Curepipe and Midlands) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the fire extinguishers which have to be kept in vehicles, he will state the –

- (a) number of fake/substandard cases thereof reported to his Ministry, if any and
- (b) steps taken by his Ministry to ensure that they meet international standards and to inform the public accordingly.

Reply: I am informed neither my Ministry nor the NTA nor even the Commissioner of Police has received any report in respect of fake and substandard fire extinguishers.

Following one incident reported in media, Government has requested the Ministry of Commerce and Industry to initiate action to include Fire Extinguisher in the list of controlled products with a view to ensuring that such products meet the international standard.

I am informed that the Ministry of Commerce has already initiated appropriate action.

PHOENIX- BEAUX SONGES – LINK ROAD – COMPULSORY ACQUISITION

(No. B/255) Mr K. Ramano (Second Member for Belle Rose and Quatre Bornes) asked the Minister of Housing and Lands whether, in regard to the construction of the link road between Phoenix to Beaux Songes, along the Sayed Hossen Avenue, he will give a list of the owners whose land have been compulsorily acquired, indicating in each case, the –

- (a) extent thereof and
- (b) amount paid, specifying the basis of valuation per square metre.

Reply: There are 259 cases of land acquisition for the Phoenix- Beau Songes link Road project. Compensation has been assessed in each case by the Valuation Office.

Arrangements are being made for a comprehensive list of all these cases together with land extent and valuation assessment to be placed in the Library.

ILE AUX CERFS & ILE AUX MARGENIE - MAINTENANCE

(No. B/256) Mr K. Ramano (Second Member for Belle Rose and Quatre Bornes) asked the Minister of Tourism and Leisure whether, in regard to Ile aux Cerfs and Ile aux Margenie, he will state –

- (a) the undertakings of the Touessrok hotel in relation to the
 - (i) maintenance of the sites and
 - (ii) construction of jetties in Trou d’Eau Douce, following the construction of a golf course on Ile aux Cerfs and
- (b) if the barbecue operators have been requested to vacate same and, if so, the reasons therefor, indicating if they will be relocated and, if so, where to and
- (c) if a fee will be chargeable for access to Ile aux Cerfs and, if so, indicate the
 - (i) quantum thereof and
 - (ii) reasons therefor.

(vide Reply to PQ No. B/250)

“LOTO” - PROCEEDS

(No. B/257) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the proceeds of the “Loto”, he will state the items of the capital expenditure which have been financed therefrom, for the year 2010.

Reply: As the House is aware, Section 85 of the Gambling Regulatory Authority Act provides for the proceeds from Mauritius National lottery be paid into the Consolidated Fund and be used to finance the implementation of projects relating to community development, the promotion of education, health, sports and culture, for reimbursement of public debt of Government and for any other purpose as may be prescribed.

It was estimated that for Financial Year 2010, the proceeds from the Mauritius National Lottery would amount to Rs 400 million. Since the specific projects to be financed had not yet been identified at the time of finalizing the Programme-Based Budget Estimates of 2010, the provision could not be allocated to the respective programmes of line Ministries. Accordingly, a central item of expenditure entitled “Projects/Schemes

financed under the National Lottery” with a provision of Rs 400 million was created under sub-programme 95202: “Other Projects and Schemes Centrally Managed”, from which payments in respect of projects approved during the year would be made by way of departmental warrants or *virements* to ministries and departments.

The House will in fact note that in the Programme-Based Budget Estimates of 2011, provision for the various projects approved to be financed from the National Lottery in the Consolidated Fund have been made under the respective programmes of individual Ministries, and not under a centralized item.

I am circulating the amounts disbursed in 2010 under the central item of expenditure “Projects/Schemes financed under the National Lottery”.

FISHING AGGREGATE DEVICES - REPAIRS

(No. B/258) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Fisheries and Rodrigues whether, in regard to the Fishing Aggregate Devices, he will state the present number thereof islandwide, indicating the ones which need repairs.

Reply: I am informed that there are 20 Fish Aggregating Devices (FADs) active in Mauritius and none of them require repairs.

I would like to inform the House that technical meetings are held on a monthly basis with FAD fishermen at the Fisheries Training and Extension Centre (FiTEC), where all issues related to FAD fishery are discussed.

