



REPUBLIC OF MAURITIUS

FIFTH NATIONAL ASSEMBLY

**PARLIAMENTARY
DEBATES
(HANSARD)**

**FIRST SESSION
TUESDAY 06 DECEMBER 2011**

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THE CABINET**(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Vice-Prime Minister, Minister of Finance and Economic Development
Hon. Anil Kumar Bachoo, GOSK	Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping
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Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security
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Hon. Tassarajen Pillay Chedumbrum	Minister of Information and Communication Technology
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Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

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PRINCIPAL OFFICERS AND OFFICIALS

<i>Mr Speaker</i>	Purryag, Hon. Rajkeswur, GCSK, GOSK
<i>Deputy Speaker</i>	Roopun, Hon. Prithvirajsing
<i>Deputy Chairperson of Committees</i>	Deerpalsing, Ms Kumaree Rajeshree
<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
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<i>Serjeant-at-Arms</i>	Munroop, Mr Kishore

MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 34 of 2011

Sitting 06 December 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)

ANNOUNCEMENT

OBITUARY – FINETTE, MR J. R.

The Prime Minister: Mr Speaker, Sir, it is with deep regret that we learned of the demise of Mr Jean Régis Finette on 01 December 2011 at the age of 77. Mr Jean Régis Finette attended the Notre Dame de la Paix RCA school and then went to the Royal College of Curepipe for a secondary education.

He started his career as the Customs Officer. He entrusted himself in the field of cooperatives. He went to France where he obtained a diploma in cooperatives and on his return to Mauritius, he joined the University of Mauritius where he lectured for 17 years. He also read for a Licences Lettres. Modernes.

Mr Jean Régis Finette joined active politics in 1982. He stood as a candidate for the 1982 General Elections in Constituency No. 20 - Beau Bassin/Petite Rivière under the banner of the MMM/PSM Alliance and was returned as the First Member for that Constituency. In 1983, Mr Jean Régis Finette ran again for the General Election in the same Constituency and was again returned as the First Member under the banner of the MMM. In 1984, Mr Finette left the MMM and joined the MSM. In 1987, Mr Finette stood for the General Election in Constituency No. 20, but he was not returned. He was nominated to serve the then Legislative Assembly under the Best Loser System.

Mr Jean Régis Finette served as Parliamentary Private Secretary from December 1987 to August 1988. He was appointed Minister of Local Government on the 15 August 1988. In the 1991 General Elections, Mr Finette was returned as the Third Member for Constituency No. 20 - Beau Bassin/Petite Rivière under the banner of the MMM/MSM Alliance. He was appointed Minister of Health on 27 August 1993, a post he occupied until 1995. Thereafter he retired from active politics, but remained a passionate observer of the political, social and cultural life of the country.

Mr Jean Régis Finette was made Officier de l'Ordre des Palmes Académiques in 1982 and later he was made Chevalier de la Légion d'Honneur. Mr Speaker, Sir, may I request you to be kind enough to direct the Clerk of the National Assembly to convey the deep condolences of

the House and the Government to his wife, his children and to other members of the bereaved family.

The Leader of the Opposition (Mr P. Bérenger): To add to what the hon. Prime Minister has just said concerning late Regis Finette, we would request you to convey our own condolences to the family.

Mr Speaker: I associate myself to the tribute made to the late Mr Jean Régis Finette by Dr. the hon. Prime Minister and hon. Leader of the Opposition and I direct the Clerk to convey to the bereaved family the assurance of our sincere condolences.

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 Finance (Miscellaneous Provisions) Bill (No XXXI of 2011);
- (b) The Economic and Financial Measures (Miscellaneous Provisions) (No. 2) Bill (No. XXXII of 2011);
- (c) The Constitution (Amendment) Bill (No. XXIX of 2011);
- (d) The Local Government Bill (No. XXX of 2011);
- (e) The Mauritius Cane Industry Authority Bill (No. XXXIII of 2011), and
- (f) The Additional Remuneration (2012) Bill (No. XXXIV of 2011).

B. Ministry of Finance and Economic Development –

The Annual Report of the Accountant General and the Accounts of the Republic of Mauritius for the fiscal year ended 31 December 2010.

ORAL ANSWERS TO QUESTIONS

Mr Speaker: The Table has been advised that Parliamentary Question No. B/913 has been withdrawn.

SPECIAL MOBILE FORCE – DIVING STORE - LARCENY

(No. B/905) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Special Mobile Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a case of larceny is reported to have taken place at the Diving Store found in the compound of the Mobile Wing thereof, at Vacoas and, if so, indicate –

- (a) if an inquiry has been carried out into the circumstances thereof, indicating the outcome thereof, and
- (b) the value of the stolen items, giving a list thereof.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that on 09 of November 2011, a case of Larceny Breaking was reported to have taken place at the Diving Store within the compound of the Special Mobile Force. The case was reported at the Vacoas Police Station on the same day.

On 10 November 2011, the case was referred to the Central CID for inquiry, and, on the same day, during the course of investigation, three Police Officers posted at the Diving Store were arrested.

On the next day, that is, 11 November 2011, a provisional charge of “Conspiracy to commit Larceny Breaking” was lodged against these three Police Officers before the District Court of Curepipe. They were remanded to Police cell up to 18 November 2011.

All three have been released on bail on furnishing a surety of Rs9,000 and a recognizance of Rs35,000.

The three Police Officers have been interdicted from duty with effect from 12 November 2011.

The Police inquiry is ongoing. After completion of inquiry, the case will be forwarded to the Director of Public Prosecutions for advice.

In regard to part (b) of the question, I am informed that five diving regulators, two stabilising jackets and a diving suit were found missing at the Diving Store. The value of the stolen items was about Rs 90,000.

On 10 November 2011, the five diving regulators were recovered at the back of the Diving Store.

So far, all the missing items have been recovered except one, namely a stabilising jacket valued at Rs11,000.

Mr Jhugroo: Can the hon. Prime Minister inform the House whether he will consider reinforcing the security measures after the recent events at the SMF compound?

The Prime Minister: We are satisfied with the security arrangement that have been made. Obviously, there are improvements that we are making. For example, we are adding CCTV cameras to certain areas which are not covered including the Diving Store, but clearly, this was something that was done from the inside. It was an inside job.

Mr Jhugroo: Can I ask the hon. Prime Minister whether he is aware that the equipment found has been used by some Police officers for private practice?

The Prime Minister: That has been the case without permission.

Mr Bérenger: Since the hon. Prime Minister has said that this is an inside job, is it, therefore, directly linked to the fact that certain members of the SMF/GIPM, who are performing the duties of diving, are in the habit of undertaking private diving and other work when they are on leave, off duty for their personal benefit? Are these two cases linked?

The Prime Minister: Yes, in fact, they are linked.

Mr Bérenger: Will the hon. Prime Minister tell us whether it is not a fact that the Commissioner of Police in an Administrative Order dated 21 of November 2011 went so far as to order the posting out to other units at once those members of the GIPM who are undertaking or suspected to be undertaking private work similar to that they are officially performing at the GIPM for personal gain and can I know how many have been so transferred?

The Prime Minister: In fact, it is true because they are not allowed to do it. They have done this and they have been posted out. I can't remember the number, but I think it's four. I am not sure; I have to check whether it is four.

Mr Jugnauth: I think the hon. Prime Minister will agree that these are probably the last people we expect to be involved in such cases. Will the hon. Prime Minister consider having the criteria for those who are eligible to join that group to be reviewed and to see to it that there is a constant monitoring of their performance? I know it is difficult to prevent people from doing such acts, but, at least, for this unit, which is a very, very important one.

The Prime Minister: As the hon. Member said, it is very difficult. This has been happening; I have a list here of what they have done in the past; it's not the first time. This is why the Commissioner of Police has circulated an Order to say that they are not allowed to do this job; they are going to be posted out - those who have been involved are already. As the Leader of the Opposition has said, some others have also been asked to move out.

RELIGIOUS FUNCTIONS AND CEREMONIES –

POLITICAL PERSONALITIES - SPEECHES

(No. B/906) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to speeches made by political personalities at religious functions and ceremonies, he will state if Government proposes to introduce legislation or a code of conduct, as appropriate, for the prohibition thereof.

The Prime Minister: Mr Speaker, Sir, it is a long-established characteristic of the Mauritian society for religious leaders and groups to invite politicians to religious functions and celebration of festivals that are of a national character. Politicians of all parties have, over the years, been responding positively to such invitations.

Having said this, I wish to point out that freedom of expression is a fundamental freedom protected by section 12 of our Constitution which provides that, except with his own consent, no person should be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference.

Besides, Article 19 of the Universal Declaration of Human Rights provides and I quote -

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

The word “everyone”, Mr Speaker, Sir, in Article 19 is noteworthy as it guarantees to every person, that is, including politicians, the right to enjoy freedom of expression.

Admittedly, freedom of expression is not an absolute right and is subject to the rights and freedoms of others as well as the public interest.

Section 12(2) of the Constitution provides that restrictions may be imposed by law –

- (a) in the interest of defence, public safety, public order, public morality or public health;
- (b) to protect the reputations, rights, freedoms and private lives of people, prevent the disclosure of information received in confidence, maintaining the authority and independence of the courts and so on, and
- (c) to impose restrictions upon public officers.

Any legislation which may be contemplated to prohibit political personalities from making speeches at religious functions and ceremonies is likely to be in breach of their freedom of speech under section 12 of the Constitution and the main international and regional human rights instruments to which Mauritius is a party.

I consider, therefore, that the question of not attending, or avoiding certain types of speeches at, such events is a matter that can best be addressed, not by legislation, but by politicians individually, and by political parties separately within their respective party structures, rules and codes of conduct.

Mr Obeegadoo: Mr Speaker, Sir, I have just one supplementary. This is a question of political will. If the Prime Minister agrees that in fact, use and misuse of religious platforms by any politician is profoundly prejudicial to the construction of a Mauritius that is both democratic and secular, will he agree to immediately initiating cross-party consultations or even set up a Select Committee to address, once and for all, this issue of use of religious platforms by politicians?

The Prime Minister: I think both the hon. Member and myself, and probably many Members here, are in agreement with that. I, myself, can tell you, when I was Leader of the Opposition, refused to speak - when I was invited I went, but did not speak, but that is the question of choice for everyone. I think we have to look at own party structures and tell Members what we think should be done. I agree with the hon. Member, but that is the situation.

Mr Bhagwan: Can I ask the hon. Prime Minister whether he will, at least, give directives to the MBC/TV on this issue? There are emissions where there are activities, religious and socio-cultural activities, where politicians make certain speeches which are largely, I would say, advertised by the MBC/TV, once, thrice even the next day, which cause a lot of harm in terms of national unity. Can I ask the hon. Prime Minister to give directives to the MBC/TV in the choice of the speeches where they have to broadcast, at least, to make a proper selection of these speeches which can cause harm to the national unity?

The Prime Minister: I can do that, but even sometimes religious leaders themselves make speeches with political overtones, then we will have to ban everything.

Mr Jugnauth: As a follow up on the question of hon. Bhagwan, I am thinking maybe if, probably, we can have well defined transparent criteria for the broadcasting of such events, and it should not be limited only to the MBC, because we have other forms of media that does convey several messages to the public. Can the hon. Prime Minister consider that proposal?

The Prime Minister: Then, as I said, we have also to look at - sometimes, as I have said, religious leaders themselves are engaged in political speeches.

Mr Ganoo: Doesn't the hon. Prime Minister agree that this question is more linked to the question of the necessity of a code of conduct for the electoral campaigns, so that the temptation of politicians to make use or make an abuse during electoral campaign of religious functions is more a reality? The solution will therefore be to come with a code of conduct and curtail the possibility of allowing politicians to make an abuse of religious functions during electoral campaigns specially.

The Prime Minister: I think that it is a good suggestion.

Mr Obeegadoo: My question was not answered. May I invite the hon. Prime Minister to consider setting up a Select Committee of the House to forge a consensus on this issue?

The Prime Minister: I answered that question. I said I think we were in agreement - most of us, at least, are in agreement from what I can see. So, what's the point of doing a Select Committee to say that we agree? I think at the level of party itself we should do this.

**PREVENTION OF CORRUPTION ACT/DECLARATION OF ASSETS ACT –
AMENDMENTS**

(No. B/907) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the fight against corruption, he will state where matters stand concerning suggested amendments to be brought to the –

- (a) Prevention of Corruption Act to enhance the effectiveness thereof, and
- (b) Declaration of Assets Act to –
 - (i) redefine the ambit thereof, and
 - (ii) make provision for the declarations to be submitted to Mr Speaker.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, as the House is aware, the Prevention of Corruption Act (PoCA) provides for a Parliamentary Committee for the monitoring of the ICAC. ICAC monitors the current legislative and administrative practices, and advises the Parliamentary Committee on such legislative reform as it considers necessary to further strengthen our anti-corruption laws. One of the main functions of the Parliamentary Committee is precisely to report to the National Assembly where the Committee considers that it is expedient that the attention of the Assembly be directed to, *inter alia*, the need for further legislative reforms.

After the General Elections of 2010, the newly reconstituted Parliamentary Committee came up with suggestions for further amendments, including amendments to be brought to the Declaration of Assets Act.

I am informed that, after thorough discussion at the level of the Parliamentary Committee, there was a consensus to come up with more comprehensive proposals for amendments to the PoCA. I understand that the Parliamentary Committee is still working on these proposals.

In regard to part (b) of the question, I am informed that the ICAC has already submitted proposals to the Parliamentary Committee for consideration.

Mr Obeegadoo: Given that many years ago, I believe, ever since 2008, the then Parliamentary Committee had submitted specific recommendations to Government for

amendments, may I know from the Prime Minister why no such amendments have as yet been brought?

The Prime Minister: As I just explained, Mr Speaker, Sir, these have been ongoing since a long time and, after the general election of 2010, again they were meeting. Apparently, there have been recommendations from ICAC, proposals to the Parliamentary Committee. I understand they want to have more comprehensive proposals for the amendments of PoCA, but not just on the Declaration, but other proposals. I understand they are finishing that work.

CRIMINAL OFFENCES - *OBSERVATOIRE DE LA CRIMINALITÉ*

(No. B/908) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the criminal offences, he will state if consideration will be given for the advisability of setting up an *Observatoire de la Criminalité*.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that as part of the implementation of the National Policing Strategic Framework, new processes, structures and system have been put in place with a view to proactively combating criminality in general through crime analysis, development of intelligence and effective response.

A Police Planning and Reform Unit has been set up to deal with strategic planning which involves the preparation of Policing Plans, Annual Reports and Programme-Based Budgeting targets. Furthermore, Divisional Planning Units have been set up at the level of each Police Division to implement the reform programme.

Tasking and Coordination Groups, both at the strategic and tactical levels, have been established for the formulation of strategies to ensure operational effectiveness and efficiency in crime reduction.

The intelligence system has been reviewed with the setting up of a Force Crime Intelligence Unit under the aegis of the Police Planning and Reform Unit. Divisional Crime Intelligence Units have been established in each Police Division. These units are responsible for collecting, collating, analysing, disseminating and storing of criminal intelligence and, thereafter, providing such information to the Tasking and Coordination Groups for appropriate action.

Community policing provides another platform to obtain information and feedback on crime and non-crime issues affecting the community. During such community policing fora, the information is examined by the stakeholders concerned, including the community and appropriate actions are taken through targeted operations.

Furthermore, the Crime Occurrence Tracking System which will be operational by the end of this month will complement the intelligence products. The system will allow for relevant information and statistics on crimes to be made available on a real time basis thus providing better leverage to the Police Force for preventing and combating them.

The Police have also recourse to crime mapping techniques and the annual crime statistics published by the Statistics of Mauritius to make strategic and operational decisions.

Mr Speaker, Sir, at paragraph 17 of the Government Programme 2010-2015, it was announced that Government will establish a legal framework within which the National Criminal Intelligence Service (NCIS) will operate. The NCIS will provide leadership in criminal intelligence on a national scale and will help law enforcement agencies pre-empt crime by processing and disseminating information, giving guidance and analysing major criminal activity.

Necessary consultations are being held to establish the NCIS.

Mr Speaker, Sir, Crime Observatory is yet another tool for understanding criminality as a whole and for effective formulation of policies in terms of crime prevention and response. This concept is being used in certain countries, I think including France.

However, it is felt, with the current mechanism in place, and the eventual setting up of the NCIS, the need for an '*Observatoire de la Criminalité*' is not warranted if we want to avoid duplication of activities.

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he would not consider that having an observatory of criminality independent of the Police would actually be more efficient in protecting the consumer, which is the public, because we always hear from the Police, from the statistics, that criminality is going down every year.

The Prime Minister: I do not quite understand the question. In fact, criminality is going down every year. Mr Speaker, Sir, the whole idea is we do not want to duplicate what we are doing already because an *Observatoire de la Criminalité*, what would they be doing? They would be collecting data, analyse and disseminate all these intelligence on matters of criminality which we are already doing. And as I explained, we are going even further with the NCIS; we are also adding another layer to that. That is why we are not looking on duplicating matters.

PROPERTY (STOLEN) – POSSESSION

(No. B/909) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to possession of stolen property, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since January 2010 to-date.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that during the year 2010, 362 cases of possession of stolen property have been reported, and from January to 02 December 2011, 377 cases. Out of these cases, 293 have been completed, 255 cases are awaiting court judgment and in 191 cases, investigations are still ongoing.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Prime Minister inform the House whether there have been cases where persons have been arrested and a charge put against them even when stolen property has not been found?

The Prime Minister: I will have to get a specific question to know which cases the hon. Member is referring to, but I would not be surprised.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Prime Minister inform the House in how many cases where a person accused of possession of stolen property has died while being in Police custody?

The Prime Minister: There is a question, I think, specific to that later on, Mr Speaker, Sir, but that has been the case not just now. I can quote figures from 2000 and onwards.

Mrs Hanoomanjee: Mr Speaker, Sir, I wanted to ask the hon. Prime Minister what is the mechanism which is put forward by the Commissioner of Police in cases where stolen properties have been retrieved by the Police to ensure that these effectively are given back to the owners.

(Interruptions)

Mr Speaker: No, this question is a specific one and the supplementary question does not arise from the main question. The Table has just been informed that PQ B/910 has been withdrawn. Hon. Barbier!

PHOENIX, ROYAL ROAD – TRAFFIC CONGESTION

(No. B/910) 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 Royal Road, at Phoenix, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if traffic congestions are caused thereat due to obstruction by vehicles parking on both sides thereof and on the double yellow lines thereat and, if so, the remedial steps that will be taken.

(Withdrawn)

AGALEGA – MR T. A. - COMPLAINT

(No. B/911) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to one Mr T. A., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a case has been reported of him having been severely beaten up by one Mr H., in Agalega, and, if so, if an inquiry has been carried out thereinto, indicating the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that no case has been reported in connection with the assault of one M.T.A. in Agalega.

However, on 17 August 2011 at 0950 hours, at Agalega North Police Station, Mr L.J.M., employed as Labourer at the Outer Islands Development Corporation, reported a case of ‘Assault’ against Mr J.S.H. and his son D.D.H. Although Mr L.J.M. did not bear any visible mark of violence, he stated feeling pain in his hand, neck and chest and wished to be medically examined.

The younger brother of Mr L.J.M., the said Mr M.T.A. who is a minor, was also in the company of the declarant when he was allegedly assaulted.

During the investigation into the case, Mr J.S.H. and his son D.D.H. denied the charges and allegations levelled against them and refused to give a written statement. The houses of Mr L.J.M. and his two alleged aggressors were also searched but nothing incriminating was found.

On 15 September 2011, Mr L.J.M. gave a further statement to the Police to the effect that he has completely recovered from the blows received. He added that his alleged aggressors had tendered excuses regarding the incident, which he had accepted. He requested the Police not to proceed with the matter.

On 28 October 2011, after completion of the enquiry, the case file was forwarded to the Director of Public Prosecutions for advice.

MBC - DIRECTOR GENERAL - APPOINTMENT

(No. B/912) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Director General of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the date of his appointment, indicating the -

- (a) terms and conditions thereof,
- (b) number of overseas mission he has effected, since his appointment to date, giving details as to the -
 - (i) dates thereof
 - (ii) countries visited, and
 - (iii) cost thereof, and
- (b) steps taken by the Board of the Corporation against him, following the submission of the report of the Fact Finding Committee chaired by Mr Vellien.

The Prime Minister: Mr Speaker, Sir, the present Director General of the Mauritius Broadcasting Corporation was appointed on 26 June 2009.

In regard to part (a) of the question, the terms and conditions of employment on contract of the Director General are in line with the provisions contained in the Pay Research Bureau Report 2008.

As regards part (b) of the question, the Director General has proceeded to six overseas missions since his appointment to date.

The overseas missions were undertaken in June, September, November and December last year and in October and November this year.

The countries visited were Vietnam, Réunion Island, China, France and India.

An amount of Rs342,907 was spent on air tickets in addition to payment of *per diem* and entertainment allowances which were effected in accordance with approved rates.

In regard to the last part of the question, I informed the House in reply to the Private Notice Question on 12 November 2011 that I had set up the Fact Finding Committee to be better informed on the circumstances leading to the dismissal of Ms Rehana Ameer from the services of the Corporation as different versions had been reported.