CITÉ RICHELIEU - ROAD HUMPS

(No. B/259) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Cité Richelieu, he will state the reasons why the road hump installed thereat has been removed, indicating if consideration will be given for the re-installation thereof, with a view to avert road accidents.

Reply: I have been informed by the Traffic Management and Road Safety Unit that all road humps along the Black River Road A3 especially in the region of Petite Rivière

and Richelieu were removed during the visit of the President of the People's Republic of China for security reasons. Subsequently, it was decided replace the road humps by the new type of speed calming devices, namely the mode rails. Accordingly, the mode rails have been installed in the region of Richelieu and Petite Rivière. However, following a new road safety scheme the mode rails have not been installed at the exact location of the previous road humps but at a more appropriate place in the same area.

The House may wish to note that in addition to mode rails in Richelieu, other road safety schemes such as pedestrian mode traffic light, handrails, pedestrian crossing and footpath on both sides of the road have been implemented to the satisfaction of all stakeholders.

MADAGASCAR - MAURITIAN EMBASSY - DEMONSTRATION

(No. B/260) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the demonstration which was held in front of the Mauritian Embassy in Madagascar, on Sunday 10 April 2011, he will state the reasons therefor, giving details thereof.

Reply: I wish to inform the House that there was no demonstration in front of the Mauritius Embassy in Antananarivo on Sunday 10 April 2011.

PUBLIC PROCUREMENT - BIDS

(No. B/261) Mr A. Ganoo (First Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to public procurement, he will, for the benefit of the House, obtain information as to the number of bids which have been issued after the dissolution of the previous National Assembly up to its first sitting after the last general election, indicating, in each case, the -

- (a) names of the public bodies which issued same;
- (b) dates same was advertised, and
- (c) name of the successful bidder.

Reply: The information is being compiled and will be tabled in the Library of the National Assembly.

NEOTOWN PROJECT - OFFICE SPACES

(No. B/262) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Neotown Project, he will state if Government proposes to rent office spaces from the promoter, on completion thereof.

Reply: There is absolutely no proposal to rent office space from the promoter of the Neotown Project. Besides, renting of office space by Government is subject to established procedures in accordance with the provisions of the Public Procurement Act.

PLANTERS (SMALL) – ABANDONED LAND

(No. B/263) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Agro-Industry and Food Security whether, in regard to the small planters, he will state if any of them has abandoned the cultivation of his land and, if so, if a survey has been carried out to establish the number and extent thereof, indicating if Government will consider leasing the abandoned land for cultivation purposes, instead of resorting to investment in land abroad therefor.

Reply: State lands for agricultural purposes are allocated to small planters for two purposes namely -

- (i) sugar cane plantation;
- (ii) food crop cultivation .

Land released for sugar cane plantation was within the context of the diversification programme away from tea. Tea production was not profitable because of the world low price of tea. On the other hand, Mauritius received an additional quota for sugar at very remunerative price in the US market. Consequently, a total of 2410 hectares of land was converted from tea to sugar cane from 1997 to 1999.

It is important to mention that these lands were more suited to tea because of the climate and soil conditions. These were only moderately suitable for sugar cane cultivation and the yield potential was not very high.

With the reform in the EU regime and in particular in the 36% drastic cut in the sugar export price, the profitability and revenue of small planters cultivating sugar cane in these regions were adversely affected.

Today the breakeven point for sugar cane is around Rs 15,000 per ton whereas the revenue accruing to the planter is estimated at Rs13,500 per ton. Hence, the small planters cultivating sugar cane on these marginal and difficult areas of the ex tea belt were particularly affected and some have abandoned their fields.

We have to be realistic. Some of the lands in the ex tea belt area will not be profitable for sugar cane and planters will have to diversify. For this very reason, my Ministry with the collaboration of IFAD has commissioned a project and study to assess the extent of land that needs to be diversified and to propose diversification options. This project includes the survey of abandoned lands in the ex tea belt areas as well as abandoned sugar cane lands throughout the country. The project is near completion and the report is expected by end of this month.

For the other areas where sugar cane cultivation is still profitable, the small planters are encouraged to maintain their activities under the FORIP (Field Operations, Regrouping and Irrigation Projects). Under this project, the planters are given incentives to mechanically prepare their lands and facilities for irrigation and drainage when they regrouped. Just last week, I visited one the State land in the ex tea belt area namely at Midlands whereby some 24 planters have regrouped themselves.

Moreover my Ministry is working on a project to set up an Agricultural Land Bank that will cover both abandoned State and private agricultural lands. The Land Bank will enable a proper monitoring of land utilisation and the lease of land to prospective planters, breeders or agri-entrepreneurs for the implementation of their projects.

My Ministry is facilitating the small planters who wish to diversify to partner with private entrepreneurs like Vita Rice Ltd for hybrid rice and seed production.

For the second category where lands were leased for foodcrop production, it is a normal feature that some lands are left in an abandoned state due to old age and illness of

the small planters/lessees. In such cases, my Ministry retrieves the lands and reallocate it to new potential applicants.

Our level of imports is very high. On the other hand our agricultural land resources are limited. In order to attain a higher level of food self sufficiency, Government has acted proactively and initiated Cross Border Initiatives with friendly countries in the region like Madagascar and Mozambique.

POTATOES – SEEDS - SELLING PRICE

(No. B/264) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Agro-Industry and Food Security whether, in regard to the new seeds of potatoes received from Holland and the United States, he will state the mode of distribution thereof, indicating -

- (a) the selling price and quantity thereof, and
- (b) if Government proposes to grant subsidies to the planters in relation thereto.

Reply: I wish to inform the House that Potato is cultivated from locally produced and imported seeds. Imports of seeds are undertaken prior to the planting season which extends from mid April to mid September.

As from 2009 Potato Campaign, besides AMB, private importers are allowed to import potato seeds with the permission of the AMB and the necessary clearances of the National Plant Protection Office of my Ministry.

I am informed that a total of 308 tonnes of Spunta seed potatoes was imported from the Netherlands and was cleared by the National Plant Protection Office as follows

-

- (a) 28 metric ton imported by Cope Sud on 7 February 2011
- (b) 225 tonnes by the Agricultural Marketing Board on 1 April 2011; and
- (c) 55 tonnes by the Mauritius Agricultural Marketing Cooperative Federation (MAMCF) on 13 April 2011.

So far no potato seed has been imported from the United States.

Regarding the mode of distribution, seeds imported by Cope Sud are cultivated by the Company, that is there is no distribution. The MAMCF distributes the imported seeds to its affiliated members. The AMB offers for sale the imported seeds to potato growers who are registered since September last. The latter has to effect a down payment to confirm the purchases so that AMB can plan its import of seeds.

The price charged by AMB is Rs45,200 per tonne of seed (a weighted average selling price of both local and imported seeds of different varieties). However, a promotional price of Rs 37,000 per tonne is offered for the first ever local variety produced in Mauritius which was launched in October last year and named Belle Isle.

Regarding Part (b), there is no subsidy as such on potato seed. However, Government has recently introduced a one- off grant of 10% on cost of onion and garlic seeds to encourage planters and to give a boost to the cultivation of these crops in the wake of the soaring prices of garlic and onion on the international market.

I wish to inform the House that a Seed Potato Purchase Scheme is in place since 2009 under the Food Security Fund. It is managed by the AMB and under this Scheme, registered potato growers paid 20% of the value of potato seed and the balance is refunded to AMB at the time of harvest. This 20% has been reduced to only 10% as from campaign 2010.

This Scheme has been well received by potato growers and proved successful. As at date, some 130 potato growers have benefitted from the scheme which has enhanced production from 14,000 tonnes in year 2007 representing 56% of total requirements to 20,000 tonnes in year 2010 with a percentage increase of 80% of our requirements for potato. I must point out to the House that the target set for potato in the Food Security Fund Strategic Plan was 20,000 tonnes in 2012. In year 2010, local production has reached 20,000 tonnes Hence, this target was reached in 2010 itself. It is now envisaged to produce more with the new measures and new varieties introduced.

SAINT AUBIN – PLANTERS - QUOTA SYSTEM

(No. B/265) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Agro-Industry and Food Security whether, in

regard to the planters of the Saint Aubin factory area, he will state if they have been informed of the conditions of the closure of the mill, indicating the

- (a) arrangements regarding the delivery of their canes, and
- (b) quota system imposed by the miller.

Reply: I wish to inform the House that all factory closures are effected according to the provisions of the Blue Print on Centralisation of Sugar Milling Operations (1997).