Mr Speaker, Sir, I wish to inform the House that, further to my replies to that Private Notice Question, and to supplementary questions thereof, I requested the Secretary to the Cabinet and Head of the Civil Service to meet Ms Rehana Ameer.

The Secretary to the Cabinet and Head of the Civil Service did meet her on Monday 14 November 2011, that is, two days after the Private Notice Question. In the course of that meeting, various proposals were made to her. She is reportedly not satisfied with these proposals.

This being so, I have since then been giving further consideration to the matter, and I have already requested the Board of the MBC to consider holding a meeting to have a fresh look at Ms Ameer's case.

I am now in a position to confirm that the Board of the MBC has acceded to my request, and will hold a special meeting tomorrow, that is, Wednesday 07 December 2011, at 16.30 hours.

Mr Bhagwan: We have just learnt from the hon. Prime Minister what action the MBC is taking concerning Ms Ameer. But as far as the Director General of the MBC/TV is concerned, what action is being taken by the Board of the MBC? Have they discussed because according to our information – the Prime Minister stated *les torts sont partagés* – from what we gather, 75% *des torts sont de la part du Directeur général*. And we all know the way he has been heading the MBC/TV. It is a catastrophic administration.

Mr Speaker: The hon. Member must put his question.

Mr Bhagwan: Can the hon. Prime Minister inform the House what action the Board of the MBC is envisaging against the Director-General as far as the recommendation of the Vellien Report is concerned?

The Prime Minister: The matter, as far as the MBC is concerned, seems to be the way the procedures were undertaken. The learned Magistrate has made recommendations that we have to amend the MBC Act because this is where the problem lies. It allows, for example, the same person to be judge and party as the expression is. So, that is what we have to look at. As soon as we can do that, we will do that.

Mr Bhagwan: Our problem is the Director General of the MBC, the way he has been behaving. Members of Parliament on Government side are also aware of it. I am reiterating my request - because my question is on the terms of contract and so on – whether it is not in the public interest for those who pay the sum of Rs100, which is Government's money, that the Director-General's contract be terminated in the public interest.

The Prime Minister: We do not consider this is the case, Mr Speaker, Sir,

Mr Bhagwan: I have another question, Sir. Can the hon. Prime Minister inform the House whether he has been made aware recently of several cases of misuse of funds, maladministration, *protection des petits copains*, family business ...

Mr Speaker: I am sorry!

Mr Bhagwan: Can I rephrase my question?

Mr Speaker: No, we have heard the question of the hon. Member. Right! It does not arise from this question. If he has questions to put...

(Interruptions)

Can I...

(Interruptions)

Order!

(Interruptions)

Who asked the hon. Member to make comments?

(Interruptions)

I am asking the hon. Member to keep quiet.

(Interruptions)

I am telling you, hon. Bhagwan, that the question that you are now putting is irrelevant and does not...

Mr Bhagwan: Can I rephrase my question?

Mr Speaker: No, but I don't see how it will get into it even if the hon. Member must rephrase his question.

Mr Bhagwan: My question is about the terms and conditions of employment of the Director-General.

Mr Speaker: Yes.

Mr Bhagwan: So, from information we have received - we are Members of Parliament, we represent the public and the nation - we would like to know whether the Prime Minister has received...

Mr Speaker: Please rephrase your question!

Mr Bhagwan: My question is about the terms and conditions of employment of the Director General. We are Members of Parliament, we represent the public and the nation, and we would like to know whether the Prime Minister has received recently representations - there have been lots since he has been appointed; I am talking about the recent one; another *hungama* case - from the unions, and the one case which I raised the other time where one officer was penalised by the Director General...

Mr Speaker: The hon. Member has already stated that in the House.

Mr Bhagwan: But I have not received any reply. The employee's mother had cancer, she was sent to Rodrigues and was penalised by the Director General. Does it not concern the Director General?

Mr Speaker: Yes, but I when am standing, the hon. Member has to sit down.

(Interruptions)

I know that the hon. Member put that question last week or the week before. But if the Prime Minister has not answered the question, I cannot force him to answer. But the question has been put, and the hon. Member cannot raise it again!

Mr Bhagwan: Can I ask the Prime Minister to look into the matter on humanitarian grounds? I would like to know whether there has been a case of persecution against one employee. For only this case, the Director General should be sacked!

The Prime Minister: Mr Speaker, Sir, as somebody was saying, you get allegations and allegations. If there are allegations...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: If there are allegations, there are ways to....

(Interruptions)

Mr Speaker: I must inform hon. Members that, according to our rules, Members cannot refer to strangers in the House, and that is stated at pages 390 and 450 of Erskine May – 23rd Edition.

(Interruptions)

Mr Bhagwan: Being given that the question is of national importance, can I appeal to the hon. Prime Minister who is the Head of the MBC that, tonight, while the MBC will be preparing the emission of the Prime Minister's Question Time, at least, not to curtail and *passe nou bouche muet* cette après-midi?

(Interruptions)

PUBLIC PLACES & BEACHES – SECURITY

(No. B/913) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the public places and the beaches, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the additional steps that will be taken to reinforce the security of the general public and of the tourists thereat, during the upcoming festive season, indicating if consideration will be given for the posting of Police Officers in the commercial areas.

(Withdrawn)

**POLICE FORCE - PORT LOUIS SOUTH & PORT LOUIS NORTH DIVISIONS -
SENIOR POLICE OFFICERS**

(No. B/914) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Port Louis South and Port Louis North Divisions, he will state if he will impress upon the Commissioner of Police, with a view to increasing the number of senior Police Officers posted thereat.

The Prime Minister: Mr Speaker, Sir, this year, the Mauritius Police Force has started a major promotion exercise, and, so far, 682 officers in different grades have been promoted. The exercise for the filling of vacancies for the rank of Assistant Commissioner of Police and Superintendent of Police was at the level of the Disciplined Forces Service Commission. They are working on it, and I have been informed by the Commissioner of Police that he has just received the final approval from the Disciplined Forces Service Commission, and he will proceed with the necessary promotion.

As a result, the strength of the Divisions will be brought in line with the Divisional Command Structure as far as practicable.

DETAINEES - POLICE CUSTODY – DEATH

(No. B/915) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to detainees, he will, for the benefit of the House, obtain from the Commissioner of

Police, information for each of the years 2010 and 2011 as to the number thereof who have passed away whilst in police custody.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, in the year 2010, no detainees died while in police custody. During the year 2011, two detainees passed away while being in police custody.

Mr Soodhun: Mr Speaker, Sir, can the hon. Prime Minister inform the House whether judicial enquiries are held in such cases?

The Prime Minister: This is automatic. They always do.

Mr Soodhun: Mr Speaker, Sir, can the hon. Prime Minister say whether there has been any case of neglect of duty against the police officers?

The Prime Minister: I cannot say that; the enquiry is ongoing. But I think that I did answer a question and said that they have been moved from that Station precisely because there is an enquiry going on.

Mrs Hanoomanjee: Will the hon. Prime Minister give briefly an indication of the common circumstances in which the detainees, whom he has just mentioned for the two preceding years, have passed away whilst in police custody?

The Prime Minister: I think that I have explained in detail in reply to a PNQ or a PQ that hanging in prisons is common. It is not the first case; it has happened before, and I am sure that it will continue to happen, unless we adopt what they do in Singapore. In Singapore, there is no bed, no mattress, and they have to sleep on foams. We have to decide what we want to do. But that is likely to happen again and again, because when somebody is sent to prison, Mr Speaker, Sir, the whole psychology of the person probably is not the same as it was before he was sent to prison.

Mr Soodhun: As the Prime Minister mentioned that hanging is common, what has been done for the prevention?

The Prime Minister: As I said, Mr Speaker, Sir, there are a whole lot of measures. I can go and read it if you want, but there are a whole lot of measures that the police take.

Mr Speaker: The hon. Prime Minister can circulate the measures.

The Prime Minister: Otherwise, I can read it, Mr Speaker, Sir. But there are a whole lot of measures. I know that the hon. Member is aware, but he just wants me to repeat it.

Mr Speaker: Time is over! Questions addressed to hon. Ministers! Hon. Mrs Hanoomanjee!

CHILD COMMUNITY PROTECTION PROGRAMME – OFFICERS & INTERVENTIONS

(No. B/917) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Child Community Protection Programme, she will state the number of -

- (a) officers enlisted therefor, and
- (b) interventions carried out thereunder, over the past twelve months.

Mrs Martin: Mr Speaker, Sir, I assume that the hon. Member is referring to the Community Child Protection Programme.

There are presently two officers who besides handling other programmes are working for that particular programme. They comprise one coordinator and one Family Welfare and Protection Officer. Furthermore, for the smooth implementation of the programme, the services of officers from the Social Welfare Division and the Sugar Industry Labour Welfare Fund are enlisted to act as Secretary to the various committees.

With regard to part (b) of the question, I wish to point out that the Community Child Protection Programme is basically to allow for the proximity service in child development and child protection and provides for the setting up of fora both at districts' level as well as at grass root level, to ensure the trickling down of information, so that national awareness with respect to child welfare issues inclusive of child protection is permeated island wide.

Subsequently, under the programme, interventions are carried out in line with the four major themes of the Convention on the Rights of the Child, namely survival, protection, development and participation of children. Over the past 12 months, my Ministry has made various interventions in terms of -

- information, education and communication campaigns - 51;

- recreational leisure and sports activities - 26;
- training programmes for capacity building of members of District Child Protection Committees and Community Child Protection Committees - 2;
- meetings of District Child Protection Committees and Child Protection Committees - 261, and
- referrals of some 200 cases.

In fact, following those interventions, a monthly average of five cases of children victims of violence have been referred to relevant stakeholders, mainly the Child Protection Services, the Ministry of Education and Human Resources, the Police Department/*Brigade des Mineurs*, the National Empowerment Foundation, and the Ministry of Health and Quality of Life, amongst others. Follow-up of the referred cases are made at the monthly meetings of the Community Child watch Committees.

Mrs Hanoomanjee: Can the hon. Minister say how the officers responsible for the child protection programme relate to other actors of the Child Development Unit?

Mrs Martin: From what I know, they are officers of the Child Development Unit and, as soon as they get the cases, these are referred to the relevant stakeholders, not only the Child Development Unit but other stakeholders as well when the need arises.

Mrs Hanoomanjee: Will the hon. Minister say whether she has taken cognizance of the remark made by the Ombudsperson for Children regarding the complete absence of consultation between officers of the same outstation and the total absence of communication between the main units of the Ministry? If she has taken cognizance of this, what does she propose to do?

Mrs Martin: Actually yes, I have taken cognizance of it, but this part is not accurate, Mr Speaker, Sir. The different units exchange information between them. I said in my speech on the Budget that I would undergo an audit of the different departments of my Ministry, starting with the CDU, so as to see in what way we can be more efficient.

Mr Obeegadoo: Time and time again the Ombudsperson for Children has pointed two flaws. One concerns the inadequate training dispensed, if ever there is any training to these officers, and now we hear of Social Welfare Officers who give a helping hand. Secondly, the

absence of a protocol, that is, how to conduct an investigation once something untoward is noted. I would like to ask the hon. Minister how she proposes to address these two very important points made by the Ombudsperson.

Mrs Martin: As regards the protocol, we have a committee in which the Ombudsperson also is a member. It is called the Working Together Committee and it is working in regard to establishing a protocol of action, which would be conducive to helping in different child emergency cases and in the different cases that we have.

Secondly, with regard to the training of officers, I am informed that officers have been provided with a guideline in order to be able to go on the field. We are actually in the process of finalising a training manual which will be used for the training of officers.

Mrs Ribot: Mr Speaker, Sir, I would like to ask the hon. Minister what she intends to do to redress the situation concerning the Working Together Committee which, according to the Ombudsperson, - not later than this morning - has not met since 27 October and the Minutes of that meeting has not been received yet.

Mrs Martin: In fact, Mr Speaker, Sir, I have read the article and I have enquired upon it as well. I was informed that it is the practice for the Minutes of meeting to be distributed when the next meeting is held. In fact, the meeting is held every three months.

Dr. S. Boolell: Mr Speaker, Sir, I would like to ask the hon. Minister whether there is any communication and links between the Child Community Protection Programme and the children in custody in the Remand Youth Centre where recently we had somebody who was hung.

Mrs Martin: No, Mr Speaker, Sir.

Mrs Hanoomanjee: The hon. Minister just mentioned about an audit, which she proposes to carry out. Is the hon. Minister aware that, as long back as 2009, in a reply to a Parliamentary Question, the then Minister said that an audit had been carried out? And can she say what had been the outcome of that audit?

Mrs Martin: Mr Speaker, Sir, I do not have the specific information with regard to the outcome of that audit. However, with the changes that are happening, we need to effect a new audit, an external one, so that we can reengineer the measures which will apply to help the children.

Mr Jugnauth: Since the hon. Minister is saying that another audit will be carried out, do we understand, therefore, that the different programmes that are being carried out, or the different units, are not functioning to her satisfaction?

Mrs Martin: Mr Speaker, Sir, as you all know, one of the main problems that we have is the lack of personnel, and I think all hon. Members of this House have acknowledged this fact. Now, with the recruitment of new officers that we are planning, we really want to make it efficient and that is one of the reasons why we need to revamp these different units.

Mrs Ribot: Mr Speaker, Sir, I would like to refer to the reply of the hon. Minister that the Working Together Committee - as it is called - is meeting every three months. Owing to the urgency of the matter, would the hon. Minister consider having those meetings on a more regular basis?

Mrs Martin: Mr Speaker, Sir, I am informed that normally these meetings are being held every three months because they convene different stakeholders and it is according to their different time schedules. But, if need be, I will see if there is possibility to do that. I will look into it

TOURIST ARRIVALS - NORTHERN AFRICA - POLITICAL SITUATION

(No. B/918) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Tourism and Leisure whether, in regard to the tourist arrivals, he will state if the current political situation prevailing in northern Africa is impacting thereon and, if so, give details thereof.

Mr Yeung Sik Yuen: Mr Speaker, Sir, I am informed by the MTPA and stakeholders of the tourism industry that the current political situation prevailing in northern Africa seems to be impacting positively on our tourist arrivals. However, such impact cannot as yet be measured.

Mr Speaker Sir, the House may, however, wish to note that Mauritius is a long haul up-market destination for the European market as opposed to the northern African destinations, which are middle haul and which pursue a lower-end tourism policy. This destination differentiation inevitably impacts on the type of product and costs and influences the choice of the tourist.

Mr Speaker Sir, I am informed that in this context the MTPA is intensifying its campaigns in Europe, especially in France so as to enhance the visibility of our destination with a view to securing a larger share of that segment.

Mr Bérenger: Can I ask the hon. Minister why is it that it cannot be quantified? I mean the revolutions, especially in Tunisia, Morocco and Egypt to take these three countries, are going on for months. How can we say that it cannot be quantified? You just have to add the number of visitors from these countries, months after months over the last years to know what is happening.

Mr Yeung Sik Yuen: Mr Speaker, Sir, we won't know right now, but we will have to contact the Tour Operators from abroad and, of course, we will get the numbers in a few months.

Mr Bérenger: Not the Tour operators. I mean, at the airport you will get all the required information about tourists coming in from their countries of origin.

Mr Yeung Sik Yuen: Mr Speaker, Sir, we won't know whether they have postponed their travel from Egypt and so on to come to Mauritius.

Mr Bérenger: Whether the numbers have increase or not?

Mr Speaker: What about the numbers?

Mr Yeung Sik Yuen: Yes, the numbers have increased.

Mr Speaker: That is the point. The numbers have increased.

Mr Yeung Sik Yuen: But, we won't know how many have postponed their travels, for example, from Tunisia, Syria and so on.

Ms Anquetil: In 2010, Morocco welcomed 9.29 million tourists; Tunisia: 6.90 million tourists; and Egypt 14.05 million tourists. Can the hon. Minister inform the House whether the MTPA has implemented any strategy to benefit from the potential windfall gains of the Arabian spring, *sachant surtout, par exemple, que Marrakech accueille la jet-set mondiale?*

Mr Yeung Sik Yuen: Mr Speaker, Sir, we have started an aggressive marketing campaign. We have just started it two weeks ago; we have started in France and we will have a press and TV campaigns from 26 November to 25 of December targeting an audience of over 12 million audience.

The TV campaign will involve 470 spots on the following TV channels: *Canal Plus, TF1* and FTP.

In Germany, an innovative advertising campaign is being held in Munich and Frankfurt between 15 November to 15 December during which all taxis are being equipped with a Mauritius image brochures and flyers for supplying the passengers with detailed information on Mauritius.

In Italy, a special advertising campaign will be conducted between 28 November to 30 December during which period 467 video spots will be aired on Sky TV. An online advertising campaign on facebook will be held to increase the number of visitors to the Mauritius official Italian fan page.

In South Africa, both online and offline advertising campaigns will be implemented soon.

Ms Anquetil: Le ministre vient tout juste de nous informer que *we have just started the campaign*. Est-ce que le ministre pourrait nous expliquer pourquoi son ministère a pris autant de retard ?

(Interruptions)

Mr Speaker: Order! Order now!

Mr Yeung Sik Yuen: Mr Speaker, Sir, there have been many bottlenecks with PRs around the world who were working with us. I can assure the House that the situation has been cleared recently.

Mr Bhagwan: From the reply given by the hon. Minister, it appears that there is a lot of scope. Can the hon. Minister inform the House whether he is planning, very shortly, a visit to Tunisia, Egypt, Morocco and all these countries, himself with his Tour Operators?

Mr Yeung Sik Yuen: Mr Speaker, Sir, the answer is, no, because the marketing must be done from the countries where the tourists come from.

Mr Jugnauth: With this very new strategy that is being devised, would the hon. Minister say whether there have been any projection made by his Ministry or his technicians with regard to the increase in the number of arrivals and if he could say by how many?

Mr Yeung Sik Yuen: Which year, 2011 or 2012?

Mr Jugnauth: For the coming year because the strategy is now being devised, it can't be for 2011 obviously?

Mr Yeung Sik Yuen: We are expecting around 4 to 5% increase.

Mrs Anquetil: Mr Speaker, Sir, being given that in 2010, as per the world tourism rankings, a total of 49 million tourists visited Africa and a total of 60 million tourists visited the Middle East. Can the hon. Minister inform the House what new approaches and measures his Ministry intends to consider for 2012 to increase the performance of tourist arrivals and promote Mauritius as a preferred destination in markets outside Europe and Asia?

Mr Yeung Sik Yuen: First of all, we have set up 13 Technical Advisory Committees which include the private sector and the public sector. Each Technical Advisory Committee works on a market and then we come with the strategies. So, we will have soon an e-marketing department which will work aggressively on marketing strategies to create the demand for the tourism destination in Mauritius. We will also have more printed media, TV and also we'll make tour operators come in Mauritius to see the product in Mauritius.

Mr Jugnauth: Can the hon. Minister inform the House what was the increase in terms of percentage of tourist arrivals for the last two years?

Mr Speaker: The increase in percentage for the last two years.

Mr Yeung Sik Yuen: For this year, we are expecting around 4.2% to 4.5%; last year it was around 6% and the previous year it was around -5%.

CITY & GUILDS EXAMINATIONS – PRIVATE CANDIDATES - REGISTRATION

(No. B/919) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Education and Human Resources whether, in regard to the City & Guilds examinations, he will state if, in or about August 2011, the City & Guilds informed his Ministry that no registration therefor from private candidates will be accepted and, if so, if he will table copy of the correspondence in relation thereto.

Dr. Bunwaree: Mr Speaker Sir, my information is that no formal correspondence has been received from City and Guilds Institute to the effect that no registration of private candidates will be accepted.

Actually, the Board of the Mauritius Qualifications Authority which is the Regulatory Authority for Technical, Vocational and Educational Training (TVET) decided, on 29 May 2009, that qualifications not recognised in the country of origin of an international awarding body would also not be recognised in Mauritius.

The decision was communicated to all foreign bodies, including City and Guilds Institute of UK. It must be pointed out that City and Guilds has collaborative agreement with local institutions to run award programmes and has entered into an agreement with the Mauritius Examinations Syndicate (MES) for the conduct of examinations locally.

The City and Guilds issued a circular letter dated 02 March 2010 to its approved centres that they, i.e these approved centres, should accordingly have to ensure that the course programmes they were running were, in fact, accredited in the country of origin.

Mr Speaker, Sir, I must point out that City and Guilds offer qualifications either through the theory route or the applied route. The applied route taken by students attending approved training centres for City and Guilds comprises all components of the theory route in addition to the practical components.

The theory route on its own, taken without practical components is not recognised by the regulatory authority in UK known as ofqual.

Mr Speaker, Sir, at a meeting held at the MES on 29 April 2011, the Area Manager of City and Guilds, Dr. John Otieno, informed the MES that City and Guilds would no longer conduct the theory route taken alone as from the December 2011 examinations.

As a number of students had already enrolled for the City and Guilds examinations, a moratorium was granted till December 2011 for those candidates who were required to complete the theory route qualifications. Subsequently, another request was made on 15 August, 2011 and the moratorium was then extended to June, 2012. MES has been requested to ensure that all candidates with City and Guilds be enrolled for the applied route so that the qualifications acquired are recognised and accredited by Ofqual.

METHADONE SUBSTITUTION THERAPY

(No. B/920) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Methadone Substitution Therapy, he will state the -

- (a) date of implementation thereof -
- (b) places/regions where methadone is distributed, indicating the steps taken to enforce security and control in relation thereto, and
- (c) follow-up effected of the patients who are provided therewith.

Mr Bundhoo: Mr Speaker, Sir, the Methadone Substitution Therapy Programme was initially implemented as an Inpatient Induction Programme at the National Methadone Substitution Therapy Centre at Barkly, Beau Bassin for male injecting drug users only in November 2006, following a decision taken by the hon. Prime Minister at a meeting of the National Aids Committee on 27 April 2006.

Thereafter, the Inpatient Induction Programme was extended to female injecting drug users at Beau Bassin in a dedicated ward at Brown Sequard Mental Health Care Centre as from 10 March 2005.

As regards part (b) of the question, I would wish to point out, Mr Speaker, Sir, that after the clients are induced on methadone, they attend a dispensing point nearest to their place of residence to take their daily doses of methadone on the spot. To date, there is a dispensing unit at the prisons and 15 others which are as follows –

- (i) Dr. A. G. Jeetoo Hospital;
- (ii) Sir Seewoosagur Ramgoolam National Hospital;
- (iii) Victoria Hospital;
- (iv) Flacq Hospital;
- (v) Jawaharlal Nehru Hospital;
- (vi) Dr. F. Bouloux Area Health Centre;
- (vii) Brown Sequard Mental Health Care Centre;
- (viii) Mahebourg Hospital;
- (ix) Ste Croix Drop-in Centre, and
- (x) By mobile caravans at Plaine Verte, Vacoas, Rose Hill, Plaine Lauzun, Pailles and Vallée Pitot.

Mr Speaker, Sir, my Ministry has taken several measures to enforce security and ensure control during the daily dispensing of methadone at the dispensing points and these include the following –

- (i) two Police officers are posted at each dispensing site 30 minutes prior to the start of dispensing and 30 minutes after dispensing has ceased and also the Emergency Response Services (ERS) of the Police Department effect regular patrol at each site during the dispensing exercise.
- (ii) a standing Committee has been set up at each dispensing point and it comprises dispensers and nursing officers involved in the distribution exercise as well as Police officers of that region to monitor security and control. The Committee meets at least once monthly, and
- (iii) the dispensing time for methadone on site where the number of beneficiaries has increased considerably has been extended by three hours, that is, from 6.00 hours to 9.00 hours to 6.00 hours to noon namely at Dr. F. Bouloux Area Health Centre, Brown Sequard Mental Health Care Centre, Ste Croix and Plaine Verte dispensing sites.

Furthermore, Mr Speaker, Sir, I wish to inform the House that immediately after assuming office as Minister of Health and Quality of Life, the following measures have been initiated to reinforce security and control at methadone dispensing units –

- (a) I have instructed for CCTV camera to be installed at all dispensing points. I am pleased to inform the House that as a priority CCTV cameras will be installed before the end of this year itself at Ste Croix, Bouloux, Plaine Verte and Brown Sequard Mental Health Care Centre dispensing points. Thereafter in 2012, CCTV cameras will be installed at the remaining dispensing points;
- (b) Guardrails have been installed at Ste Croix, Bouloux and Plaine Verte dispensing points in order to ensure orderly distribution of methadone and a regularised flow of beneficiaries at each dispensing counter.
- (c) The services of peer groups have been enlisted at Bouloux, Ste Croix and Plaine Verte dispensing units where the number of beneficiaries exceeds 500 so as to ensure smooth and regularised flow of beneficiaries at peak time.

- (d) a numbering system which is being handed by peer group has been introduced at the four dispensing point I have mentioned earlier to ensure orderly dispensing of Methadone and a better control on the beneficiaries attending this distribution point, and
- (e) drop-in centres have been set up at Bouloux and Ste. Croix wherein a package of services are offered to the beneficiaries from 6.00 hours to 16.00 hours including the distribution of Methadone from 6.00 hours to noon.

Mr Speaker, Sir, as regards part (c) of the question, I wish to point out that the follow-up of Methadone clients is done on a two prong-approach. That is, the medical component and psycho-social component. Medical follow-up of the client after induction is ensured by Medical and Health Officers of the Harm Reduction Unit of my Ministry. After initial induction on methadone, the clients are seen on appointment by Medical Officers on a weekly basis for the first month followed by monthly reviews when they are stabilised.

It is to be noted that a major component of the Methadone programme is the psycho-social support of the client on Methadone with the ultimate aim of re-integrating the injecting drug users into the mainstream society. This is being provided by the Treatment and Rehabilitation Centre operating under the aegis of NATReSA namely, Dr. Idriss Goomany Treatment Centre, Plaine Verte, Help De-Addiction Centre, Cassis, Sangram Sewa Sadan Centre, St. Paul and Lacaz A, Port Louis.

The important component of psycho-social support by NGO will be reinforced as from next year following additional funds which have been provided in the 2012 Budget for the rehabilitation of drug addicts.

Mr Ameer Meea: Mr Speaker, Sir, is the hon. Minister aware that there has been a number of arrests by Police of people in possession of Methadone and will he agree that the traffic of Methadone is fast spreading?

Mr Bundhoo: This is, Mr Speaker, Sir, precisely because we are aware of the number of arrests that we have reinforced the control of CCTV cameras, guard rail, numbering system and peer group in order to ensure that there is no re-occurrence of these mishaps.

Mrs Hanoomanjee: Mr Speaker, Sir, can I understand from the hon. Minister - since he said in his reply that CCTV cameras are being installed and some more or many more will be installed in 2012 - that the evaluation exercise which was on to see whether the Methadone substitution therapy is a success or whether it has become, instead of becoming a therapy, there is dependence now on Methadone, has been completed and that the Ministry proposes to continue with the programme?

Mr Bundhoo: The expert has submitted his report in May this year and a Technical Committee is looking at the technical aspect of this report, especially with regard to substitution to Methadone and the follow-up.

Dr. S. Boolell: Mr Speaker, Sir, has any alternative to the Methadone substitution therapy been considered by their experts?

Mr Bundhoo: This is exactly what I said.

(Interruptions)

This is exactly what I have replied to hon. Mrs Hanoomanjee; part of the Technical Committee assignment is to consider a substitution which has been recommended and we are awaiting the conclusions of the report by January 2012.

Mr Obeegadoo: Given the reported cases of abuse - does the hon. Minister have in hand the figures? May we know how many individuals have sought to have recourse to the substitution therapy, and if so, how the numbers have evolved since this strategy was introduced?

Mr Bundhoo: The number is 4,920. We started, as I said, as early as 2006 and it has evolved constantly and progressively to the benefit of everybody.

Mr Jhugroo: Mr Speaker, Sir, can I ask the hon. Minister in whose custody are these Methadones kept? Are there any pharmacist in charge for each daily delivery and whether proper records are kept?

Mr Bundhoo: I am sure that we have proper records kept, but the dispensing is done by trained nurses. The Methadone is kept at the dispensary where they need to be kept, but still I can check over it and come back to the House.

Mr Uteem: Mr Speaker, Sir, may I know from the hon. Minister whether there is a waiting list of patients who want to go on the Methadone treatment and, if so, how many of them, and whether he intends to review the criteria for eligibility to the Methadone treatment?

Mr Bundhoo: I am not sure how many we have in the waiting list, but the programme of inducing drug addicts to join the Methadone treatment is ongoing. As I said in reply to the question put by hon. Obeegadoo, at present we have 4,920 out of figures which are 8,000 to 10,000 drug users using needles for drug addiction.

Mr Ameer Meea: Mr Speaker, Sir, the hon. Minister stated that there has been the installation of CCTV cameras, but CCTV cameras have been installed on main roads and not where people are taking the Methadone. It is only acting as a deterrent for people coming to the places, but where people are drinking the Methadone, there is no camera. In fact, the installation of CCTV camera does not have any effect to prevent people from trafficking Methadone.

Mr Bundhoo: May I assure the hon. Member that the CCTV camera has not yet been installed. The exercise for finalisation of the contract is already done. It is now going to be installed and, if the hon. Member has listened to me carefully, as I have said, it would be done by early 2012. I have given the five places where it is going to be done. We have the guard rail to ensure that the clients go one by one and the camera will be focused on the guard rail to ensure that the Methadone is consumed on the spot. It is totally different with the CCTV cameras we have on the road at Grand' Baie or Flic en Flac. This is dedicated camera in order to act as a deterrent to ensure that the Methadone is consumed on the spot.

Mr Ganoo: May I ask the hon. Minister whether at one point in time the distribution was also taking place in the region of Quatre Bornes and, if so, has it stopped and what has happened to the patients from the region of Quatre Bornes? How are they serviced?

Mr Bundhoo: I do not have the information on me; I can always check it up for the hon. Member. I am sure that if it was at Quatre Bornes at a point in time, and it has ceased, the clients should have been redirected to other centres.

Mrs Labelle: Mr Speaker, Sir, the hon. Minister has mentioned the installation of CCTV camera to ensure that the patients take their Methadone on the spot. May I request the hon. Minister whether he will ensure as to the way this Methadone is being distributed because,

according to my information, empathy is absent when distributing the Methadone. The way that we give this treatment to the patients, I think, should be reviewed, so as to encourage these persons to take and not to have measures to punish them when they are not taking.

Mr Bundhoo: I agree with the hon. Member and, in fact, we are also looking at it to make the distribution more humane and more user-friendly in order that everybody cooperates with everybody.

CITE ROCHE BOIS - DENTAL CLINIC - CONSTRUCTION

(No. B/921) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Dental Clinic in Cité Roche Bois, he will state the completion date of the construction thereof, indicating if it is operational and, if so, since when and, if not, why not.

Mr Bundhoo: Mr Speaker, Sir, the construction project of the Dental Clinic at Cité Roche Bois started on 12 November 2009 and was due to be completed in July 2010. On 02 September 2010, the building was taken over, but defective works were identified and had to be attended to.

Meanwhile, procurement of dental equipment was initiated in January 2011. The contract was awarded in August 2011 and the equipment was delivered in November 2011.

The equipment is presently being installed and commissioned. With the supply of furniture the Dental Clinic is expected to become operational in the second or third week of January 2012.

Mr Ameer Meea: Mr Speaker, Sir, I am surprised to hear that the Dental Clinic is from 2009. According to my information, the Dental Clinic Project has been there since 2003. Since 2003, the building has been constructed for a Dental Clinic. I am surprised to hear the hon. Minister stating that it is from 2009. Can I ask the hon. Minister whether he is aware that the inhabitants of Roche Bois are having enormous difficulties in relation to dental treatment, and eventually when the clinic comes into operation, what type of treatment and equipment will this clinic be equipped with?

Mr Bundhoo: I don't have the technical information with me at this moment in time. In fact, hon. Shakeel Mohamed asked me the same question twice. It is going to be a dental clinic

as in all hospitals and Area Health Centres. I am sure it is going to provide standardised service with the standardised equipment. The only difference is that it is going to be a modern one.

BRAMER BANKING CORPORATION - ALLEGED FRAUD

(No. B/922) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Bramer Banking Corporation, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the amount of money allegedly having been lost as a result of the alleged fraud to the detriment of the Corporation, indicating if the Bank of Mauritius has -

- (a) conducted an inquiry thereinto and, if so, indicate the outcome thereof, and
- (b) taken any step against the Corporation.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker Sir, I am informed that the Bank of Mauritius, by virtue of section 26 of the Bank of Mauritius Act, is required to maintain strict confidentiality on any matter relating to the banking laws and any matter or information relating to the affairs of any bank or financial institution or the affairs of any of their customers.

The Bank, accordingly, cannot, in the present circumstances, disclose any information pertaining to the alleged fraud at the Bramer Banking Corporation.

However, the Bank of Mauritius has reassured me that, in accordance to the provisions in the Bank of Mauritius Act, it is keeping the operations of this bank as well as all other banks under constant review and that it has investigated the alleged fraud, and the stability and viability of the Bramer Bank is not in jeopardy.

I am further informed that the Bank of Mauritius has issued recommendations to Bramer's Management to prevent any recurrence of such frauds and these are currently being implemented.

The Bank of Mauritius has also instructed Bramer Bank to make up any shortfall identified through a fresh injection of shareholders' funds, and Bramer Bank has undertaken to do so.

Mr Uteem: I have understood clearly what the hon. vice- Prime Minister has said, but may I ask the hon. Minister to convey to the Bank of Mauritius that, whenever something like this happens, which affects the credibility of the banking sector in Mauritius, that it comes up with a communiqué to explain to the public that it is doing the needful, it is doing the investigation, and what is the outcome.

Mr Duval: I take that point, Mr Speaker, Sir.

**UNIVERSITY OF TECHNOLOGY OF MAURITIUS (UTM) - HEAD OF SCHOOL OF
BUSINESS, MANAGEMENT AND FINANCE - POST**

(No. B/923) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the post of Head of School of Business, Management and Finance at the University of Technology of Mauritius (UTM), he will, for the benefit of the House, obtain from the UTM, information as to the -

- (a) qualification requirements therefor, indicating the name of the incumbent and his qualifications, and
- (b) financial and non-financial benefits attached thereto.

Dr. Jeetah: Mr Speaker Sir, section 17 of the UTM Act 2000 provides for the appointment of the position of Head of School on terms and conditions determined by the Board of Governors.

The UTM started with two schools, namely -

- (i) the School of Public Sector Policy and Management, now known as the School of Business, Management and Finance, and
- (ii) the School of Business Informatics and Software Engineering.

Heads of schools were recruited in 2003 to take charge of the schools. They were appointed on a five-year contract, and were granted an allowance of Rs15,000 over and above their monthly salary to set up the schools.

In 2008, the PRB recommended in its Report that Associate Professors having served at least once as Head of Department should be assigned the duties of Head of School on a

rotational basis of three years, and in the absence of candidates in the grade of Associate Professor, the senior most Senior Lecturer having served at least once as Head of Department.

Accordingly, at the expiry of the five-year contract of the Head of Schools in 2008, Associate Professors serving in the following three schools were assigned the duties of Head of School in 2008 and were granted an allowance of Rs5,000 monthly, as opposed to Rs15,000 earlier on, in the schools as follows-

- (i) School of Business, Management and Finance;
- (ii) School of Sustainable Development and Tourism, and
- (iii) School of Innovative Technologies and Engineering.

At the expiry of their term of office as Head of School in 2011 and in line with the principle of rotation, as recommended by the PRB, the senior most Senior Lecturer has been assigned the duties of Head of School in each of the three schools.

Mrs Deepika Faugoo, holding a substantive appointment as Senior Lecturer, was assigned the duties of Head of School of Business, Management and Finance with effect from 01 August 2011 on a three-year term.

Her qualifications are as follows -

- (a) Master of Arts in Human Resource Management (2002) from the Thames Valley University of London.
- (b) Master of Social Work (1989) from the University of Bombay.
- (c) Bachelor of Science (1987), University of Bombay.

She is also a member of the Chartered Institute of Personnel and Development. She is currently registered on an MPhil/PhD at the University of Technology, Mauritius.

With regard to part (b) of the question, Heads of School are granted an allowance of Rs5,000 per month, according to a Board decision taken on 20 October 2008. They are also entitled to a cellular phone, and the maximum amount payable monthly is Rs2,000.

Mr Uteem: Mr Speaker, Sir, the hon. Minister mentioned that the Head of School is enrolled in an MPhil programme. May I know from the hon. Minister by which school at the UTM is this MPhil Programme delivered?

Dr. Jeetah: The information I have, Mr Speaker, Sir, is that she is currently registered at the UTM. I will need to look into the details of the question.

Mr Uteem: Is the hon. Minister aware of the letter which has been written by the former Head of School and Business, Dr. Chitto, where serious allegations are made against the appointment of Mrs Faugoo in the substantive position as Head of School?

Dr. Jeetah: I am not in presence of any such letter, Mr Speaker, Sir.

Mr Uteem: May I, in those circumstances, table a letter which was sent by Mr Chundoo, Ag. Permanent Secretary of the Ministry of Tertiary Education, Science and Research, dated 07 September 2011, which actually asked directly the Director General of UTM to look into the matter and to revert back? Is the hon. Minister aware of this letter written by his Ag. Permanent Secretary?

Dr. Jeetah: I have already replied, Mr Speaker, Sir. I am not aware of the letter mentioned.

Mr Uteem: Is the hon. Minister aware that the Tertiary Education Commission, on 26 September 2011, wrote to the University of Technology of Mauritius, and I quote - because I am going to table this -

“With a view to avoid any conflict of interest which may arise in such situation, we advise that staff of UTM should not form part of any organ of the University where he or she may have an interest.”

Is the hon. Minister aware of this letter, and why has he not taken action to prevent an obvious conflict of interest with regard to someone who is both Head of School and student in the same school? I table a copy the letter.

Dr. Jeetah: Mr Speaker, Sir, I have been asked about the position held by a person. I don't have all the details. Should the hon. Member wish, he may come up with a substantive question. I shall certainly look into it.

(Interruptions)

Mr Uteem: This is a substantive question. I am tabling the paper now.

Mr Speaker: The letter is being laid on the Table of the Assembly. I think the hon. Minister should take cognizance of the letter and perhaps come back with a statement in the House.

Mr Uteem: Now that we have tabled all these papers, may I know from the hon. Minister whether he will take immediate action to look into the matter and report to the House?

Dr. Jeetah: Mr Speaker, Sir, the question is clear. It is with regard to the appointment of the Head of School.

Mr Speaker: I agree that the question was clear, but there were supplementary questions in relation to the answer that you have given. The hon. Member has laid down all the letters on the Table of the House. What he is asking for is for the Minister to take cognizance of these letters, and perhaps come back to the House. That's all!

Dr. Jeetah: Yes, Mr Speaker, Sir. I will look into it.

YOUTH & EDUCATED UNEMPLOYED – TRAINING - PLACEMENT SCHEMES

(No. B/924) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the placement schemes for the training of the youth and of the educated unemployed, he will, for the benefit of the House, obtain a list thereof implemented, since 2005 to-date, indicating in each case the -

- (a) date of commencement thereof;
- (b) selection criteria therefor;
- (c) amount of stipend paid to each trainee;
- (d) duration thereof;
- (e) number of trainees who have successfully completed the training, indicating the number thereof who subsequently obtained employment;
- (f) total cost to Government therefor, on a yearly basis, and
- (g) if an evaluation has been carried out on the effectiveness thereof.

(Withdrawn)

**EASTERN UNIVERSITY AND INTEGRATED LEARNING MANAGEMENT
UNIVERSITY, SIKKIM (EIILM) - REGISTRATION**

(No. B/925) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the branch campus of the Eastern University and Integrated Learning Management University, Sikkim (EIILM), in Mauritius, he will -

- (a) for the benefit of the House, obtain from the Tertiary Education Commission, information as to if it satisfied all the prescribed criteria for registration in Mauritius, and
- (b) state if he has been informed that the certificates awarded by this institution are not recognized by many universities abroad.

Dr. Jeetah: Mr Speaker, Sir, there are a number of Indian universities whose degree programmes are offered in Mauritius and whose qualifications are awarded by those universities. The local institutions do not award any degree qualification in their own name.

They are the University of Mauritius and the University of Technology. All other institutions offer programmes basically tuition and other student support services of overseas institutions and the awards are made in the name of those overseas institutions. The list of institutions is as follows –

1. Kurukshetra University
2. Annamalai University
3. Sikkim Manipal University
4. Eastern Institute of Integrated Learning and Management University
5. AMITY University
6. MADRAS University
7. Visvesvaraya Technological University
8. Bhavnagar University
9. NIFT India

10. Birla Institute of Technology, Ranchi, India

11. IGNOU University

The House may be informed that the same regulations and guidelines for registration of institutions and accreditation of their programmes are applied to all institutions. These are available on the website of the Tertiary Education Commission. Furthermore, it may also be noted that examinations for programmes are conducted by the MES.

Mr Speaker, Sir, I wish to declare interest in the institution named by the hon. Second Member for Vieux Grand Port and Rose Belle.

As regards part (a) of the question, I am informed by the Tertiary Education Commission that EIILM University, Sikkim, India is recognised by virtue of being set up by an Act of Parliament. The Act makes provision for a University to set up offshore branches. I am tabling a copy of the Act as document 1. This is also supported by a resolution of the Board of Governors of EIILM University, Sikkim to set up a branch campus in Mauritius in compliance with Section 4 (3) of the EIILM University, Sikkim Act 2006 and I am tabling document 2 as evidence. I am also tabling copy of letter from Ministry of Human Resource Development Government of India as document 3. All prescribed criteria laid down by TEC for the registration of an offshore campus in Mauritius have been met and these are being tabled as well as document 4.

As regards part (b) of the question, in line with the above, EIILM University, Mauritius Branch Campus also does not award any qualification. It offers programmes awarded by EIILM University, Sikkim, India. Further, the qualifications awarded by EIILM University, Sikkim, India are recognised in India. I am tabling a copy of a Public Notice from the University Grants Commission of India dated 01 September 2011 as document 5. Over and above, the National Assessment and Accreditation Council, NAAC - An autonomous Institution of the UGC has in a letter dated 02 August 2007 informed TEC that - I quote -

“Qualification obtained by the State University is recognized at National Level for employment and also for promotion”.