As regards the closure of Union St Aubin Sugar (USA) Factory, I received the application on 14 October 2010 as per Section 24(2)b of the Cane Planters and Millers Arbitration and Control Board Act. Thereafter, I instructed the Mauritius Sugar Authority to investigate and report on the proposed closing down of the Factory.

In the process the main components which were reviewed include the following -

- (a) technical aspects;
- (b) package for workers, and
- (c) package for planters;

As far as the package for planters is concerned, I have been given to understand by the MSA that three(3) meetings were held with the planters in the presence of the MSA, Cane Planters and Millers Arbitration Control Board, Farmers Service Corporation and Omnicane Ltd, on the following dates -

- (i) on 27 October 2010 at the seat of the MSA with the representatives of the Mauritius Planters Agricultural Multipurpose Cooperative Society Ltd, the Mauritius Cooperative Agricultural Federation Ltd;
- (ii) on 28th October 2010 with several Cooperative Societies at FSC St Felix, Chemin Grenier, and
- (iii) on 15th November 2010 with some 20 planters' associations at the FSC St Felix.

During the consultation process with the planters the following main requests were made -

- (a) maintenance of cane quota system;
- (b) availability of cane slings and scum, and

- (c) services offered by the Control Board.

A meeting was held on 29 November 2010 by the Mauritius Sugar Authority with Control Board and management of Omnicane Ltd to discuss and to take on board all the issues raised by the planters in connection with the closure of USA Sugar Factory.

The following conditions were agreed upon by the parties:

- (a) the keeping in place of all infrastructure for cane weighing, testing and unloading of cane consignments;
- (b) a new laboratory at La Baraque will be implemented;
- (c) with regards to the delivery of cane, that planters will have the choice of either delivering their cane at their usual respective sites, at Union St Aubin or at La Baraque (Savannah);
- (d) with regards to cane quota, the cane quota for planters will continue to apply as those prevailing at Union St Aubin prior to its closure;
- (e) additional cane slings would be provided, and
- (f) scum would be made available to planters for plantation purposes as from Crop 2012.

These conditions were considered favourably by Government and they form part of conditions under which the closure of USA Sugar Factory has been granted.

I wish to reassure the House that the interest of planters has been taken on board and action has been initiated to apprise the planters accordingly.

I wish to add that another condition attached to the closure of USA is the maintenance of the present planters' adviser in post to facilitate dealings of planters of Union St Aubin amongst others, with Omnicane Milling Operations Ltd. The Mauritius Sugar Authority, Farmers Service Corporation and the Control Board are closely monitoring to ascertain that the conditions attached are fully implemented.

EBÈNE - TRAFFIC CENTRE - CONSTRUCTION

(No. A/89) Dr. R. Sorefan (Fourth Member for La Caverne and Phoenix) asked the Minister of Public Infrastructure, National Development Unit, Land Transport

and Shipping whether, in regard to the proposed construction of a traffic centre in Ebène, he will state if land has already been earmarked therefor, and if so, indicate -

- (a) the location thereof,
- (b) the estimated cost thereof, indicating if funds have already been earmarked therefor, and
- (c) when works will start.

Reply: I am informed that a site of 3.4171 hectares has been earmarked for a proposed traffic centre at Ebene along the Vandermersch Trianon Link road, opposite Ebene SSS Girls, behind Central Electricity Board (Rose Hill Office).

As regards to parts (b) and (c), a preliminary design has been prepared by the Traffic Management and Road Safety Unit and necessary action will be taken for provision for funds for implementation of the project in due course.

TRANQUEBAR - STATE LAND TORY - FLOODING

(No. A/90) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the river crossing the State Land Tory, in Tranquebar, Port Louis, he will state if it overflows after heavy rainfall, thus causing flooding and, if so, the remedial measures that will be taken in relation thereto, if any.

Reply: Due to the topography of the State Land Tory in Tranquebar, flooding occurs whenever there is heavy rainfall. Officers from the NDU have been requested to look into and come up with solutions to alleviate the problem.

TRANQUEBAR – SEWERAGE SYSTEM

(No. A/91) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the connection of the region of Tranquebar, Port Louis, to the sewerage system, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to where matters stand.

Reply: I am informed by the Wastewater Management Authority, (WMA), that the region of Tranquebar and Chateau d'Eau is already connected to the sewerage system, except for 40 low lying houses, which could not be connected to the existing network.