I am tabling a copy of the document as document 6. Moreover, students who have completed their undergraduate studies awarded by EIILM University, Sikkim, India at the

EIILM University, Mauritius Branch Campus are pursuing higher studies in different universities - France, UK, India, namely *Université de Strasbourg*, University of Hertfordshire, Amity University, University of Southampton. I am tabling a list of the courses being followed by former EIILM Students as document 7.

Mr Seeruttun: Mr Speaker, Sir, will the hon. Minister confirm whether the University Grants Commission of India recognises that University and whether it approved its implementation in Mauritius?

Dr. Jeetah: I have replied Mr Speaker, Sir, and I have also said that I am tabling a document to that effect. Let me just check which document it is. I said that I am tabling a copy of a public notice from the University Grants Commission of India dated 01 September 2011.

Mr Speaker: Do you have a question?

Mr Seeruttun: Will the hon. Minister confirm whether the University of Mauritius does accept graduates from the Eastern Institute? And once they have completed the first-degree whether they accept enrolment as a post graduate at the University of Mauritius?

Dr. Jeetah: The question pertains to overseas Universities Mr Speaker, Sir. I have to check, but then as I said *Université de Strasbourg*, University of Hertfordshire, Amity University, and University of Southampton have accepted students for post-graduate studies.

Mr Obeegadoo: I have noted that the information about the UGC given by the hon. Minister related to 01 September. Is the hon. Minister aware that this morning there has been publicly broadcast in Mauritius, information to the effect that one, the University Grants Commission of India does not recognise qualifications awarded by EIILM and secondly that the UGC in India did not approve the setting up of an off-site campus of EIILM in Mauritius.

Dr. Jeetah: Mr Speaker, Sir, I have a copy of the article in Times of India where hon. Bodha has misled Times of India. Would you like me to comment on it?

(Interruptions)

Mr Speaker: The hon. Minister has to withdraw the word that the hon. Member has misled the Times of India. Can you withdraw that?

Dr. Jeetah: Mr Speaker, Sir, I can actually show...

(Interruptions)

Mr Speaker: Can you withdraw that. You have no right to use the word 'misled'. You withdraw the word first.

Dr. Jeetah: I do so, but I have a copy of that...

Mr Speaker: No, a Minister cannot quote from the press.

Mr Jugnauth: Yes, as a follow up on the question asked by hon. Obeegadoo. The hon. Minister has just said that this is recognised by a notice apparently dated 01 September 2011. I have here a copy of a letter addressed, written and signed by the undersecretary of the University Grants Commission Mrs Shashi Bala Arora and I am going to table this letter, where it says – "I am directed to inform you that the UGC has not granted any permission to EIILM University, Sikkim (Private University) to establish offshore campus in Mauritius. Therefore, the degree obtained from the Mauritius campus cannot be treated as valid". Is the hon. Minister aware of this letter which is dated 25 October 2011.

Mr Speaker: Emanating from where?

Mr Jugnauth: From the University Grants Commission.

Dr Jeetah: Mr Speaker, Sir, the first thing that we have to understand, as I said at the beginning of my statement is that only the University of Technology and the University of Mauritius have been awarding powers here. All these Indian Institutions that are currently operating in Mauritius are merely providing tuitions and other support services and their examinations are being conducted under the supervision of the MES and all the degrees are awarded by the Indian Universities.

Mr Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Since the hon. Minister has just declared his interest in that University, can he give the assurance to the country, nation and the youth attending that University that he will not in any way use his position to interfere with the TEC, give any facilities to that Eastern University?

Dr. Jeetah: I am glad that the hon. Member raised the question. Mr Speaker, Sir, the fact is that my family has been in education for the last 50 or 60 years or so. And it just happens that

now I am a politician and I am in charge of Tertiary Education. I can give a guarantee to the hon. Member and to the House and to the country that I have given strict instruction to the Director of TEC and to my Permanent Secretary to do whatever they have to do to make sure that this institution abides by all the rules and the laws of the land.

Mr Jugnauth: Is the hon. Minister aware of another letter which I am going to table addressed to the Deputy Executive Director of the Tertiary Education Commission, Dr. Praveen Mohadeb, whereby again the undersecretary of the University Grants Commission had communicated to Tertiary Education Commission the following -

The Eastern Institute for Integrated Learning in Management (EILM) University is not included in the list of universities being maintained under section 2(f) the UGC Act of 1956 meaning that this university is not entitled to have an offshore campus anywhere else outside India. Is he aware of that? The letter is dated as far back as March 2007.

Dr. Jeetah: I am informed by TEC that there is a document provided by the University Grants Commission and I said I was tabling as document V. On page 2, number 68, it clearly mentions that the Eastern Institute for Integrated Learning in Management (EILM) University is on their list.

I have to make a point here, Mr Speaker, Sir. UGC gives grants to universities wishing to operate under its purview. EILM University is a private institution which did not seek funding. That's the difference.

Mr Jugnauth: I am very surprised because the hon. Minister is saying that UGC gives grants only. Is he aware that UGC, in fact, is the regulatory body in India that authorises universities to set up whether branches or campuses outside India?

Dr. Jeetah: Mr Speaker, Sir, we are in Mauritius and we are a sovereign State. We have to abide by the rules of the land, the law that prevails in Mauritius.

Mr Ganoo: Will the hon. Minister confirm that this letter to which hon. Jugnauth....

Mr Speaker: Hon. Ganoo, 'confirm' no, rephrase your question.

Mr Ganoo: Is the hon. Minister aware that the letter dated 2007, to which hon. Jugnauth just referred to, in which the UGC informed the Director of the TEC that EILM has no right to establish an offshore campus, was, in fact, never circulated to the Board of the TEC?

(Interruptions)

Dr. Jeetah: I am not aware, Mr Speaker, Sir, but I shall certainly look into it. The hon. Member is referring to 2007.

Mr Obeegadoo: Is the Minister aware that the State of Mauritius through scholarships granted to disadvantaged students is directly financing this EIILM in Mauritius and, if so, given the controversy now being aired, he will take immediate steps to ensure that the future of such students is not endangered by the lack of recognition of this institution in India itself?

Dr. Jeetah: This is a theory that is being brought about by the hon. Member, but, as I said earlier, Mr Speaker, Sir, students graduating from this institution, have been accepted by institutions in UK, France and India to pursue their postgraduate education. This is the best proof of further academic recognition. I don't see the point the hon. Member is trying to make.

At 1.06 p.m. the sitting was suspended.

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

The Deputy Speaker: Hon. Members, we are still with PQ No. B/925. May we start now? Yes, hon. Bodha!

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he is aware that on 18 April 2007, there was an agreement which was signed between the regulatory bodies of Mauritius and India, that is, UGC and TEC, and whether he is aware that in that agreement, both parties commit themselves to collaborate on issues pertaining to registration, recognition of institutions and accreditation of programmes according to the rules and procedures in their respective countries? Is the hon. Minister aware of this agreement?

Dr. Jeetah: Mr Deputy Speaker, Sir, can I respond to hon. Pravind Jugnauth who raised two issues and I did not have the information?

The Deputy Speaker: Yes. I have no control over your reply.

Dr. Jeetah: I have information provided by TEC. TEC wrote to UGC to have information the on status of Eastern University, Sikkim, India, on 26 January 2007. The reply was received once in March 2007 and a second time in July 2007. (The second time the decision to register EIILM University, Mauritius Branch Campus was already taken.) The TEC Board

was already aware of the information requested and this was also confirmed by the Chairperson of the UGC who was visiting Mauritius at the time a decision was being taken by the TEC Board on Eastern University - I am just quoting it as Eastern University; the full name is EIILM, Mauritius Branch Campus. The Chairperson of UGC had informed that for a private university to set up outside India, it has to meet the UGC (Establishment and maintenance of standards in Private Universities) - Regulations 2003. In fact, the full set of regulations of UGC for the setting up of a branch campus of a private university was made available to the TEC Board. The Tertiary Education Commission has based itself on the following to register Eastern University, Mauritius Branch Campus.

- (i) EIILM University has been set up in 2006 as per Sikkim Government Gazette dated 03 April 2006;
- (ii) Eastern University has been offering programmes by the Vishwa Bharati University and University of Bradford, UK and the PGDBM, EIILM approved by the All India Council of Technical Education, that is, AICTE;
- (iii) EIILM University would also be offering courses of the Rai Foundation under its aegis, and
- (iv) Correspondence from Eastern University, Sikkim, the Ministry of Human Resource Development, India and the High Commission of Mauritius in India confirming that EIILM University, Sikkim is a State University set up by the State Government of Sikkim in India and as such requires no further recognition from other bodies and also the fact that it meets all the TEC's criteria for the setting up of a branch Campus.

I am also tabling, Mr Deputy Speaker, Sir, a letter addressed by the Ag. Head of Mission in India to Professor Lamus, the Vice-Principal of Eastern University in Mauritius, Branch Campus, where there has been a communication with Ms. Anupama Bhatnagar, Director of the Ministry of Human Resource Development, Department of Higher Education which states - there is a number of things that have been said here - that Central Government and State Government in India can make their own decisions and so on and so forth. I am tabling this document.

With regard to UGC, TEC has informed me, Mr Deputy Speaker, Sir, that there is no provision in the UGC Act for the UGC to give recognition to a University. UGC gives loans and grants to universities that it takes on its list. Its powers are restricted as per Section 14 of its Act

to deny funds to universities, which have requested grants from the UGC and which are not meeting its standard or abiding by its norms.

Further, Mr Deputy Speaker, Sir, I am informed by TEC that the same rules, regulations, guidelines and criteria are applied to all private post-secondary education institutions operating in Mauritius and same have been applied to Eastern University, Mauritius Branch Campus. Before granting approval for Eastern University, Mauritius Branch Campus to operate in Mauritius, the Tertiary Education Commission (TEC) has ensured that it satisfies all the above requirements as per Mauritian laws.

With regard to the question of hon. Bodha, I do not have the information with me at the moment.

Mr Bodha: This is the regulatory framework for Tertiary Education Commission as regard to standards and quality between India and Mauritius, which is a very important regulatory agreement. It was signed, as I said earlier, on 18 April 2007, by Professor Ah Chuen of TEC and Professor Thorat of UGC. This agreement said, Mr Deputy Speaker, Sir, that both parties commit themselves to collaborate on issues pertaining to registration, recognition of institutions and accreditation of programmes according to the rules and procedures in the respective countries. Can I ask the hon. Minister whether he is aware of this agreement, which is a fundamental agreement for the cooperation between India and Mauritius?

Dr. Jeetah: Mr Deputy Speaker, Sir, I am not in presence of this document. I said that the Chairperson of UGC, that is, University Grants Commission of India, was in Mauritius and they actually had discussions from the notes that I have, he actually explained all the requirements.

I am, further, Mr Deputy Speaker, Sir, tabling a list of all Board members; in fact, there is a Judge who sits on that Board. I am sure he must have viewed all the documents before the decision was taken to provide Eastern University (Mauritius Branch Campus) its status.

Mr Bodha: May I ask the hon. Minister whether he is aware that this fundamental agreement on tertiary education between Mauritius and India, was renewed in 2010 on 04 March 2010 and in the renewal of this agreement, the terms ‘Recognition of Institutions’ has been deleted?

(Interruptions)

No, I am asking the hon. Minister whether he is aware. Now, if there is no regulatory framework between India and Mauritius, between the UGC and TEC as regard to recognition of institutions, may I ask the hon. Minister what he thinks of this state of affairs and whether this does not jeopardise the whole concept of cooperation of tertiary education between India and Mauritius?

Dr. Jeetah: First, Mr Deputy Speaker, Sir, my opinion is being sought here. But one thing I can say is that there is no institution apart from the University of Mauritius and UTM that can actually award degrees. Other institutions do offer their services in terms of providing tuitions and other students support services.

All examinations are conducted under the supervision of MES and the degrees awarded by these institutions are recognised in their own country. It applies to UK, India, Africa and the rest of the world. Besides, Mr Speaker, Sir, we have 11 institutions from India operating in Mauritius and the same rule applies to each and every institution operating here whether from India or from any other country.

Mr Bodha: May I ask the hon. Minister to ask TEC to review this matter, because we need a regulatory framework as regard to registration, recognition in institutions and accreditation of programmes for what we want to achieve in Mauritius? May I ask the hon. Minister to reconsider this and to ask TEC to review the agreement once it is going to be signed again between TEC and UGC?

Dr. Jeetah: Mr Deputy Speaker, Sir, as far as I am aware, TEC recognises a degree which is recognised by their regulatory Body in their country, be it India, Africa, Australia or United Kingdom. This is the current state of affairs at the moment. They have to make sure that their own country recognises their degree, then it gets TEC's acceptance in this country here.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he is aware that on the billboard of Eastern University, at one point in time until very recently, there was written 'Mauritius Branch Campus' and whether he is aware that this has been removed very recently?

Dr. Jeetah: I have not taken notice of the billboard, but I can tell the hon. Member that there are rules and regulations with regard to advertising as well, even concerning the size of characters and I will look into this. He has to abide by the requirements of TEC.

Mr Jugnauth: Would the hon. Minister, *pour la transparence*, lay on the Table of the Assembly the application that was made by the University until the approval that was obtained by TEC with all the relevant documents? If there is nothing to hide, let us have it on the Table of the National Assembly.

Dr. Jeetah: The hon. Member is suggesting that there is something to hide. I do not have any problem to lay on the Table of the Assembly all the documents with regard to the application so that the hon. Member can go through it to satisfy his curiosity.

Mr Bodha: The question has been put by my colleagues. May I ask the hon. Minister to assure the nation that those who are taking the courses for the first year, second year and third year, that their degree is going to be recognised in Mauritius, in India and throughout the world?

Dr. Jeetah: The hon. Member did not listen to what I said earlier on, Mr Deputy Speaker, Sir. Today, students who have already graduated from EILM are continuing their further studies AT the Universities of Strasbourg, Southampton, Hertfordshire and AmitY. So, I have given three concrete examples of three countries which recognise these students' capabilities in whichever field they have chosen to study and I don't see any problem.

With regard to the University of Mauritius, there was a question and I have asked TEC to enquire. We normally do not do that. It's a question of choice for the student. I will have to find out whether there have been any applications at the University of Mauritius and whether these have been accepted or not. And I will know this after looking into it.

Mr Obeegadoo: Mr Deputy Speaker, Sir, given that the University Grants Commission of India has always been the counterpart of the Tertiary Education Commission of Mauritius for all matters pertaining to quality at tertiary level, being given that this is the first instance where a university is being allowed to operate in Mauritius, an institution of higher learning without recognition from the UGC. Will the hon. Minister undertake to ask TEC to fully elucidate this matter with the University Grants Commission of India and to come to the House and make a

full statement so as to reassure the parents concerned because their children are attending EIILM?

Dr. Jeetah: Mr Deputy Speaker, Sir, the hon. Member did not listen ...

(Interruptions)

The Deputy Speaker: Hon. Assirvaden, let the Minister answer!

Dr. Jeetah: I do not have any problem with regard to making a further statement. But then, the hon. Member did not listen to any of my answers. Mr Deputy Speaker, Sir, I did say that there are a number of Indian institutions, for example, SIKKIM Manipal University which are present in Mauritius. The same rules apply to SIKKIM Manipal University as well as EIILM, SIKKIM University. And the same rule applies to Amity University, Madras University, Annamalai University and Kurukshetra University which is managed by the Arya Sabha, NIFT, India, Birla Institute of Technology, Ranchi, India and Ignou University. So, the same rule and the same principle apply to all these institutions currently operating in Mauritius.

Mr Obeegadoo: May I know from the hon. Minister whether for all these institutions there is no recognition from UGC India?

Dr. Jeetah: I will have to start reading my reply again, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: By the way, is it, yes or no?

Dr. Jeetah: The hon. Member is not listening at all.

LYCÉE POLYTECHNIQUE DE FLACQ – EQUIPMENT

(No. B/926) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Education and Human Resources whether, in regard to the *Lycée Polytechnique de Flacq*, he will state if he has received representations from the students and from the Parent/Teachers Association thereof complaining of the lack of equipment and of the bad state of the existing one thereat and, if so, if an inquiry has been carried out thereinto, indicating the outcome thereof.

Dr. Bunwaree: Mr Deputy Speaker, Sir, I would like to inform the House that the issue of the state of equipment at the Lycée Polytechnique Sir Guy Forget of Flacq has been the concern of the Mauritius Institute of Training and Development (MITD) since the integration of

the Lycée with the Institute. Furthermore, representations have also been received about the state of equipment at the Lycée both from students and parents. It must be brought out that some of the equipment, although functional, existed since the setting up of the Lycée almost 20 years ago.

It is necessary to point out, Mr Deputy Speaker, Sir, that the following measures have recently already been initiated -

- the breakdown of computers in the Computer Laboratory has been attended to. The repair has been completed and appropriate software has been installed for the operation of the computer;
- installation of wifi within the compound and installation of internal security through the presence of Security Officers on a 24-hour basis within the premise of the Lycée;
- the Automated System at the Lycée dates back to more than 10 years and is getting obsolete. Arrangements have therefore been made for students to benefit from adequate practical sessions on an up-to-date Automated System at the Ebène Training Centre;
- provision has already been made in the Budget 2012 and necessary procedures are ongoing for replacing an obsolete “*maquette*” utilised for simulation exercise at the Electrical Section by a new updated version;
- students used to get practical experience on old vehicles for the Motor Vehicle Mechanical Engineering Programme. Innovative measures have now been adopted to expose students to new systems and up-to-date technologies for integrated enhancement of skills of students;
- defective electric bells within the premise of the Lycée have been replaced by new ones, and
- remedial action has been taken to provide for safety shields for equipment and to make provision for safety protective panel for electrical connection to adhere to health and safety norms to safeguard students and staff.

Mr Deputy Speaker, Sir, I would like to inform the House that in the course of my recent mission to Reunion Island from 13 to 14 September last, the question of assistance for renewal and upgrading of equipment at the *Lycée Polytechnique de Flacq* was raised. In fact, two experts from *l'Académie de la Réunion* are presently on mission from 4 to 7 December 2011 for a comprehensive study on the training programme and improvements to be brought to the Lycée. At the same time, they will make proper recommendations for the replacement and updating of equipment more adapted for the course programme of the Lycée taking into account the introduction of the new Professional Programme *Bac Pro* in the future.

Mrs Ribot: Mr Deputy Speaker, Sir, I would just like to make an appeal to the hon. Minister to see to it that the upgrading of equipment be done on a regular basis and let us not wait for such a state of equipment again to act.

Dr. Bunwaree: I think my reply went in that direction.

OMBUDSPERSON FOR CHILDREN – ANNUAL REPORT

(No. B/927) **Mrs L. Ribot (Third Member for Stanley and Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the last Annual Report of the Ombudsperson for Children, she will state the urgent steps that will be taken, if any, following the publication thereof.

Mrs Martin: Mr Deputy Speaker, Sir, the last Annual Report of the Ombudsperson for Children on the protection of the child, on violence against children, on education and school discipline makes recommendations to all concerned Ministries and other public bodies.

As far as issues falling under the purview of my Ministry are concerned, I wish to point out that my Ministry shares a good working relationship with the Office of the Ombudsperson for Children and as such prior to the publication and launching of the Annual Report, my Ministry has already taken major steps to review the Child Protection Services.

Various recommendations proposed in the Report are of high relevance and my information is that many of them are already being implemented to support children, especially those suffering from violence. These include the following -

- (a) Capacity building of field officers for which the services of a consultant have been enlisted.

- (b) Guidelines to help officers with intervention in a systematic manner have been handed over to officers since November 2010. A comprehensive trainer manual on intervention on child protection is expected to be ready early next year.
- (c) Coordination among relevant stakeholders working with children through a High-Powered Committee under the “Working Together” concept has been instituted since December 2010. Meetings are convened every three months.
- (d) Sensitisation and raising awareness for Children Welfare Department and Protection through structures such as the *Écoles des Parents*, Community Child Watch Committees, District Child Protection Committees and School Protection Clubs have been set up across the island. Furthermore, 16 Days 16 Rights Campaign together with the celebration of International days are also ongoing features of the Child Development Unit of my Ministry to ensure that a critical mass of child protectors is developed to sustain the best interest of our children.
- (e) The Child Mentoring Programme along with the Foster Care Programme has been implemented.

Mr Deputy Speaker, Sir, I wish to add that the report of the Ombudsperson for Children has been made public in October 2011 and contains various recommendations for consideration in the short term, medium term and long term. As such, I have set up a dedicated team at my Ministry to examine the recommendations and to advise on their implementation, given the implications involved in terms of human and financial resources as well as the need for coordinating efforts with stakeholders. Furthermore, upon the publication of the report, concerned Ministries/public bodies have informed my Ministry on actions being undertaken at their level.