Following a site visit of the hon. Deputy Prime Minister accompanied by the hon. Abdullah Hossen in September 26, the WMA is proceeding with the connection of these houses. A Request for Proposal for Consultancy Services for the Feasibility Study, Preliminary Design and Tender Documents will be launched in the coming weeks. The consultancy services are expected to start by August 2011 and will be completed within six months.

GOODS - IMPORTS

(No. A/92) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the year 2010 and since 1 January to end March 2011, he will state the -

- (a) percentage of imports of goods and services paid in US Dollars and in Euros;
- (b) rate of appreciation of the rupee vis-à-vis the US Dollar and the Euro;
- (c) rate of world inflation;
- (d) rate of domestic inflation, indicating if same was higher than the world inflation rate in spite of the appreciation of the rupee and the reasons therefor, and
- (e) implications of the above on our anti-inflation policy.

Reply: The Central Statistics Office (CSO) provides the currency composition of imports of goods. Statistics on the currency composition of imports of services are not available. According to the CSO, during the first quarter of 2011, around 67% of imports of goods were paid in US dollars and 21% in Euros. In year 2010, the same proportion of imports of goods was paid in US dollars and in Euros, i.e. 67% in US dollars and 21% in Euros.

As regards part (b) of the question, I am informed that on a point-to-point basis, between 31 December 2009 and 31 December 2010, the US Dollar appreciated against the Euro by 8.04 per cent. The Rupee appreciated by 11 basis points against the US Dollar and 8.51 per cent against the Euro.

From 31 December 2010 to 31 March 2011, the Euro appreciated by 6.06 per cent against the US dollar and the rupee appreciated by only 1.15 per cent against the Euro.

Concerning part (c) of the question, I am informed that according to the latest World Economic Outlook released by the International Monetary Fund (IMF) this month, world inflation for 2010 stood at 3.7%.

Regarding part (d) of the question, I am informed that on the domestic front, the headline inflation for the year 2010 stood at 2.9%. This was lower than the world inflation rate of 3.7%.

From January to end March 2011, the CPI rose from 125.8 to 127.4, i.e by 1.3%.

Concerning part (e) of the question, as the House is aware, the Monetary Policy Committee is responsible for price stability policies and must have considered the implications of the above when deciding on its policy stance.

Government, on the other hand, has implemented a number of measures to provide relief to consumers from the impact of inflation -

- (1) Subsidies on rice, flour and LPG gas is being increased from Rs 800 million in 2010 to an estimated Rs 1.45 billion in 2011.
- (2) The hedging loss component in the price structure of petroleum products has been reduced, resulting in a decrease of 3.9% in the retail price of mogas (essence) and 5.3% in the retail price of gas oil (diesel).
- (3) Moreover, the Income Support payable to our most vulnerable citizens has been doubled to Rs 246 as from March 2011.
- (4) Further to discussions held by my colleague, the Minister of Commerce & Industry, with importers and local producers, the prices of some 132 commodities have gone down by as much as 28% in some cases.

- (5) An ‘*Observatoire des Prix*’ has been set up by the Ministry for Consumer Protection whereby regular information is provided to consumers to help them choose the selling outlets where the prices are most competitive.

DBM – COMPUTER LOANS

(No. A/93) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the computer loans, he will, for the benefit of the House, obtain from the Development Bank of Mauritius Ltd., information as to if it has outsourced debt collection pertaining to arrears in relation thereto to a private attorney and, if so, indicate -

- (a) the name thereof,
- (b) if there had been a public call for candidature
- (c) the nature of the assignment
- (d) the value of the contract for the assignment, and
- (e) if a down payment was made in advance of work done.

Reply: In October 2010, whilst finalising the accounts, it was observed that arrears on computer loans exceeded Rs95 m. even though numerous reminders have been issued to these borrowers by the Bank. The DBM therefore decided to proceed with legal action against the defaulters so as to recover its dues. Management decided to proceed with the issue of “*mise en demeure*” in the first instance to recover whatever amount was possible.

However, since it is not the policy of the Bank to outsource its debt collection, the DBM decided to work out an internal administrative arrangement with its in-house legal advisers.

Proposals were received from the in-house legal advisers for the cost of the “*mise en demeure*” and the lowest rate of Rs1,500 + VAT for the issue of “*mise en demeure*” in respect of the borrower and an additional amount of Rs500 + VAT in respect of the guarantor was considered fair and reasonable.

In the first instance, the Bank concentrated on a first batch of 395 accounts which were allotted to Me S Sonah-Ori. The fees and costs payable for the service of “*mise en demeure*” amount to Rs592,500 + VAT.

For these cases, a down payment of 50%, that is, Rs750 + VAT per “*mise en demeure*”, including costs and disbursement, was effected in October 2010.

MAURITIUS SOCIETY OF AUTHORS – SPECIAL GRANT

(No. A/94) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the special grant to the Mauritius Society of Authors in 2009, he will, for the benefit of the House, obtain from the Society, information as to the names and addresses of the local artists who benefitted therefrom.

Reply: I am informed that the special grant of Rs3 m. to the Mauritius Society of Authors (MASA) in 2009 was meant to cater for the implementation of the PRB Report 2008.

However, payment to local artists was made from copyright fees collected.

The list of beneficiaries is being compiled.

GALLERY MUSEUM - UPGRADING

(No. A/95) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the national art gallery museum, he will state if consideration will be given for the upgrading thereof.

Reply: An Art Gallery was set up in the Natural History Museum of Port Louis in 1991. As it was not fully utilised, it was replaced by the Dodo Gallery in 2008.

Since then art exhibitions are held in the following venues -

- Ireland Blyth Ltd Gallery in Port Louis
- Sir Seewoosagur Ramgoolam Gallery in Quatre Bornes
- Malcom de Chazal Art Gallery in Curepipe
- Pointe Canon Open Air Theatre
- Municipal Halls

Government has approved the setting up of a National Art Gallery with a project value of Rs50 m.

An amount of Rs5 m. has been provided in the current budget on the project.

Consultations have started with the different stakeholders.

**MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY & REFORM
INSTITUTIONS - ADVISERS**

(No. A/96) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to advisers and/or persons appointed/employed on a contractual basis by her Ministry, since July 2005 to date, she will give a list thereof, indicating, in each case –

- (a) their names;
- (b) their qualifications;
- (c) their salaries and terms and conditions of appointment/employment, and
- (d) the capacity in which they have been appointed/employed.

Reply: The information sought for is being placed in the Library of the National Assembly.

PLAINE VERTE GARDEN – LIGHTING & POND

(No. A/98) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government and Outer Islands whether, in regard to the Plaine Verte Garden, at the level of the Paul & Virginie Street to the Diego Garcia Street, he will state if -

- (a) several lighting points and bollards are defective/damaged;
- (b) there is a lack of lighting points, and
- (c) the pond found in the centre thereof is in a bad state and is filled with waste and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the remedial measures that will be taken, if any, in each case.

Reply: I am informed by the Municipal Council of Port Louis that in regard to the Plaine Verte Garden, at the level of the Paul & Virginie Street to the Diego Garcia Street -

- (a) eight defective lighting points have been replaced and all bollards damaged through acts of vandalism have been removed as they are beyond repairs.
- (b) the lack of lighting points is due to the damaged bollards which will be replaced soon by post-top spherical luminaries, and
- (c) the pond found in the centre of the garden is presently out of order due to acts of vandalism. Repairs are being undertaken and will be completed by the end of next week.

I am further informed that necessary cleaning is done on a regular basis to eliminate waste and putrefied water.

SAINT MARTIN STREET, ROCHE BOIS – DRAIN & CANAL WORKS

(No. A/99) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government and Outer Islands whether, in regard to the drain and canal works which were undertaken at the Saint Martin Street, Roche Bois, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if same have been completed and, if not, the remedial measures that will be taken in relation thereto.

Reply: I am informed by the Municipal Council of Port Louis that drain over a stretch of 140 metres at Saint Martin Street, Roche Bois had been constructed under the Stimulus Package Scheme in financial year 2008/2009 and these works have been completed.

I am informed that there also exists some 200 metres of uncovered drain on which pavements have been placed. These works have been enlisted by the Council in a minor capital project for fiscal year 2011.

QUATRE BORNES – PAVILLON SWIMMING POOL

(No. A/100) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Youth and Sports whether, in regard to the Pavillon Swimming Pool, in Quatre-Bornes, he will state the reasons why it is not operational, indicating

- (a) since when, and
- (b) the measures which are currently undertaken for the repairs thereof, indicating the timeframe therefor.