To enhance service delivery for the cause of children, my Ministry will take the following urgent steps which are in line with the report of the Ombudsperson for Children –

- a. reinforcement of the CDU in terms of human resources as well as appropriate and adequate logistics to help cope with child violence cases for which provisions have been made in the Budget 2012;

- b. setting up of the computerised Child Protection Register which will allow for easy referencing and follow up of cases. Funds have also been made available in this Budget;
- c. provision for additional shelters for care, recovery and reintegration of child victims of abuse at Cap Malheureux for boys, Floreal for babies and a Residential Drop-in Centre at Grand River North West for victims of commercial and sexual exploitation; the Budget 2012 has furthermore provided for creation of six additional shelters across the island. These are expected to be operational in the course of year 2012;
- d. mounting of training programmes in collaboration with Human Resource Development Council to reinforce the capacity of other partners namely NGOs and Non-State Actors for management of shelters for children in distress. The latter will also be encouraged to tap resources under the ongoing Special Collaborative Programme for Women and Children in distress of my Ministry and also under the CSR funding, the criteria thereof having been reviewed;
- e. introduction of the Comprehensive Children's Bill next year in the National Assembly with a view to domesticate the provision of the Convention on the rights of the Child.....

(Interruptions)

Mr Bhagwan: Mr Deputy Speaker, Sir, time is of essence, can the hon. Minister circulate the answer?

Mrs Martin: Mr Deputy Speaker, Sir, the question was if I would state...

(Interruptions)

The Deputy Speaker: Please, I am on my feet! It has been a common practice that long answers should be circulated. But I understand that as per the question also this is an issue which is quite important. If the hon. Minister could just give a summary and then file the answer!

Mrs Martin: Mr Deputy Speaker, Sir, I am nearly finished, if the hon. Members would bear with me. But the question was about the urgent steps that were going to be undertaken. We have undertaken a lot of steps and that is why I was giving all the information I could to the hon. Member. I am nearly finished, if you could just bear with me.

The Deputy Speaker: Yes.

Mrs Martin: Introduction of the Comprehensive Children's Bill next year in the National Assembly with a view to domesticate the provisions of the Convention on the Rights of the Child and harmonisation of various piece of legislations on the welfare of children. This will also provide the basis for the development of a National Strategic Framework for Children for a holistic planning of a generic document in the best interest of the child.

- f. the setting up of a temporary squad of officers from the different units of my Ministry to carry out inspections for the Early Childhood Development Programme pending the creation of a permanent Inspectorate Unit. The Minister of Civil Service and Administrative Reforms has already given approval for payment of the appropriate allowances.

Mr Deputy Speaker, Sir, the report of the Ombudsperson has also recommended the setting up of a separate and independent unit for child protection service under the aegis of my Ministry, proper with dedicated logistics, staff and transport to be made operational on a shift system so that a 24/7 service is available to children. In this respect, as announced in my intervention in the context of the Budget 2012, I intend to commission....

The Deputy Speaker: Please!

(Interruptions)

Mrs Martin: I am finished, just four sentences more.

The Deputy Speaker: Please! Alright!

Mrs Martin: *Zotte ine demandé pou gagné non !*

(Interruptions)

The Deputy Speaker: Hon. Minister, you give the main points and then you file the answer.

(Interruptions)

Mrs Martin: I was saying, Mr Deputy Speaker, Sir, that I intend to commission an audit next year on the reorganisation of the services of my Ministry starting with the Child Development Unit. On the basis of the findings and recommendations, that Unit will be re-engineered for an enhanced child service delivery.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether her Ministry intends to liaise with the Ministry of Health regarding the

recommendations of the Ombudsperson for Children as to the setting up of two dedicated rooms at Victoria and Jeetoo hospitals and, if possible, two more rooms in Rose Belle and Flacq hospitals for children victims of sexual abuse?

Mrs Martin: I understand that discussions are under way.

Mrs Labelle: Mr Deputy Speaker, Sir, among the measures that the hon. Minister has mentioned, may I ask her whether she is planning to have a special attention to those children who, after 18 years old, are being sent away from our institutions because, as far as I know, there is nothing for them, and I know one of them who is actually living under a bridge. What is her Ministry proposing to those young persons who have to leave the institution after 18 years?

Mrs Martin: I would agree with the hon. Member, there is a lacuna in that domain, and we are planning to see in what way we can help out. But I believe that that will fall more under the NEF in that case, because normally after 18 years, the children do not fall under the purview of the CDU.

The Deputy Speaker: Yes, last question!

Mrs Ribot: Mr Deputy Speaker, Sir, another recommendation of the Ombudsperson for Children is the setting up of a residential centre for handicapped children whose families cannot cope with them anymore. I would like to know from the hon. Minister whether she is going to entertain that recommendation.

The Deputy Speaker: I understand that the hon. Minister stated that there is a dedicated team working on all the recommendations and she gave some highlights about some urgent measures.

Mrs Martin: Thank you, Mr Deputy Speaker.

Mrs Labelle: Mr Deputy Speaker, Sir, I do agree with the hon. Minister that after 18 years, the child is no longer a child. What is her Ministry doing to prepare these children to face, let us say, their adult life? What is her Ministry doing to prepare them when they have to leave the institution because they have been living there for years? What has been done to prepare them to face life after 18 years?

Mrs Martin: What I can say is that prior to their leaving the institution, a few months before, contact is made with family to see in what way the child can integrate the family. That is one of the steps that are taken and I believe also that there is an accompaniment psychologically to prepare the child to enter the mainstream society.

POINTE DES LASCARS - WATERFRONT PROJECT

(No. B/928) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Environment and Sustainable Development whether, in regard to the Waterfront project at Pointe des Lascars, initiated in 2004 and partly executed, he will state –

- (a) the steps taken, if any, to resume the implementation thereof, since 2005 to-date, and
- (b) if he has been informed that pavements that had already been installed thereat have disappeared since, and, if so, indicate if same has been reported to the Police.

Mr Virahsawmy: Mr Deputy Speaker, Sir, tenders for the implementation of the Waterfront project at Pointe des Lascars were launched in June 2004. However, the project was considerably delayed due to the problems of squatters and outstanding works by the contractor. In February 2007, the contract for the project was terminated in view of lengthy delays and extended duration of works and the contractor's inability to complete the works.

For part (a) of the question, after the problem of squatters was resolved, the services of a consultant were hired by my Ministry and tenders were launched to complete the remaining upgrading works at the waterfront of Pointe des Lascars. However, that exercise had to be cancelled before the award of the contract because all financial submissions received were substantially above the estimated cost.

With a view to expediting the completion of the project, my Ministry has now approached the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping to execute part of the uncompleted works through its annual contractor. My Ministry will carry out the remaining minor upgrading and embellishment works.

As for part (b), I am informed that the pavements placed at the sites had disappeared in spite of regular Police patrols.

FEDERATION MAURICIENNE DE NATATION - CARETAKER COMMITTEE

(No. B/929) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the *Federation Mauricienne de Natation*, he will state if his Ministry proposes to take on board the stand taken by the *Federation*

Internationale de Natation Amateur, following the setting up of the caretaker committee therefor by his Ministry and, if not, why not.

Mr Ritoo: Mr Deputy Speaker, Sir, first and foremost, I would like to inform the House that the stand of FINA, *Fédération Internationale de Natation Amateur*, is to let the Federation run the day to day activity and conduct the election process by itself in order to guarantee the independence of Aquatic Sports in Mauritius.

However, Rule 7(5) of the Third Schedule to the Sports Act 2001, which lays down the standard basic rules for Sports Federations provide that the quorum shall be constituted by more than half of the number of voting members of the Managing Committee of the Federation.

On the second hand, Section 6(1)(9) of the Sports Act makes provision for a Managing Committee to have not less than 7 members.

Further, the rules of the Mauritius Swimming Federation referred to by FINA state that “if at any time the number of members shall fall below nine, the Managing committee shall be considered to have resigned collectively.”

It is, therefore, clear that the stand of FINA is in contradiction with the laws of Mauritius and the statutes of the Swimming Federation itself as the then Managing committee was left with only 4 out of 11 members.

Taking into consideration all diverging views expressed, including those of FINA, concerning the Caretaker committee, which I had set up to run the affairs of the Federation pending the election of a new Managing Committee, I have decided that the activities of the Caretaker Committee be put in abeyance.

My Ministry has convened a meeting with the National Olympic committee to reach a consensus on the way forward in conformity with the laws of Mauritius. The FINA will be kept informed.

Mr Quirin: M. le président, le ministre peut-il nous dire pourquoi, depuis l'éclatement de la Fédération Mauricienne de Natation, son ministère n'a pas engagé des consultations ni avec le comité olympique mauricien ni avec la FINA, comme il est stipulé dans le *Sport Act*, avant la mise sur pied du *Caretaker Committee* ?

Mr Ritoo: Mr Deputy Speaker, Sir, I wish to inform the hon. Member that the consultation was done. In fact, the Mauritius Olympic Committee on request of my Ministry delegated its Secretary-General to form part of the committee and who, unfortunately, after five days decided to resign for unknown reasons. I have got a letter where he accepted to be in that committee.

Mr Quirin: J'aimerais, M. le président, avec votre permission, que le ministre dépose une copie de cette lettre sur la table de l'Assemblée. En parlant de lettre, je souhaite faire allusion à la lettre de la FINA adressée à l'*Acting Permanent Secretary* du ministère de la jeunesse et des sports en date du 30 novembre 2011 où il est clairement indiqué que le courrier, que le ministère de la jeunesse et des sports avait fait parvenir à la FINA et au comité olympique mauricien, ne peut être considéré comme étant une consultation. J'aimerais que le ministre nous dise, M. le président, si c'était intentionnel de la part de son ministère de ne pas consulter comme il se doit ces deux instances et, si c'est le cas, n'est-ce pas là un cas flagrant d'ingérence du ministère de la jeunesse et des sports dans les affaires d'une fédération ?

Mr Ritoo: Mr Deputy Speaker, Sir, I believe in the autonomy of the Sports Federation. In fact, our main concern is the development of the specific sports activity, the federations and its licensees.

A ma connaissance, s'ingérer dans les affaires internes de la fédération mauricienne de natation n'est pas notre rôle. Au contraire, nous avons fait qu'appliquer la loi. De toute façon, il y a eu la démission de cinq membres et nous apprenons sur l'avis du *Registrar of Association* qu'il n'avait pas, à ce moment précis, un comité directeur pour gérer la fédération. So, that is how we came with the setting up of a Caretaker Committee. Again, I have a letter dated 16 September by the Mauritius Olympic Committee, where they delegated the Secretary-General, Mr Vivian Gangaram, to be present in that committee.

The Deputy Speaker: Last question!

Mr Quirin: M. le président, j'aimerais que le ministre nous dise s'il est disposé à déposer sur la table de l'Assemblée les deux lettres qu'a fait parvenir la FINA à l'*Acting Permanent Secretary* du ministère de la jeunesse et des sports. La première lettre est en date du 02 novembre 2011 et la deuxième en date du 30 novembre 2011, où la FINA blâme carrément le ministère de la jeunesse et des sports.

Mr Ritoo: M. le président, c'est une question d'interprétation de la FINA. Je ne vais pas aller faire une guerre avec la fédération internationale mais, dans un souci du compromis, je vais déposer la lettre.

Mr Deputy Speaker: Next question!

Mr Quirin: M. le président, si vous permettez ...

Mr Deputy Speaker: No, last question on this issue.

Mr Quirin: I have a last question on this issue.

Mr Deputy Speaker: No, I told you that it will be the last question. We move to the next one. Next question, please.

SPORTS - TRUST FUND FOR EXCELLENCE - BENEFICIARIES

(No. B/930) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Trust Fund for Excellence in Sports, he will, for the benefit of the House, obtain from the Trust Fund -

- (a) a list of the athletes who have, since 2009 to-date;
 - (i) benefited therefrom, indicating their respective sports discipline, and
 - (ii) followed university courses financed by the Trust Fund and
- (b) table copy of the;
 - (i) Constitution thereof;
 - (ii) Memorandum of Understanding signed between the Trust Fund, the University of Mauritius and the Industrial and Vocational Training Board, and
 - (iii) Income and Expenditure statements, since 2009 to date.

Mr Ritoo: Mr Deputy Speaker, Sir, the Trust Fund for Excellence in Sports operates under the aegis of my Ministry and its objectives are to design, finance and implement such projects and schemes for the benefit of -

- (i) sportsmen and sportswomen who have achieved excellence in their respective field at national and/or international level;

- (ii) young athletes who have achieved excellence in their respective field at school level, and
- (iii) retired sportsmen and sportswomen who need support and financial assistance, in order, to embark on other professional activities.

With regard to the other information requested for, same is being placed in the library of the National Assembly.

Mr Quirin: M. le président, comme c'est une évidence qu'il existe un gros problème de communication entre le *Trust Fund for Excellence in Sports* et le mouvement sportif, certains disent même que le *Trust Fund for Excellence* est une grosse fédération parallèle, j'aimerais que le ministre nous dise qu'est-ce qui est fait pour rendre les relations entre les parties concernées, c'est-à-dire, le *Trust Fund for Excellence in Sports* et les fédérations nationales beaucoup plus fluides et moins tendues.

Mr Ritoo: Mr Deputy Speaker, Sir, the Trust Fund for Excellence in Sports actually caters for eight sports disciplines, mainly athletics, badminton, boxing, judo, table tennis, tennis, swimming and triathlon. Now, we are adding four - rugby, volleyball, handball and yachting. The Trust Fund for Excellence in Sports has no problem with any other federation except for table tennis. Now, there is a problem of *communication de dialogue*, this I think the responsible officer of the Trust Fund and the Federation will have to talk about this, otherwise, we deal with other seven Federations, with which we do not have any problems.

Mr Quirin: M. le président, est-ce que le ministre peut nous dire si les critères de sélection pour les six bourses pour les sports études sous le *Trust Fund for Excellence in Sports* sont prêts et quand seront-ils rendus publics?

Mr Ritoo: We are actually working on the criteria required for the selection of the six sports scholarships.

The Deputy Speaker: Yes, last question!

Mr Quirin: J'aimerais que le ministre nous dise aussi, comme un des objectifs du *Trust Fund* est d'offrir un emploi aux athlètes retraités, pourquoi rien n'est fait dans ce sens en ce moment ?

Mr Ritoo: All retired athletes are already working with my Ministry. I don't have any retired athlete, who is looking for any job; otherwise, the last one was Gaël Adam, the swimming coach, who is working with the federation.

**JAWAHARLAL NEHRU HOSPITAL - HEALTH CARE ASSISTANT/ MEDICAL
PRACTITIONER - INCIDENT**

(No. B/931) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Health and Quality of Life whether, in regard to the Jawaharlal Nehru Hospital, he will state if an incident involving a health care assistant and a medical practitioner is reported to have taken place thereat, on or about 6 November 2011 and if so, indicate -

- (a) if an inquiry has been carried out thereinto, indicating the outcome thereof, and
- (b) the steps taken, if any.

Mr Bundhoo: Mr Deputy Speaker, Sir, I am informed by the Regional Health Director of the Jawaharlal Nehru Hospital that an incident took place on Sunday 06 November 2011, around noon, involving one Mrs A.T., Hospital Care Attendant, and not the Health Care Assistant as mentioned by the hon. Member of Rose Belle/Vieux Grand Port and Dr. M., a Medical Practitioner. In fact, the incident relates to an alleged case of physical aggression by the Medical Practitioner again with Hospital Care Attendant.

As regards part (a) of the question, I am informed by the Commissioner of Police that the Hospital Care Attendant has so far made no formal declaration to the Police. However, the RHD of J.N. Hospital has carried out a preliminary enquiry into the circumstances of the incident. During the enquiry, the Medical Practitioner was requested to give his explanation and he denied that he used any physical violence against the Hospital Care Attendant on that day. He, however, admitted that he pushed him as he became angry for not getting access to his patient, who was in the ward, which was closed at that time.

Mr Deputy Speaker, Sir, as regards part (b) of the question, I am informed that the Medical Practitioner has been cautioned that he should be courteous towards all staff members irrespective of their grade and that any recurrence will be severely dealt with.

Mr Seeruttun: Mr Deputy Speaker, Sir, will the hon. Minister inform the House whether this medical practitioner in question has been previously involved in similar cases in any Government Hospitals?

Mr Bundhoo: I am not aware if he has been previously involved in any other such cases before, but the question was related specifically to this incident, so the information given to me was specifically related to this incident.

Mr Seeruttun: The hon. Minister just said that there has been a question asked to the medical practitioner to explain his behaviour with regard to that incident. Has there been a proper inquiry conducted so that other people who witnessed the incident were asked to depone so that they could know what happened really? Because what I do understand is that they asked the medical practitioner to explain what happened and that was the only explanation taken into consideration. No one else was asked to give the other version.

Mr Bundhoo: I guess, Mr Speaker, Sir, there should have been some form of internal inquiry under the supervision of the RHD whereby the incident was reported. On 25 November 2011, there was a note of caution whereby he was asked to be more courteous and I am also being informed that if such things happen again, he would be severely dealt with. The letter was served on Dr. M on 25 November 2011 and he acknowledged receipt of the letter by returning and signing it on 01 December this year.

The Deputy Speaker: Hon. Lesjongard, you have a question on it? Mrs Hanoomanjee!

Mrs Hanoomanjee: Thank you Mr Deputy Speaker, Sir. The hon. Minister just said that a preliminary inquiry has been carried out. Can we know from the hon. Minister why is it that it is only a preliminary inquiry? And if it is so, aren't we encouraging that Medical Officer to come back again and again with the same form of violence against his colleagues?

Mr Bundhoo: Mr Deputy Speaker, Sir, as I have mentioned earlier, a preliminary inquiry was conducted and subsequent to that, some form of warning was issued to him. The person concerned, the Hospital Care Attendant did not make any formal complaint to the Police despite the fact that she went there, made an informal complaint and I was informed by the Commissioner of Police that there was no formal complaint. I would imagine that the Hospital

Care Attendant is always entitled to request for further inquiry and I would be pleased to conduct a full-fledged inquiry subsequent to the request made by the HCA.

Mrs Hanoomanjee: Can we ask the hon. Minister whether he can state to the House if a full-fledged inquiry could be carried out because *on ne peut pas condone ce genre de comportement*? I believe that if the hon. Minister goes for an in-depth inquiry with all the witnesses and subsequently the matter is referred to the PSC, this sort of *comportement* will not recur.

Mr Bundhoo: I have to reassure the House that we have not condoned this behaviour, it is precisely that it has not been condoned that a letter of warning was issued to Dr. M. If there is any reason to conduct any further inquiry, I will ask the Medical Council and the appropriate institutions to do so.

MAURITIUS TELECOM/FRANCE TELECOM – SHARES

No. B/932) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Information and Communication Technology whether, in regard to the Mauritius Telecom, he will -

- (a) for the benefit of the House, obtain from the Mauritius Telecom, information as to the amount of money paid by France Telecom for the acquisition of shares therein, indicating the amount of dividends paid thereto, as at to-date and;
- (b) state
 - (i) the excesses and limitations identified in the management thereof regarding the achievement of the ICT objectives of Government, indicating the causes thereof, and
 - (ii) if Government is proposing to buy out the shares of France Telecom and, if so, the reasons therefor.

Mr Pillay Chedumbrum: In November 2000, Rimcom Ltd., an investment vehicle wholly-owned by France Telecom, acquired 40% of the shares held by the Government of Mauritius in Mauritius Telecom Ltd. (MT) for the sum of USD261 m.

As regards the amount of dividends paid to shareholders, the aggregate dividend paid for the year 2006 amounts to Rs1,507,873,000; 2007 : Rs4,299,400,001; 2008 : Rs1,065,900,000; 2009 : Rs1,033,600,000; and for the year 2010: Rs1,121,000,000. I wish to assure the hon. Member that this is of public domain and, as a matter of fact, the annual reports of MT, wherein the aggregate dividends paid by MT are disclosed every year and may be consulted.

Regarding part (b) of the question, MT has undertaken a number of projects which are in line with the objectives of Government, *inter alia*, to increase bandwidth capacity, to democratise internet access and to make available high-speed internet at affordable price. A list of the major achievements of MT is being placed in the Library of the National Assembly so as not to lose the precious time of the House.

As far as part (b) (ii) is concerned, the question, at this stage, does not arise, given that there has been no offer of sales by France Telecom. In the event that France Telecom sells its shares, the Government of Mauritius would then consider.

Mr Li Kwong Wing: Will the Minister inform the House whether he has discussed recently with the CEO of Mauritius Telecom on its management problems and what action he is taking as *ministre de tutelle* to redress the situation in view of the fact that he has qualified the situation as *une relation industrielle inacceptable où France Telecom est en train d'imposer son modèle qui mène à plusieurs cas de suicide en France?*

Mr Pillay Chedumbrum: In fact, Mr Deputy Speaker, Sir, I have talked to the CEO on one occasion at Infotech.

(Interruptions)

The Deputy Speaker: Please.

Mr Pillay Chedumbrum: But, unfortunately, I have already contacted the Board Member sitting at the level of my Ministry and we are going to raise the issue at Board level.

Mr Li Kwong Wing: With regard to the excesses that have been raised by the hon. Minister himself in his criticism of MT management in the press, is the hon. Minister aware that Mauritius Telecom has a policy of pressuring employees to go on early retirement or on VRS in order to reduce the permanent staff and recruit workers on contract renewable at its own

discretion, as in the case of 17 Technical Assistants that have been recruited on contract since 2006?

Mr Pillay Chedumbrum: I totally agree with the hon. Member. This is why I am actually trying to deal with this issue with the Board of Directors.