Reply: I wish to appraise the hon. Member that as a result of the severe drought prevailing in the country, the pool was closed from 15 Nov 2010 to 07 Feb 2011 due to water shortages.

The Pavillon Swimming pool is now operational.

Major upgrading and repair works are scheduled after the Indian Ocean Island Games in August 2011 and are expected to last for about three months.

QUATRE BORNES – FOOTBALL GROUND

(No. A/101) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the project for the construction of a football ground at La Source, Quatre Bornes, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to

- (a) the cost thereof;
- (b) the name of the contractor;
- (c) the time schedule for completion of the works, and
- (d) if the progress and the quality of the works are up to standard.

Reply: I am informed by the Municipal Council of Quatre Bornes that it is currently undertaking the project “Re-levelling and Re-turfing of La Source Football Ground” at the cost of Rs1, 111,472.00. The works have been awarded to Nawrang Co. Ltd. The project started on 17 August 2010 and the intended completion date was initially scheduled for 17 November 2010 but same was revised to 30 April 2011 due to unavailability of water for turfing work.

The works are being supervised by the Head of Works Department, as per specifications and to his satisfaction. However, there are some snags which are being attended by the Contractor.

CERTIFICATE OF MORALITY - ISSUE

(No. A/102) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Attorney General whether, in regard to the Certificate of Morality, he will state the reasons accounting for the delays before delivery thereof, indicating the remedial measures that will be taken in relation thereto.

Reply: I am informed by the Office of the Director of Public Prosecutions that there is no delay at present in the delivery of certificates of morality. The normal period for the delivery of a certificate is one month and this timeframe is largely due to the fact that the number of applications has increased from 5,000 in 2005 to 46,039 in 2010.

Another recurring problem is the fact that a number of employers and/or authorities request new certificates of morality after a period of three months. As a result, previous certificates become obsolete quickly, thus requiring fresh applications.

I am also informed that complaints of delay are made by persons who leave their applications at the eleventh hour or submit incomplete applications or applications with missing documents. Although every effort is made by the Office of the DPP to deliver this service expeditiously, it is considered that some complaints of delay are unfounded.

I am also informed by the Commissioner of Police that, in certain instances (e.g. Ganga Asnan, Maha Shivaratee, end of year festivities etc), due to the exigencies of the service, personnel from the CRO and Prosecutors' Offices who deal with certificates of morality are called upon to reinforce Divisions for a certain number of days, thus causing delay in their normal duties.

My Office is presently working on possible amendments to be brought to the Certificate of Morality Act. I have received certain proposals from the Office of the DPP. A few weeks ago, a meeting was also held with the representatives of the Commissioner of Police concerning the proposed amendments. I understand that there are important policy issues which need to be discussed and addressed.

I also wish to inform the House that, following a Cabinet decision, the Secretary to Cabinet has set up a committee to consider a number of measures with a view to improving the service. The committee has already met on two occasions and received the views of stakeholders.

I consider that it is very important to take time to examine the present system and identify where the problems lie. Any proposed amendments should have two objectives: firstly, to improve on the fairness of the system, and secondly, to reduce the lengthy processing delays.

VUILLEMIN - PITON II - ROAD SURVEY

(No. A/103) Mr S. Dayal (Third Member for Quartier Militaire & Moka) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the survey carried out by officers of his Ministry in relation to the deplorable state of the road leading from Vuillemin to Piton II, he will state where matters stand.

Reply: Vuillemin Branch Road from its junction with Quartier Militaire Road (B6) up to the nursery of the Ministry of Agro-Industry and Food Security over a length of about 1.5 km is in good condition. However, the remaining part of the road up to Piton II over a length of about 3 km is narrow (3m wide) and is in a bad state. This stretch is bordered by sugar cane fields whilst the other segment of the road crosses over an inhabited zone.

However, the entire road is not classified and according to the Moka-Flacq District Council, the non-classified stretch from Vuillemin to Piton du Milieu needs to be constructed anew over a length of approximately 6.5 km as it has been completely worn out. The estimated cost of the project is Rs21.5 m. The Moka-Flacq District Council would be requested to undertake the works.

NOUVELLE DÉCOUVERTE - DRAINS

(No. A/104) Mr S. Dayal (Third Member for Quartier Militaire & Moka) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Nouvelle Découverte, he will state if consideration will be given for the provision of drains thereat, near the Mayfair Store and the residence of the L. family, inasmuch as water accumulates thereat at the slightest rainfall.

Reply: The National Development Unit is considering the request for the provision of drain near the Mayfair Store and the residence of the 'L' family at Nouvelle Découverte.

RIPAILLES & NOUVELLE DECOUVERTE - FOOTBALL PLAYGROUND

(No. A/105) Mr S. Dayal (Third Member for Quartier Militaire & Moka) asked the Minister of Housing and Lands whether, in regard to the acquisition of land for the construction of a football playground in the region of Ripailles and Nouvelle Découverte, he will state where matters stand.

Reply: A plot of State land of an approximate extent of 3A50P forming part of State land Kittery at Nouvelle Découverte is vested since September 2003 in the National Development Unit for the construction of a community centre, a volleyball pitch, a children's playground and a football ground. The community centre is already operational. However, in February 2011, following a Joint Site Visit with the relevant authorities, it was observed that the site would not be appropriate for the construction of sports infrastructure due to the presence of mature filao trees on the land. In a correspondence dated 10 February 2011, the National Development Unit thus requested for an alternative site of an extent of 2A50P in the locality for the construction of a football ground. The application is being processed.

I have also been informed that the National Development Unit is considering the conversion of the premises of the former primary school at Ripailles into a sports complex comprising a football ground, a volleyball pitch and a petanque court. It is also proposed to rehabilitate part of the existing building for indoor activities. For the purpose, the National Development Unit is liaising with the Ministry of Education and Human Resources.

THE GRADUATE LTD – 'LIVE-IN CARE GIVER' COURSE

(No. A/106) Mr S. Dayal (Third Member for Quartier Militaire & Moka) asked the Minister of Education and Human Resources whether, in regard to the Graduates, school of health and social care for live-in care giver for the Mauritian students wishing to work for Canadian families project, he will state where matters stand.

Reply: I am informed as follows -

- (i) an initial application for registration as Training Institution was made by “The Graduate – School of Health & Social Care” to the Mauritius Qualifications Authority (MQA) on 15 August 2007. The Training Institution was MQA registered as from 04 January 2008 in the name of “The Graduate Ltd”, the name under which it was registered at the Registrar of Companies.
- (ii) On 21 January 2010, an application from The Graduate Ltd was received at the MQA for the accreditation of a “Live-in Care giver” course as an Award programme with Robertson College, Canada as awarding body.
- (iii) On 31 August, 2010 the MQA informed the organisation that the accreditation of the programme was turned down by the MQA for the following reasons -
 - (a) there was an absence of relevant practical sessions in the training programme;
 - (b) the programme did not cater sufficiently for needs of children and care aspects pertaining to the elderly, and
 - (c) the trainer’s field of competence was not relevant for the conduct of the module in “Communication”.

The training institution was also informed by the MQA that it may lodge an appeal to the Authority within 21 days.

The Graduate Ltd duly made an appeal on 3 September 2010. The Appeal Committee examined the request and maintained its decision of not granting accreditation to the “Live-in-Caregiver” programme. The decision of the Appeal Committee was conveyed to The Graduate Ltd on 20 December 2010. The Institution was also informed that should it fulfill certain conditions, including proof of recognition of the qualification in its country of origin, it could apply anew for recognition.

On 18 January 2011, The Graduate Ltd informed the Authority that it was in a position to satisfy certain of the conditions set. However the matter of recognition of the “Live-in-Care giver” programme had not been attended to. The Graduate Ltd was therefore informed on 31 January 2011, that the documents submitted by it so far in regard to the recognition of the “Live-in Care giver” programme in the country of origin were

still not satisfactory. It was also pointed out that although Robertson College, the Awarding Body, is recognized by the competent body in Canada, the “Live-in Care giver” programme is not listed as an accredited qualification in its country of origin. The MQA advised the company to opt for a qualification recognized by the MQA and re-apply together with all supporting documentary evidence.

On 11 March 2011, The Graduate Ltd applied for a “Live-in Care giver” Programme leading to the grant of an attendance certificate only.

On 22 March 2011, the Authority conveyed approval for the “Live-in Care giver” programme to be conducted as a non-award course.

I am informed that the “Live in Care giver” non-award programme has not started as at date.