Mr Li Kwong Wing: In regard to the limitations that have been raised by the Minister himself on several occasions in public meetings, is he aware that Mauritius Telecom has not made any regional investment since the so-called strategic partnership with France Telecom and has left the room free for France Telecom to expand its own operation in Africa, thus the recent investment in Vanuatu which is a far-off island in the Pacific instead of investing in the African region?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, I think that the hon. Member must come with a substantive question, when he talks of excesses and limitations, it is too vast and I cannot at this stage...

(Interruptions)

I cannot mislead the House. I have to get information from Mauritius Telecom before I can answer. If he comes with a substantive question then I will answer it.

Mr Li Kwong Wing: I am just quoting his own words. He has been repeating them in all public forums and that is public knowledge. Will the hon. Minister inform the House whether Government now intends to float its own shares on the stock market if it is not intending to buy back the shares of France Telecom?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, this question does not arise out and in connection with the answer I have furnished and nor does it arise in connection with this question; he must come with a substantive question.

Mr Bérenger: In fact, it does because the question is whether he is proposing to buy out the shares of France Telecom; the answer has been no. So the additional question is perfectly in order, if you will allow me. I tried to listen to the figures in terms of dividends, the figures which the hon. Minister gave us, is it for dividends distributed, in general, because the question relates to dividends paid to France Telecom?

Mr Pillay Chedumbrum: No, I have said to shareholders, Mr Deputy Speaker, Sir.

Mr Bérenger: Can't we have the part to France Telecom?

Mr Pillay Chedumbrum: I have given the whole amount; we can take 40% out of it and we will get payment effected to France Telecom.

Mr Jugnauth: Is the hon. Minister aware that Government had taken the decision to sell part of its shares to the public and also for State Bank of Mauritius to sell part of its shares to the public for it to be able to be listed as a Public Company. Is he aware of that decision that was taken?

Mr Pillay Chedumbrum: No, I have never been made aware of it.

Mr Uteem: Mr Deputy Speaker, Sir, I am talking about the dividends paid by Mauritius Telecom. May I know from the hon. Minister whether the policy of the Government as majority shareholder of Mauritius Telecom is for Mauritius Telecom to distribute dividends or to reinvest its profits for future activities?

Mr Pillay Chedumbrum: I understand that every year they have been practising this exercise of paying dividends.

Mr Bhagwan: The CEO of Mauritius Telecom has been publicly flouting the authority of the Minister, particularly with regard to this question of the 15 contract workers; the management of MT refusing to give figures, replying to the hon. Minister. Can the hon. Minister inform the House whether he has discussed same with the hon. Prime Minister concerning this princely, this king of Mauritius Telecom, Mr Sarat Lallah?

The Deputy Speaker: I don't think this arises from the question.

Mr Bhagwan: The Management of Mauritius Telecom...

The Deputy Speaker: No! This is a question about profits!

Mr Bhagwan: The CEO has been flouting the authority of...

The Deputy Speaker: No. I will not allow this question!

Mr Bhagwan: On the issue pertaining to the question...

The Deputy Speaker: No, this does not arise from the question. This is a question about dividends, shares...

Mr Bhagwan: He has been challenging the hon. Minister!

The Deputy Speaker: I have given my ruling on this issue! Hon. Jhugroo!

Mr Jhugroo: Mr Deputy Speaker, Sir, can I ask the hon. Minister why he has not raised all these issues directly with the Chief Executive instead of going to the Board of Directors?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, Mauritius Telecom is a company governed by the Companies Act, and the Board of Directors of the company is answerable to the shareholders in general meetings for all matters relating to the affairs of the company.

Mr Ameer Meea: Can I ask the hon. Minister - since he is *le ministre de tutelle* and that clearly now he is in conflict with the CEO - whether he intends to replace the CEO of Mauritius Telecom?

Mr Pillay Chedumbrum: This is not my prerogative, Mr Deputy Speaker, Sir.

The Deputy Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Can the hon. Minister inform the House who appoints the CEO? Is Government the majority shareholder of Mauritius Telecom?

Mr Pillay Chedumbrum: The Board of Directors.

Mr Uteem: With respect to dividends, is the hon. Minister aware that, in the Budget Estimates, we are expecting three times more money from Mauritius Telecom from the earlier years; more than Rs1 billion? May I know from the hon. Minister how would that come through? Is it dividend, share buyback? How is the Government getting back this money?

Mr Pillay Chedumbrum: It is dividend!

Mr Jugnauth: In view of the fact that the hon. Minister has expressed outrage against the way that Mauritius Telecom is behaving, would the hon. Minister give an undertaking that he would use all his powers - I mean the little powers that he has got with regard to Mauritius Telecom - to prevent Government from going ahead with any future sale of its shares?

Mr Pillay Chedumbrum: Of course, Mr Deputy Speaker, Sir, we are going to use our good offices for the good running of the company.

BELLE MARE TOURIST VILLAGE

(No. B/933) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the tourist village at Belle Mare, he will state, since the implementation thereof to date, the -

- (a) activities carried out thereat, indicating the amount of money spent in connection therewith, and
- (b) running expenses thereof.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, in reply to PQ B/710 of 19 July 2011 on the tourist village of Belle Mare, the House was informed that the project in its current form is not appropriate for its originally intended purpose, namely to provide SMEs with retail outlets at affordable rentals. In this respect, the House was then apprised that consideration was being given to look for an operator to manage and run the tourist village in a sustainable manner.

As indicated in the Budget Speech, Government is considering either disposing of the Belle Mare Tourist Village or leasing same to an operator for any viable and sustainable activity. In this respect, the SIC has been entrusted the responsibility to carry out a competitive tendering exercise.

With regard to part (a) of the question, no activity has yet been undertaken.

As far as part (b) of the question is concerned, currently an amount of some Rs250,000 is disbursed monthly mainly towards rental for State land, security, electricity and insurance. This also includes an intra-governmental transfer of Rs110,000 to the Ministry of Housing and Lands as rental.

It may be noted that the General Manager of the Tourist Village left in October 2011.

Mr Jugnauth: May I know who and how was the CEO recruited? What was his salary, and how much has been paid to him up to now?

Mr Duval: I don't have the exact sum; I think about Rs120,000. He was earning a fair amount. I don't know how he was recruited. I can find out if the hon. Member asks.

Mr Lesjongard: Mr Deputy Speaker, Sir, in 2006, Government stated that we were going to have five such villages. Do we understand now that we are going to have only one and that only one will be operated by a private operator?

Mr Duval: It's not to say that it will remain as an SME Village. The fact, Mr Deputy Speaker, Sir, is the way that it was constructed; the cost associated with running this particular building is probably too high to operate as an SME Village. Nevertheless, there is one, I think, in Mahebourg, and there are various activities which are being taken by various Ministries concerning fairs, etc. But, this particular concept is probably not viable as it stands.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, is the hon. Minister aware that he is stabbing the very heart of the economic democratisation programme of Government? Because this tourist village was heralded as a key component of the democratisation of the tourist industry in Mauritius! So, can the hon. Minister confirm whether he is putting an end to this process of democratisation?

Mr Duval: Mr Deputy Speaker, Sir, the recent Budget was described as a Marshall Plan for SMEs. Indeed, as the hon. Member may know, in fact, even the interest rate, which was at 8.5%, has been reduced to 8.4% only today. So, there are a lot of things which we are doing for SMEs. This was one plan which did not work out, and this is why it is being changed. It's not everything that you do that turns out right. It did not work out, and we have to accept that.

Mr Jugnauth: Would the hon. Minister, at least, try to see whether this infrastructure can be used for SMEs altogether?

Mr Duval: Mr Deputy Speaker, Sir, we are leaving one option open as to whatever viable alternative can be found. But, anybody who knows the tourism industry, knows Belle Mare, is aware that there is not sufficient throughput there to get this sort of project working. So, there is no point putting good money after bad money. What we need to do is to look at it again and find a solution that will protect this building and the public purse.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, this is not the first example of a project that has gone bad. Can the hon. Minister inform the House whether there has been a feasibility study before we started investing more than Rs200 m. into this project? If so, can the hon. Minister table the report in the House for us to learn the appropriate lessons for the future?

Mr Duval: I am not sure whether any report was made. I can check if the hon. Member asks formally. The whole history, Mr Deputy Speaker, Sir, of trying to help SMEs has been dogged by these white elephants, whether they are financial or physical, as in this case. I can go on and on about so many things that have been done previously and that are not working. This is why we are looking at a completely different aspect to helping SMEs this year. I must mention, Mr Deputy Speaker, Sir, that we have, I think, this week, obtained permission, and we can start construction of, at least, some of the industrial spaces in Port Louis. We can start very quickly before the end of the year.

Mr Lesjongard: Mr Deputy Speaker, Sir, can I ask the hon. vice-Prime Minister who was the person responsible for the implementation of this project?

Mr Duval: Mr Deputy Speaker, Sir, there was a tourism village company that had a Board. I can check who it was.

Mr Lesjongard: Who was the chairperson of the Board?

Mr Duval: I think it was Mr Michael Glover. But I don't know whether it was particularly him. It was a decision of Government. He was asked to help. In fact, that Board was a non-remunerative Board.

Mr Jugnauth: Would the hon. Minister consider conducting an inquiry or having an inquiry to be done in order to situate responsibility? Because so much money has been spent, and for laudable objects! But, unfortunately, probably now it will go back to the private sector. Would the hon. Minister consider holding probably an inquiry to situate responsibilities with regard to those who were responsible to initiate and to implement such projects?

Mr Duval: I think it was just a genuine mistake. I don't think there is anything funny or untoward happened. It was a genuine mistake.

(Interruptions)

The Deputy Speaker: Order!

Mr Duval: We know who did it, Mr Deputy Speaker. I am sure that my hon. friend himself, who was in charge of the file for some months, knows very well what has happened; I think it was a genuine mistake. If the need arises, we can look at it further.

Mr Bhagwan: Will then hon. Minister agree that this is only one case? We have the CNT building at Ebène – another white elephant. It has been there for years, built for nothing.

(Interruptions)

But you are saying that it is only one. Another project financed by Government money - we all know what is happening to the CNT finance – and, again, it is closed and not used.

The Deputy Speaker: This has nothing to do with the question.

Mr Duval: Mr Deputy Speaker, Sir, if we go on like this, we can take Ebène and all the houses that were constructed...

The Deputy Speaker: We have to ask specific questions.

Mr Duval: Mr Deputy Speaker, Sir, I must answer. The hon. Member asked me a question. You let him ask the question, I must answer.

(Interruptions)

Mr Duval: If I can't answer, what is the point of allowing the hon. Member to ask the question? Mr Deputy Speaker, when the *Ebène Cybercité* was constructed, next door to that there was a whole lot of apartments...

(Interruptions)

The Deputy Speaker: Please, order!

Mr Duval: These things happen in the day-to-day operations of Government. Mistakes are made. We have taken note of one mistake. We are closing down the company. We are not doing anymore of these and we are moving to *des foires itinerants* and, hopefully, that will solve the issue.

The Deputy Speaker: The Table has been apprised that Parliamentary Questions Nos. B/939, B/940, B/945, B/948, B/949 and B/950 have been withdrawn. We move now to next question!

MEDICAL PRACTITIONERS (FOREIGN) - RESIDENCE PERMIT

(No. B/934) Dr S. Boolell (Second Member for Curepipe & Midlands) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the

foreign medical practitioners, he will, for the benefit of the House, obtain from the Board of Investment, information as to the eligibility criteria for the issue of a permanent or temporary residence permit thereto, indicating the number thereof issued over the past five years.

Mr Duval: Mr Speaker, Sir, with your permission, I propose to reply to PQ Nos. B/934 and B/937 together as they relate to the same subject matter.

In accordance with the provisions of the Business Facilitation Act 2006, the Board of Investment processes applications for occupation permits which allow non-citizens to live and work in Mauritius for up to three years with possibility of renewal. The permit is issued by the Passport and Immigration Office.

In my reply to PQ B/834, ...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Duval:...on 08 November, I informed the House that at the expiry of a period of three years of his/her occupation permit the holder of the occupation permit may be granted, on application, a permanent residence permit provided that during the three-year period -

- (i) the investor's business activity has generated an annual turnover exceeding Rs15 m.;
- (ii) the self-employed person's annual income has exceeded Rs3 m., and
- (iii) the basic monthly salary drawn by the professional has been at least Rs150,000

As far as a retired non-citizen is concerned, he/she may, at the expiry of a period of three years, apply for a permanent residence permit, if he/she has maintained an annual transfer of US\$ 40,000 or its equivalent into Mauritius during that 3-year period.

I had also indicated that the relevant law would be amended shortly to enable a non-citizen holding a Permanent Residence Permit to purchase an apartment as his/her personal residence.

This amendment is included in the Finance (Miscellaneous Provisions) Bill which is being introduced in the House today. The guidelines and regulations for the issue of Permanent Residence Permit are also being finalised.

I am informed by the Board of Investment that, no Permanent Residence Permit has yet been issued to holders of occupation permits.

With regard to foreign medical practitioners, occupation permits are presently issued to eligible foreign medical practitioners who register as professional and draw a monthly salary exceeding Rs45,000. Foreign medical practitioners, with an annual income exceeding Rs600,000 were also eligible to apply for occupation permits as self-employed. However, since March 2010, the Board of Investment does not entertain any new requests for occupation permit from foreign medical practitioners.

Over the past five years, a total of 132 occupation permits have been issued to foreign medical practitioners of which a number have lapsed. As at to date, there are 69 foreign medical practitioners who hold an occupation permit. 63 are presently employed in clinics while six are self-employed.

Any foreign medical practitioner holding an occupation permit must register with the Medical Council to be able to practice in Mauritius.

Dr. S. Boolell: Mr Deputy Speaker, Sir, has the Board of Investment been in contact with professional bodies prior to granting the permission to be registered and has there been any Certificate of Morality being requested from these private practitioners when they appear in front of the Board of Investment for employment?

Mr Duval: Mr Deputy Speaker, Sir, there is a two-tier system. One, the occupation permit is issued by the Board of Investment upon production of contract of employment with a Private Health Institution and, of course, upon them satisfying the Rs 45,000 minimum salary. This is one step. The next step, of course, is for the doctor to be registered with the Medical Council to be able to practice in Mauritius.

Dr. S. Boolell: Is there one step that includes evaluating the doctor's request to practice in a priority field? And is there an enquiry about whether this priority field needs these doctors when we may have local competence?

Mr Duval: I don't think so, Mr Deputy Speaker, Sir. I think the idea for Mauritius is not to be overprotective of professions. That would not be a good thing. There is no reason why we should over protect doctors; we must protect patients. These are the people whom we must

protect. So, we must allow good doctors to come to Mauritius and, therefore, there is this two-tier system of, one, the occupation permit, then the responsibility for the Medical Council to verify the credentials of the doctors.

Dr. S. Boolell: I resent, Mr Deputy Speaker, Sir, that we have to allow good doctors to come in. This is assuming what we have here is rubbish. This is not fair.

The Deputy Speaker: No, withdraw the word 'rubbish'.

Dr. S. Boolell: I withdraw the word 'rubbish' and I withdraw the question. Would the hon. Minister consider it normal that, within three days, a doctor's application will be processed prior to even being aware of what his earning capacity is and whether he will be creating employment or whether that doctor is an investor?

Mr Duval: Mr Deputy Speaker, Sir, again, I said there is a two-tier. One is the basic occupation permit which, in fact, does not allow doctors to practice. To be allowed to practice as a doctor, you must register with the Medical Council and that is a completely different procedure which anyway falls under the Ministry of Health. So, it is very clear, Mr Deputy Speaker, Sir that there is two-tier. The Board of Investment deals with the basic Occupation Permit, but the right to practice has nothing to do with the Board of Investment. It has everything to do with the Medical Council.

Dr. S. Boolell: A final question. Is the hon. Minister aware that through this net of the BOI, a specialist has appeared in Mauritius, has been registered in the Medical Council and does not have a clean bill of health considering he was in jail prior coming to Mauritius. Is the hon. Minister aware of that?

Mr Duval: Yes, this can happen, Mr Deputy Speaker, Sir. But this is not a reason to stop everybody from coming in. The hon. Member can always raise any issue and if there was a genuine reason for acting, the Medical Council would do so. But, this is not a reason because there may be one bad apple – maybe; I don't whether he is – to use that as an excuse to stop everything.

The Deputy Speaker: Last question, hon. Dr. Sorefan!

Dr. Sorefan: Mr Deputy Speaker, Sir, may I know from the hon. Minister who has mentioned that they get occupational permits and then go to the Medical Council. But to our

surprise - I am a Member of the Dental Council - they come with a working permit to us. Will the hon. Minister revise this? Coming to the Dental Council, we are forced to give them their

The Deputy Speaker: I don't see the question.

Dr. Sorefan: Will the hon. Minister consider not granting the working permits to them unless the Medical Council or the Dental Council does the job?

Mr Duval: Everything that we are trying to do is in the direction of getting rid of unnecessary red tape and the Government believes in that; we will continue to do that. This can relate to the Dental Council, but let's take it, as it is similar to the Medical Council. What is happening is that an occupation permit is issued, which does not actually allow the doctor to practice as a doctor or a dentist to practice as a dentist, until he is registered with his Council. So, I cannot see where the problem arises.

The Deputy Speaker: Time is over! Mr Speaker will now return to the Chamber.

At this stage Mr Speaker took the Chair.

MOTIONS

SUSPENSION OF S.O. 10(2)

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

Dr. Boolell rose and seconded.

Question put and agreed to.

THE CONSTITUTION (AMENDMENT) BILL

(No. XXIII of 2011)

The Prime Minister: Mr Speaker, Sir, I move that the Constitution (Amendment) Bill (No. XXIII of 2011) be withdrawn. Mr Speaker, Sir, the First Reading of the Local Government Bill (No. XXIV of 2011) was moved on 18 October 2011. The Bill made provision for the establishment of *inter alia* a Rodrigues Town Council.

In the light of the representations made by the Rodrigues Regional Assembly which would have necessitated many amendments to the Local Government Bill (No. XXIV of 2011), the hon. Minister responsible for Local Government will move that the Bill be withdrawn. As the Constitution (Amendment) Bill (No. XXIII of 2011) also makes reference to the Rodrigues Town Council, I move that the Constitution (Amendment) Bill be withdrawn.

The Deputy Prime Minister rose and seconded.

Mr Bérenger: Mr Speaker, Sir, I am glad that the point I made last Tuesday, that is, that a Bill which has been read a first time cannot be removed without a motion to that effect. I am glad that this has been acknowledged.

The hon. Prime Minister has given one reason why the Bill is being withdrawn after having been read a first time. We are entitled to know why a Bill which has been read a first time is withdrawn and especially so when we are dealing with the Constitution of Mauritius.

The Constitution of Mauritius is a supreme law of the land and therefore we should have taken great care before introducing this amendment Bill, this Bill purporting to amend the Constitution. We should have taken great care; we cannot play about with the Constitution of Mauritius in that way, Mr Speaker, Sir.

In fact, I would wish the hon. Prime Minister to react to the following. He is saying that a proposal was made for the creation of the Rodrigues Town Council of Port Mathurin and that representations were made subsequently by the Rodrigues Regional Assembly and that is - from what I heard - the reason why the Bill is being withdrawn.

Mr Speaker, Sir, when we, in 2003, brought in legislation to give Rodrigues maximum autonomy, we took great care to entrench in the Constitution itself the autonomy of Rodrigues. That is why we introduced a new chapter 75A, 75B, 75C 75D and E, and 75E, in the Constitution of Mauritius, read thus –

“Alteration of certain written laws

Subject to the provisions of the Constitution, any law giving effect to this Chapter - that is the autonomy of Rodrigues - and to any matters incidental thereto shall

not be altered without the concurrence of the Rodrigues Regional Assembly unless such alteration is supported at the final voting in the National Assembly by the votes of not less than two thirds of all the members.”

Therefore, the concurrence of the Rodrigues Regional Assembly should have been obtained first, unless Government had in mind to force through with two-third majority, here, in the House without having obtained the concurrence of the Rodrigues Regional Assembly. I would wish to know which is which.

Whether it was not to say incompetence, but lack of preparation that an amendment was proposed to the Constitution and then withdrawn or whether it is when Government realised that the MMM, the MSM being against, and/or the Rodrigues Members of Parliament here, MR and OPR, when they expressed themselves against and then the Rodrigues Regional Assembly also said that it was opposed to what was contained in that amendment. Is it when all that happened, that Government decided to pull out, to withdraw, therefore, this amendment to the Constitution?

I repeat, amending the Constitution of Mauritius is one of the more serious things that we can do and I hope that lessons will be learnt that we cannot come forward in that way without having properly consulted the Rodrigues Regional Assembly and everybody concerned including Members from Rodrigues here in the Assembly. I hope that lessons will have been learned in that case also.

Thank you, Mr Speaker, Sir.

(3.46 p.m.)

Mr Jugnauth: Mr Speaker, Sir, the hon. Prime Minister has moved to withdraw the Constitution (Amendment) Bill (No. XXIII of 2011), I would, first of all, condemn, in fact, the amateurish way in which this Bill has been introduced and it is not only for the hon. Prime Minister to be blamed, but it is also for the Minister responsible for Local Government because, as we can see, provision in relation to Rodrigues has been included in that very Bill that has been presented by the hon. Prime Minister. But we know also that because of representations that were made by, I would say, different organisations, *forces vives*, representatives of the National

Assembly, Rodrigues Regional Assembly, the Government had to backpedal and there was, in fact, no proper consultation with regard to that.

Now, I will also like to say that *à la suite de cela, il y a eu aussi un grand cafouillage concernant la semaine dernière, le retrait de la motion* where the hon. Prime Minister said that he would move for withdrawal of the Bill.

(Interruptions)

I am quoting Hansard.

Mr Speaker: No, the hon. Prime Minister moved that the Bill be not read a second time. The confusion was created by me.

Mr Jugnauth: Well, I am quoting what I have from Hansard.

Mr Speaker: I must tell you that the hon. Prime Minister simply moved that he is not proceeding with the Second Reading of the Bill and I made the confusion whether the Bill was withdrawn.

Mr Jugnauth: So, *cafouillage aussi* from the Chair.

Mr Speaker: I assume my responsibility.

Mr Jugnauth: So, I would certainly join with what the hon. Leader of the Opposition has said with regard to what has been the real reason for withdrawing this Bill and, again, I hope that there is not going to be any more confusion with regard to the other Bills that have been presented *in lieu* of this Bill because we will be debating it, but, as we will see, there are going to be a number of legal problems.

Mr Speaker: Hon. Prime Minister!

The Prime Minister: Mr Speaker, Sir, I totally agree that the Constitution is the most important law that we have and that we have to be very careful. I agree with that totally. But let me remind the Opposition that it has happened in the past. Let me give you the example. When we were amending the Constitution to make of Mauritius a Republic, this was done without - I think we had 48 hours notice as Opposition. While the Bill was being debated, amendments were

being circulated – we are talking about the Constitution making Mauritius a Republic – and eventually after the debate, no vote was taken on the Bill because they knew ...

(Interruptions)

There was no majority, yes!

(Interruptions)

They should have prepared themselves. They tried to hijack. People have a right to have a conscience.

(Interruptions)

Mr Speaker: Carry on! I don't know what humour or tact can I use to put order in the House. Carry on!

The Prime Minister: Talking of hijacking, how many people you have approached with money which they refused....

Mr Speaker: Order, I say!

Mr Bérenger: Mr Speaker, he is saying you have approached?

The Prime Minister: No.

Mr Bérenger: He is saying, pointing at us: how many people you have approached with money?

(Interruptions)

Mr Speaker: Prime Minister, I would request you not to get into all these controversial issues.

(Interruptions)

It has happened in the past.

The Prime Minister: That is a very good example, turning Mauritius into a Republic, this is how it was done. What has happened here? I must say to the hon. Leader of the Opposition, even though this was said in the House before - I think there were questions - in spite of that, he comes back again with the original thing that he has been saying. Hon. Aimée has said that there were consultations with the Chief Commissioner, the other people in Rodrigues. He produced letters in Parliament that there had been consultations. Nobody said at that time that they wanted this deleted. Afterwards, I don't know who went and told them or whatever, we can guess, and then they decided that maybe this should be deleted, it would be

better. As I said in Parliament myself, the Rodriguans, themselves, did not object at the beginning; there were consultations - and I say it again there were consultations - there were letters that were written which were answered, they did not say anything, at the last minute, they said no, this is going to change things; they would rather not do it. As I said in Parliament who are we? There is the Rodrigues Regional Assembly. If now they say they don't want, we will agree to it and that is what we have done. We have had consultations, since they agreed, we decided to remove it and that is why we have to bring this amendment to the Constitution and that's it.

Motion, by leave, withdrawn.

(3.53 p.m.)

THE LOCAL GOVERNMENT BILL

(NO. XXIV OF 2011)

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Speaker, Sir, with your permission, I move that the Local Government Bill (No. XXIV of 2011) be withdrawn.

Mr Speaker, Sir, the first version of the Local Government Bill was first inscribed on the Order Paper of 18 October 2011 for the First Reading. Since then, I have taken note of the position of the Rodrigues Regional Assembly with regard to the creation of a Town Council for Port Mathurin as well as their recognition of the village committees administrated by the Rodrigues Council of Social Services. Furthermore, the Minister of Finance announced in the Budget Speech the abolition of the Tenant tax and the possibility of the Local Authority to delegate their tax collection to the Mauritius Revenue Authority.

I have also received the proposals from the Director of Audit modernising the clause regarding the keeping of accounts and audit procedures.

Mr Speaker, Sir, all these changes would not have been practical at Committee Stage. A revised version of the Local Government Bill taking into consideration the four major changes I have just mentioned has already been circulated and will be debated later on.

With these few words, Mr Speaker, Sir, I move that the Local Government Bill (No. XXIV of 2011) be withdrawn.

Dr. A. Boolell seconded.

(3.54 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, again we are entitled to know why a Bill read a first time is being withdrawn. I listened to the hon. Minister. It is clear that the main reason was the fact that the spokespersons for Rodrigues came out against what was being proposed in regard to Rodrigues.

That's one thing and it joins with what the hon. Prime Minister was saying earlier on, being given representations, even if late, by Rodriguans, it's been withdrawn. But I am surprised not to have heard the Minister giving the real second reason. Why is it being withdrawn? It is because that first version had it that Municipal elections would be held in 2011 and we know that it is going to become supposedly 2012 in the new version. In fact, the hon. Minister should have been candid - as somebody used to say in the past in the House - and recognised that the main reason or, at least, the reason equivalent to the Rodriguans representations is, the fact, that elections will not be held in 2011 when this is withdrawn.

Thank you, Mr Speaker, Sir.

Mr Jugnauth: Mr Speaker, Sir, again, que de cafouillages et de gesticulations de la part du gouvernement et du ministre surtout que la semaine dernière il nageait en pleine confusion en ce qu'il s'agissait du retrait de ce projet de loi. Moi, j'ai noté aussi trois différences entre cette loi qui est en train d'être retirée et la nouvelle proposition....

Mr Speaker: Je dois dire à l'honorable membre that he cannot speak on the merits of the Bill here or on the merits of the other Bill; he has to speak on the points that the Minister has put forward to withdraw the Bill.

(Interruptions)

Mr Jugnauth: Alright! I also know...

(Interruptions)

Mr Speaker: Hon. Henry, what's happening there? Can't you keep quiet?

Mr Jugnauth: I also note, therefore, what has been said about Rodrigues. We know that the hon. Minister has been to Rodrigues in 2009 and he was supposed to have consultations. This is what he, himself, said. And the Bill is in regard to everything that is being withdrawn concerning Rodrigues. We know that afterwards, there has been *une levée de boucliers* even from the part of the two hon. Members from the Government side.

There is also the issue of election. There is no mention about the way that MRA could intervene in regard to this Bill that is being withdrawn. Therefore, *M. le président, la motion qui aurait dû être débattue la semaine dernière démontre le fait que le ministre est dans une confusion totale et on verra tout à l'heure la nouvelle loi*, we will be commenting on it, but again, we will wait for the explanation of the hon. Minister.

Mr Aimée: M. le président, je n'avais pas l'intention de répondre aux deux précédents orateurs – le *Leader* de l'opposition et l'ex-ministre des finances qui faisait parti de l'Alliance de l'Avenir il y a à peine deux ou trois mois. M. le président, c'est dommage et je dirais c'est malhonnête....

Mr Speaker: Non ! Le ministre doit retirer le mot 'malhonnête'.

Mr Aimée: Je retire, M. le président. M. le président, c'est malheureux aujourd'hui de venir dire qu'il y a....

(Interruptions)

Mr Speaker: Order! Order now! Order!

Mr Aimée: Il est malheureux, M. le président, d'entendre l'ex-ministre des finances....

Mr Speaker: Hon. Jhugroo! This is the last time I am calling you to order. Next time, I will ask you to leave the House.

Mr Aimée: Il est malheureux d'entendre l'ex-ministre des finances, l'honorable Jugnauth, qui faisait partie tout récemment de cette alliance – l'Alliance de l'Avenir, bien sûr...

(Interruptions)

C'est du passé...

(Interruptions)

...mais venir dire, ici, dans cette Chambre, M. le président, où il y a eu plusieurs réunions ministérielles où l'honorable Jugnauth faisait partie et il voyait bien, j'ai quand même ...

(Interruptions)

Pourquoi n'a-t-il rien fait en ce moment-là ?

(Interruptions)

Mr Jugnauth: Mr Speaker, Sir, on a point of order!

Mr Speaker: Is it a point of order?

(Interruptions)

Order! There is a point of order. Let me listen to the point of order.

Mr Jugnauth: I can affirm to this House that I have never formed part of any ministerial committee.

Mr Speaker: No! That is not a point of order.

(Interruptions)

This is not a point of order. If you wish to rise on a point of personal explanation, you can do it, but not now when the Minister gives way.

Mr Aimée: M. le président, je n'avais pas l'intention...

Mr Speaker: Ce n'est pas le grand discours que le ministre doit faire maintenant. Tout à l'heure, il va faire son grand discours. Je demande au ministre de répondre.

Mr Aimée: M. le président, c'est pour que tous les membres de cette Chambre soient au courant de ce qui s'est passé.

M. le président, je disais dans mon discours sur le budget ...

Mr Speaker: No. I will not allow the hon. Minister to go to that extent.

(Interruptions)

Please, please! I will ask the hon. Minister to reply to the points that have been put forward, that's all, because the debate is limited only on the issue, on the motion of withdrawal. Now, the hon. Member has said that you went to Rodrigues to have consultation. On that point you can reply and on the other points which have been raised, that's all.

Mr Aimée: M. le président, c'est justement là, parce qu'il cherche les raisons de renvoi et y compris Rodrigues qui était dans le *Bill*. Mais, comme, je venais de mentionner, il y a eu plusieurs consultations et l'ex-ministre des finances en faisait partie. Il y a eu même des correspondances en plusieurs occasions entre moi et le ministre des finances où il n'avait pas déboursé de l'argent.

(Interruptions)

Mr Speaker: Order!

Mr Aimée: Maintenant, venir dire devant cette Chambre, M. le président...

(Interruptions)

Mr Speaker: Oui, allez-y !

Mr Aimée:... venir dire devant cette Chambre, comme s'il n'était pas au courant du contenu de ce *Bill*. C'est malhonnête...

Mr Speaker: Non !

Mr Aimée : C'est malheureux. Pardon !

Mr Speaker: You withdraw the word. Retirez le mot.

Mr Aimée: Je retire le mot 'malhonnête', mais je dis encore une fois que c'est malheureux d'entendre des sottises pareilles, M. le président.

Mr Speaker, Sir, all Members of this august Assembly will have the opportunity later during this sitting to fully debate on the Local Government Bill.

(Interruptions)

Mr Speaker: You have no...

(Interruptions)

Mr Aimée: I do not have much to add...

Mr Speaker: Yes.

Mr Aimée:...other than one of the reasons for making public the first version was to ventilate the main changes and to listen to any constructive criticisms and suggestions. Mr Speaker, Sir, by presenting the revised version of the Bill, we have shown that we are not stubborn and are prepared...

Mr Speaker: No, that also you have not right to enter into, later on when you will speak on the Bill.

Motion, by leave, withdrawn.

PUBLIC BILLS*First Reading*

On motion made and seconded, the following Bills were read a first time –

- (a) The Finance (Miscellaneous Provisions) Bill (No. XXXI of 2011);
- (b) The Economic and Financial Measures (Miscellaneous Provisions) (No. 2) Bill (No. XXXII of 2011);
- (c) The Constitution (Amendment) Bill (No. XXIX of 2011);
- (d) The Local Government Bill (No. XXX of 2011);
- (e) The Mauritius Cane Industry Authority Bill (No. XXXIII), and
- (f) The Additional Remuneration (2012) Bill (No. XXXIV of 2011).

Third Reading

On motion made and seconded, the Appropriation (2012) Bill (No. XXVI of 2011) was read the third time and passed.

Mr Speaker: I will now break for half an hour for tea.

At 4.06 the sitting was suspended.

On resuming at 4.43 p.m. with Mr Speaker in the Chair

*Second Reading***THE CONSTITUTION (AMENDMENT) BILL****(NO. XXIX OF 2011)**

Order for Second Reading read.

The Prime Minister: Mr Speaker, Sir, I move that the Constitution (Amendment) Bill (No. XXIX of 2011) be read a *second* time. Mr Speaker, Sir, the aim of this Bill is to amend the Constitution to provide for a minimum number of candidates for election to Local Authorities to be of particular sex with a view to ensuring a fair and adequate representation of each sex on a

Local Authority. At the same time, we are taking the opportunity to amend the relevant definitions in the Constitution in the light of the Local Government Bill.

Mr Speaker, Sir, clauses 11(6) and 12(6) of the Local Government Bill No. 30 of 2011 stipulates that any group representing more than two candidates in an electoral ward at a Municipal City Council Election or Municipal Town Council Election shall ensure that the candidates are not all of the same sex and as regards a Village Council election, any group presenting more than two candidates shall ensure that not more than two thirds of the groups candidates are of the same sex.

Moreover, Mr Speaker, Sir, as per clause 18(5)(b) of the Local Government Bill, the reserve list to be submitted to the Electoral Supervisory Commission for the purpose of filling any vacancy which may occur after the Local Government elections shall not comprise more than two thirds of persons of the same sex and the list shall indicate the order of preference of each of the candidates provided that two consecutive candidates on the list shall not be of the same sex. Therefore, there is need to amend section 16 of the Constitution to cater for this.

Mr Speaker, Sir, chapter 2 of our Constitution provides for the protection of fundamental rights and freedoms of the individual, including protection from discrimination. Indeed, as the House will be aware, section 16 of the Constitution prohibits discrimination on the ground of race, caste, place of origin, political opinions, colour, creed or sex. To provide for a minimum number of candidates for election to local authorities to be of a particular sex may amount to discrimination towards the other sex, a positive discrimination in favour of a particular sex, hence, this amendment to section 16 of the Constitution to accommodate this revolutionary concept in Local Government elections.

Mr Speaker, Sir, the situation may and hopefully will evolve in the future. But it cannot be denied that women candidates are those who stand to benefit from such an *avant-gardiste* legislation in the first instance. Mauritius is one of the oldest democracies in the African region, and globally we are cited as a model of democracy. Yet the female population, despite being around 52% of the whole Mauritian population cannot be said to be adequately represented at the highest level when it comes to active participation in the elections and political decision-making processes.

In fact, according to the SADC gender protocol of 2011 barometer, Mauritius has the enviable position of being one of the countries with the lowest proportions of women in Local Government. That is the new SADC Gender Protocol of this year. Our country remains in the league of countries like Zimbabwe, Zambia, Madagascar, the democratic Republic of Congo and Botswana with constantly poor performances in terms of representations of women in Local Government.

Mr Speaker, Sir, I am sure every Member of this House will agree that for a country like ours which has the reputation of being a mature democracy with sound governance, we cannot allow this state of affairs to continue. His Excellency, the right hon. David Johnson, Governor General of Canada, on the occasion of Commonwealth day on 13 March this year, stated in his message and I quote, he said –

“Women are leaders, innovators and givers. They are scientists, teachers and nurturers. They have vision, compassion and the will to improve the communities which in turn brings change on a global scale.”

Indeed, Mr Speaker, Sir, we must be proud that the female population in Mauritius has made long strides since independence and this country has witnessed a constant evolution and an increasingly high profile presence of women in various sectors.

Mr Speaker, Sir, the Labour Party has always paid particular attention to the advancement of Mauritian women. This is in line with the party’s social justice and equal opportunities policies. Empowering women has yielded significant progress within the party which, since its very creation, has taken continuous measures to enhance the role of women in politics. At the Labour party, the concept of gender is not limited to words. We do act and we have been a pioneer regarding the appointment of women in politics and especially regarding decision-taking functions.

Mr Speaker, Sir, in the 1950s, Mrs Cherifat Damoo, a member of the Labour party was the first woman to be elected as Municipal Councilor for the town of Port Louis. In 1963, Mrs Noellie Lachicore, a member of the Labour party was the first woman to be nominated as a Member of the Legislative Assembly. The House will recall that it was Sir Seewoosagar

Ramgoolam who nominated the first woman Minister in 1975, Mrs Radha Poonoosamy, and he created for the first time a Ministry for Women's Affairs, Prices and Consumer Protection.

As Leader of the Labour Party, I had our Labour Party Constitution amended to increase substantially the number of women elected in our Central Executive. The Labour Party was again the first party in the country to nominate a woman as its President. At the last general elections, we presented more women as candidates than any other party. For the first time in one Constituency, namely Constituency No. 4, all three candidates of our alliance were women. Today, all three of them - I am proud to say - are in the National Assembly. And hon. Members will recall that as Prime Minister, I proposed a motion in the National Assembly to appoint Mrs Monique Ohsan-Bellepeau as the first woman vice-President of our Republic in November 2010. As hon. Members can see, we have continuously and reluctantly promoted women to occupy important decision-making positions.

Mr Speaker, Sir, furthermore, the decision of the Labour Party in 1977 to grant free education was groundbreaking. It gave greater opportunities to our girls and women to pursue primary, secondary and tertiary education, irrespective of their means. Before free education, parents tended to send their boys rather than their girls to schools because of their limited means. Education, Mr Speaker, Sir, has provided women in Mauritius with windows of opportunities and has broken the glass ceiling.

However, Mr Speaker, Sir, our democracy would be incomplete without policy measures and practices that seek to reduce inequalities between men and women in all spheres of life. Democracy, Mr Speaker, Sir, should transform power relations between men and women by promoting the equal distribution of power and influence between men and women. We have reached a stage in our political development where we need to actively promote for greater empowerment of women in political parties and political decision making. The core idea behind this amendment to the Constitution is to recruit more women into local government and to ensure that women's political participation no longer remains token.

Mr Speaker, Sir, in spite of the significant female presence in the professional, social and economic fields, the participation of women in our political arena has remained disappointingly modest. In the last municipal elections, which were held in 2005, there were only 44 women who stood as candidates out of 367 candidates, which represents nearly 12%. Only 15 out of the

126 persons who were elected at those elections were women. As regards the village council elections, there were only 381 women out of 5,466 candidates, representing around 7%, and only 89 women were elected out of 1,488 councillors. These figures speak for themselves and are revealing. They show clearly that political parties were either unable or unwilling to accommodate more women as candidates, thus not reflecting the fact that there are more women than men in this country.

It is a matter of concern, Mr Speaker, Sir, that despite all the accomplishments of women in this country, they are not fairly represented in our political sphere. With this constitutional amendment, we are going the extra mile in order to encourage more women to stand for local elections. I am proud that we will be the first Government in Mauritian history to provide that candidates in local government elections should not all be of a particular sex, thus strengthening women's participation in our political sphere. We are making history, Mr Speaker, Sir, and I do not expect Members of the Opposition to stop the march of history.

Mr Speaker, Sir, taking into consideration the recent reform in our local legislation, opportunity has also been seized to amend section 111 of the Constitution by deleting the definition of local authority and replacing it by a new definition to align it with the Local Government Bill, which is before the House.

Mr Speaker, Sir, women are just as capable as men and must, therefore, be treated as equal. We are doing justice to our deserving women. It would be an opportunity for more of them to participate in active political life and be given the chance to be represented in local authorities. I have no doubt that greater female involvement will improve the quality of policy decision in politics. This is the first but revolutionary step towards greater representation in terms of gender. A new chapter in the history of Mauritius is being written today, and there will be no excuses for political parties not to field more female candidates in the future.

My hope, Mr Speaker, Sir, is that an enhanced participation of women in the political process will broaden the range of issues that will be debated and addressed at the level of the local authorities for the greater good of our society.

Let me reassure the House that what we are proposing today is the first step; a revolutionary step in our march forward. I agree that we will have to do more in terms of representation of women in the general elections. This will come. Mr Speaker, Sir, it will be

addressed in the course of the electoral reform processes, which we have already embarked upon. We are at the local authority level at this stage; let us start from here, let us give the opportunity, as it arises now, to our female population. Let us seize this opportunity now, but let there be no doubt that bold measures will also be taken in due course in favour of an enhanced participation of women in general elections when we deal with the broader issue of electoral reform.

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

The Deputy Prime Minister rose and seconded.

(4.55 p.m.)

The Leader of the Opposition (Mr P. Bérenger): In fact, Mr Speaker, Sir, when we compare this new version of the Constitution (Amendment) Bill (No. XXIX of 2011) to the former Constitution (Amendment) Bill (No. XXIII of 2011), there are only two things that change. One important, especially for Rodrigues, and the second one, which rightly corrects the little drafting mess.

In the case of Rodrigues, we discussed that earlier and, therefore, the only mention of the Rodrigues Town Council of Port Mathurin in the definition of local authority has been deleted, and so it should be, Mr Speaker, Sir. The second point, which is different, is that I had noted in the first version that it said local authority means this and that, and -

(e) "...any new local authority created under section 8 of the Local Government Act 2011..."

So, we had not yet voted the Local Government Act 2011, and we were putting that into our Constitution! It was very messy. Therefore, this rightly has been corrected, and the new subsection defines that local authority means also "any new local authority created under any enactment." It is referent in the Constitution to a law not yet voted; it would not have been in order, Mr Speaker, Sir.

This said, the real point is this amendment. I listened to the hon. Prime Minister, and it is not absolutely correct when he says that this law provides for discrimination in favour of women. No. This law does not provide for that. This law provides that positive discrimination in favour of women will not be considered discriminatory under the Constitution. This amendment itself does not provide for positive discrimination. It says positive discrimination will not be

considered discriminatory. There is a difference. That is why the Prime Minister was right to make reference to the new version of the Local Government Bill, where it is there that positive discrimination in favour of women candidates in local elections is provided for.

I will come to the electoral reform later on. In the same way, the law says positive discrimination in favour of women in local elections will not be considered constitutionally discriminatory under the Constitution. We could - and I will move an amendment later on - make reference to not only local authorities but the National Assembly, and that would require another piece of legislation, namely the Representation of the People's Act, to put it into practice, Mr Speaker, Sir.

We are in favour, and we are going to vote this amendment to the Constitution that provides that positive discrimination in favour of women, in this case in local elections, will not be considered as discriminatory under the Constitution. Of course, it is natural for the MMM to do that. We are not as old as the Labour Party. The Labour Party was born in 1936, and we were born in 1969. But, ever since its birth in 1969, the MMM has been a feminist party. The MMM has taken actions, has made proposals, has taken stands that all militated in favour of the empowerment and progress and dignity of women. Therefore, we have absolutely no problem to go along with this constitutional amendment. On the contrary, let us go further.

I heard the hon. Prime Minister say that we are making history. Let us really make history. That is the purpose of the amendment, which I am going to propose, Mr Speaker, Sir. With regard to the paragraph stating "for a minimum number of candidates for elections to local authorities to be of a particular sex with a view to ensuring adequate representation of each sex on the local authority", an amendment is being circulated, where it will say "for a minimum number of candidates for election to the National Assembly or to local authorities to be of a particular sex, with a view to ensuring adequate representation of each sex in the National Assembly or on a local authority."

I would have wished to see the hon. Prime Minister, himself, moving that amendment. There is absolutely no reason why something that is good for Local Authorities is not good supposedly for the National Assembly. On the contrary, it is good that we provide for discrimination in favour of women candidates in local elections. It is better that we provide also

for the possibility of legislation not being considered discriminatory under our Constitution, positive discrimination in favour of women candidates in the general elections also.

I'll repeat what I have said a few minutes ago. It is in the Local Government Bill that the mechanism to positively discriminate is being provided for. If my amendment is agreed to, then there will be need to be Prof. Carcassonne or no Prof. Carcassonne, electoral reform or no electoral reform, there will be need to have another piece of legislation amending the Representation of the Peoples Order Ordinance to actively, concretely, positively discriminate in favour of women in general elections.

The point which the hon. Prime Minister has made, that let's start with local elections, let's see what happens as far as the electoral reform is concerned, then we will consider. Why not really make history? Why not accept the amendment? Because all the amendments, as my amendment to the amendment, all it says is, whatever positive discrimination we do in the future, in reference to general elections, will not be considered discriminatory in terms of the Constitution. We will be free to vote any other piece of legislation, amending the Representation of the Peoples Order Ordinance.

As I have said, in the case of local elections what is provided for concretely is in the Local Government Bill. Therefore, I appeal to Government, I am going to move for an amendment, but it will be so much better that we really make history today and, instead of taking a little small step, we will take a huge step because we will write in our Constitution the concept of positive discrimination, both in local elections and in general elections for the National Assembly.

The hon. Prime Minister made a reference, *en passant*, to the reserved lists. We don't go along with that at all, but I will comment on that when we reach the Local Government Bill. In fact, through those reserve lists, we are not amending the law in favour of women, not at all; we are doing away with municipal by-elections, full stop. *C'est un retrait additionnel de la démocratie*, Mr Speaker, Sir; but, I'll deal with that later on when we discuss the Local Government Bill.

Of course, we act on principles. Even if Government refuses my amendment, I am going to ask for a vote, I am going to ask for a division, because it is an important issue. It is an occasion to take not a small step, like we are taking with the Prime Minister's amendment, but a

real step to really make history. But, of course, we act on principles, so even if Government does turn down, *l'histoire jugera*; but, even if they do turn down, our vote will be with Government's vote because, as we know, this amendment needs a three-quarter majority to amend one of the entrenched clauses of the Constitution. And, whatever happens to my amendment, we are going to vote the Prime Minister's amendment to provide for the three-quarter majority. But, I would request the hon. Prime Minister to think well, we are taking a small step, we have the opportunity together of taking the real step, of really making history by agreeing to my amendment.

Thank you, Mr Speaker, Sir.

(5.05 p.m.)

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):

Mr Speaker, Sir, indeed, today's proposed Constitutional change is a historical day. I have listened to the hon. Leader of Opposition very carefully time and time again, he, obviously, knowingly and wilfully referred to this amendment being a small step. I fail to see why and how the word 'small' is being used.

The fact remains that there are two specific ways of giving in more rights to women coming in and rubbing off all discriminations. There are two ways: either one goes through amendments to the Constitution or to the laws pertaining to elections; and the other way is, making sure that voluntarily the parties decide to bring in more women as candidates. But then, the second way will not in any way guarantee that those women will be returned whenever there are elections. So, the only one guaranteed manner, in which one can ensure that there are more women in Local Government to take decisions in a country, whereby there are, in any event, more than men, is, indeed, no other way than by an amendment to the Constitution and also to the Local Government Act, which we will be dealing with later on.

The fact remains that it is, indeed, not a small step. I say that again: it is a historical day. Who is unaware and whoever pretends to be unaware of the fact that it is indeed the Labour Party, however old the Labour Party may be, but it is the Labour Party, as the hon. Prime Minister has said, that has taken all the major steps and important dates in history with regard to the emancipation of women, with regard to allowing them to come towards *suffrage universel*. It is indeed the Labour Party. Here, it is only a continuation of what we have already done in history.

Now, one has to really stop and think as to what has happened with regard to Local Government and its administration. Only recently, there have been opportunities in this august Assembly for previous Governments to come to this House and make changes to the Constitution, in order to see to it and to guarantee that women are more represented in Local Government. Has this opportunity been taken by the then Government? The then Government of the MSM/MMM came in 2003 with a Constitution Amendment Bill, with regard to the creation of an Ombudsperson at that time. They had the three-quarter majority. As the hon. Prime Minister says –

“When one intends to do good, one does not only speak about it, one acts and does things in actions”.

What this Government has shown is that it does not only speak about being feminist, it does not only speak about the realisation that we want more women to participate in a democracy, but we have acted upon what we have said and this is indeed a great step in history. Now, with regard to democracy itself, we cannot call a country a democracy simply because we have election. Election is only a process, Mr Speaker, Sir. An election is not that important, if the election process itself and, at the end result, we do not have that many women who are represented in bodies that take decisions such as Local Government. It would not make any sense, Mr Speaker, Sir, if we have elections and just for the sake of calling us a democracy, we just simply do anything in order to make sure that more women come in to Local Government. For that I have read a very interesting article, Mr Speaker, Sir, from an organisation call IDEA (International Institute for Democracy and Electoral Assistance). The author of that article, written in 2009, is Rumbidzai Kandawasvika-Nhundu, Senior Programme Officer, IDEA, that talks about issues of gender of democracy matters. And this is a very interesting Article. And in that Article, I read, here, there is a paragraph entitled ‘A holistic approach’, I quote –

“To strive for gender equality as a pillar in democracy requires transformative and visionary leadership. This is the type of leadership that is committed to use power not as an instrument of domination and exclusion, but as a *conduit* for liberation, inclusion and equality. Otherwise, democracy remains a hollow concept, for its instruments are of the reach of ordinary men and women that serves the political interests of elites. (...) Democracy for democracy’s sake is an exercise in futility. Democracy must be

underpinned by popular vigilance. This has to be holistic; it encompasses the procedural and the substantive, formal institutions and semi-autonomous social fields; males and females, majorities and minorities, governments and non-state actors. Gender equality is an indispensable to this democracy “whole.”

So, this is precisely what this Government led by the hon. Prime Minister really represents because what we have shown through the whole process of the thought and the vision of this Government is that we have brought in laws pertaining to issues of equality. We have always, through all our actions, shown that there needs to be fairness, there needs to be inclusion and we have therefore adopted a holistic approach.

With regard to the issue as referred to by the hon. Leader of the Opposition about an amendment that would be circulated, pertaining to this Constitution (Amendment) Bill, its applicability to general elections, we have been accused, and I humbly believe wrongly so, by the Opposition, of supposedly not doing things right, supposedly doing things in a disorderly manner with regard to the amendments going to be brought to the Local Government Bill and the Constitution (Amendment) Bill. But what it would tantamount to if we are to go with the hon. Leader of the Opposition is precisely that what we are being accused of, they would be responsible for. At this particular stage, we are dealing with a historical moment of allowing and rubbing off totally all elements of discrimination vis-à-vis women and allowing them to come in. That is why we are going for this amendment to the Constitution. To try - and let me call it that way, *faute d'un autre mot* – to leach on to this movement, this constructive and this great moment with another amendment, when we have already heard the hon. Prime Minister say clearly and with much confidence that not only has he spoken about electoral reform, he has already started the serious process of electoral reform. We are going to have Professor Carcassonne, who is going to come up with certain recommendations and reports, and it is only then that we will go into the details pertaining to whatever amendment needs to be brought to the Constitution based on that report that is going to be submitted. There is no need for the Opposition to come and try to attach itself on this bandwagon that is moving on and that is creating history. What they have to do is not try to say that this is only a small step, what they have to really acknowledge that it is indeed history, it is indeed a great step and that is why they

should also partake in this historical move and vote without any mention - I am not saying precondition - of any proposed amendment to the Constitution (Amendment) Bill.

Thank you, Sir.

(5.14 p.m.)

Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West): Mr Speaker, Sir. I shall be very brief in my intervention. I wish to only thrust the gist of the main points that I would like to address.

As the hon. Leader of the Opposition rightly puts it, we, the MMM, are very at ease with all actions that aim at empowering women and we see to it that women are well represented at decision-making level. Talking on the local Government level, Mr Speaker, Sir, the first lady mayor has been elected by the MMM in the person of Miss Villa Seenyen.

(Interruptions)

The same applies to the first Chairperson of the district council of Black River who was elected by the MMM in the person of Dany Perrier; who was until recently a Member of this House and the first Ministry of Women's Rights - I am talking of the women's rights - was set up by the MMM in 1982. That is why we welcome the amendment which is being proposed in the Constitution to allow for more women to stand as candidates for the local elections. It is *un pas dans la bonne direction* for the advancement of women at political levels and it is, of course, to be commended, but as the Leader of the Opposition pointed out, we could have done more, we could have done better and extended it to the general elections.

Mr Speaker, Sir, Mauritius has signed the SADC Protocol on Gender and Development in 1997. It was signed by the hon. Prime Minister. This Protocol encompasses commitments made in all international instruments for gender equality. The objective of the protocol is to address existing gaps towards gender equality. Yet, in practice, we are still lagging behind and have been *le mauvais élève de la SADC*, as the Leader of the Opposition used to put it, with regard to representation of women at decision-making level, but not only in the SADC region, Mr Speaker, Sir, but on the international front as well.

The Beijing Plan of Action adopted by the Fourth World Conference on Women 1995 states, I quote –

«Sans une participation active des femmes et la prise en compte de leurs points de vue à tous les niveaux de la prise de décision, les objectifs d'égalité, de développement et de paix sont impossibles à réaliser »

And in 1997 *La déclaration universelle sur la démocratie, principe numéro 4 stipule, je cite –*

«Il ne saurait y avoir de démocratie sans un véritable partenariat entre hommes et femmes dans la conduite des affaires publiques où hommes et femmes agissent dans l'égalité et la complémentarité s'enrichissant mutuellement de leur différence ».

Mr Speaker, Sir, gender equality is first and foremost a human right and it is an end in itself and because women and men have specific needs and priorities, these have to be identified and addressed. The importance of gender equality today has well been underlined when it has been included as one of the eight Millennium Development Goals (MDGs). It is listed as MDG No. 3 and gender equality is acknowledged as being a key factor to achieving the other seven goals. Therefore, increasing the number of women in decision-making position helps put women's agenda at a higher priority level. Women's political participation can be encouraged and enhanced through a wide range of actions and strategies. One of those actions, Mr Speaker, Sir, includes voting and candidacy in local and national elections. To promote women's political participation I have always been personally in favour of a quota system which would be on a temporary basis until some balance or even parity is achieved. Allotting a minimum percentage in the local elections and guaranteeing it in the Constitution is a step in the right direction. But we are missing a golden opportunity of doing more, that is, extending it to the general elections and why not on the different parastatal bodies and other Government-owned companies. This strategy would promote gender sensitivity at all levels and act as an impetus to the private sector to review their Board composition and allow for a better representation of women at all levels.

Secondly, as the MMM has always canvassed, a reform of the electoral system. This will, of course, allow political parties to enlist more women to stand as candidates for the general elections. If ever this happens, it will be another cornerstone in the representation of women at the decision-making level. The party-list system, Mr Speaker, Sir, provides a leeway for

women's political participation where women's groups can bid for seats in the Legislative Assembly.

Thirdly, Mr Speaker, Sir, third strategy: the setting up of a national machinery for women. This mechanism will have the primary role of leading and monitoring gender mainstreaming strategies of the Government and the private sector. Here, we must agree that the role and the mission of the National Women's Council must be reviewed so that gender equality, gender equity, be put high on its agenda. The National Women's Council must be revamped and updated in view of new challenges. This is very important when we knew that a very important proportion of its budget goes to salaries and Rs3 m. only for activities designed for women and that the Council is used mostly as a political arm of the Government: using it to fill in buses at political rallies and where the recruitment process is of such opacity.

Finally, and not least important, Mr Speaker, Sir, and this is a longer and probably a slower process: education. Promoting legal reforms is important...

Mr Speaker: The hon. Member has been travelling too far from the Bill. I have allowed her to make some points, but she has to come back to the Bill. She said, thirdly, education.

(Interruptions)

Mrs Navarre-Marie: Yes. I am just saying that education is also important for gender equity, Mr Speaker, Sir. Promoting legal reforms...

Mr Speaker: No. We are talking of political reforms and elections in Municipal Councils. I allowed the hon. Member to talk about the Women's Council. I think that we have gone a bit too far away. Now, I ask the hon. Member to come back to the Bill. When she will come on the second Bill, the Local Government Bill, then she can perhaps make these points.

Mrs Navarre-Marie: Mr Speaker, Sir, I was talking about strategies to promote women participation at political level and one of these strategies is education. I was saying that promoting legal reforms is important, but education is of utmost importance. Gender should be part and parcel of our educational syllabuses at all levels: primary, secondary and tertiary. We would vote every legislation that we want, but if there is no awareness campaign, if people are not sensitised since childhood, if they are not gender-sensitised, we would fail.

To conclude, Mr Speaker, Sir, I would say that the move that we are taking today goes in line with the worldwide trend, that is, putting women's political participation high on the agenda.

But it is just *un petit pas timide*, it is a missed opportunity as we believe that much more could have been done by extending the amendment to include the general elections.

Thank you, Mr Speaker, Sir.

(5.25 p.m.)

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): Mr Speaker, Sir, I will try to be very brief as most of the points have already been canvassed by the hon. Leader of the Opposition and my colleague, hon. Mrs Navarre-Marie. But yet, as a person who has been involved for several years at the highest level in framing policies to combat discrimination against women, I feel it my duty to join those who have expressed themselves on this side of the House.

Mr Speaker, Sir, the fight for elimination of discrimination against women started long time back, since 40 years back or more, with women grouped in associations. Their efforts were further strengthened with the creation of a fully-fledged Ministry in 1982 with the MMM/PSM Government. Amongst the first task undertaken by that Ministry, was the setting up of a Sex Discrimination Committee with eminent lawyers and women of the civil society who had to make recommendations to Government for the removal of almost all discriminations against women. The recommendations, I should say, came fairly quickly. They were wide-ranging; they received the approval of Government and were implemented.

Mr Speaker, Sir, this brought about a complete change in the status of women of this country and only as an example, I should say that at that time a Mauritian girl who married a foreigner did not even have the permission of residence in Mauritius. However, one of the subsections of Section 16 of the Constitution relating specifically to discrimination on the basis of sex remains a stumbling block for *une émancipation complète de la statut de la femme*. *C'était comme un cheveu sur la soupe*, in spite of the fact that Mauritius adhered to the Convention on the elimination of all forms of discrimination against women. But, in its wisdom, in September 1995, just before a delegation of women which was led by hon. Mrs Bappoo - who was then the Minister of Women's Rights under the Government led by Sir Anerood Jugnauth - proceeded to Beijing for participation in the Fourth World Conference on Women, Government came forward with an amendment to Section 16 of the Constitution to remove all discriminations on the basis of sex. Hon. Mrs Bappoo who had been Minister for Women's Rights for almost 13 years under the leadership of Sir Anerood Jugnauth knows full well how we started from scratch

and built little by little confidence in women; how women gained economic independence, equal legal status; promoting women at decision-making level; creation of the National Women's Council and, only recently, Mr Speaker, Sir, I should say that at the highest level of the hierarchy in the Civil Service, out of 25, Permanent Secretaries, we have at least 13 women at that level.

Mr Speaker, Sir, whilst I agree that the amendment in front of us today is a positive step towards further strengthening the role of women in the political life of the country, I feel that the issue of adequate representation of each sex in elections should not be limited to Local Authorities only. As stated by the hon. Prime Minister, according to the SADC Gender Protocol, the Mauritius Parliament is under represented with female participation.

Mr Speaker, Sir, the Constitution is the supreme law of the country and is sacrosanct.

Before we bring any amendment to it, we should give deep thought so that we don't have to come to it again and again for amendments. So, I join also the hon. Leader of the Opposition in the amendment that has been circulated and make an appeal to the hon. Prime Minister to extend this amendment for participation in the general election as circulated.

The hon. Prime Minister has spoken in favour of equal treatment to women and he has himself acknowledged that participation of women in the political field is still low although women, as he said, are as capable as men. I find no reason why the hon. Prime Minister would not seize this opportunity and take a giant leap for making history and make of this day a turning point in the emancipation and empowerment of women. But, Mr Speaker, Sir, should Government insist in limiting the law as at Clause 2 of the Bill, I hope that women who aspire to higher responsibilities in the local authorities be also given equal opportunities as their male counterparts, *qu'elles ne soient pas limitées au rôle de simples conseillers*.

. The hon. Prime Minister has said that participation of women has remained modest over the years. So, I think he should give due acknowledgement to women whenever they join as candidates for elections to the local authorities.

M. le président, je dis cela parce que les femmes de ce pays n'ont certainement pas oublié le cas de Madame Sandhya Boygah qui avait été élue pour assumer le rôle de Présidente du District Council, mais qui a été forcée et contrainte de se désister en faveur d'une autre personne, en l'occurrence, un homme. Est-ce un encouragement pour les femmes?

Mr Speaker, Sir, I hope that our appeal and the proposed amendment which has been circulated by the hon. Leader of the Opposition be given due consideration. Thank you, Mr Speaker, Sir.

(5.32 p.m.)

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs S. Bappoo): Mr Speaker, Sir, I wish, at the first instance, to congratulate the hon. Prime Minister for introducing the Constitution Amendment Bill before the House today. The Bill, of course, ensures better representation of women as candidates in the forthcoming Local Government Elections and it forms part of the latest trend that reflects new and fundamental shifts to ease proceedings of making it legal to have at least 33% women on party lists for Local Government Election.

Indeed, Mr Speaker Sir, it is a historical day with the introduction of this Bill as Government is redeeming a pledge made to women of this country. In fact, since 2005 we underscore the fact that the protection of the rights of every woman would form part of our social policies to provide for the promotion of social justice and gender equity. This piece of legislation is indeed a milestone in our behaviour to bring social justice and to ensure equality of rights in line with the Government vision for a society devoid of discrimination. In this context, the introduction of the Bill is another landmark in the constitutional evolution of our country, in general, and particularly with regard to the destiny of women.

The House is alive to the fact that in 1958, Mr Speaker, Sir, women in this country began to fully participate in the democratic process with the introduction of the universal suffrage at the credit of SSR and, of course, the credit goes to the Mauritius Labour Party. From then a new era was born. It led the way to the enactment of many piecemeal legislations to better ensure the rights of women so as to bring them on equal footing as man. I have, in mind here, reforms in our civil law, the amendment to the Constitution in 1995 so as to make discrimination on the grounds of sex unconstitutional. This has given us the ideal opportunity to refine and practice our trusts towards our commitment of eliminating discrimination in the supreme law of our country at the time when women were occupying a prominent place in all international foras from Cairo to Copenhagen and Beijing in 1995.

Mr Speaker, Sir, I do not think this present Bill should be left only to the hon. Prime Minister to defend. I am happy to see also that the Opposition, in spite of comments that they have made, is ready to vote in favour of this amendment. I think the whole Bill should have the support and loyalty of all men and women in a good and just cause because it provides much better illustrations of a progressive piece of legislation.

M. le président, la nouvelle loi est effectivement progressiste. Elle est basée sur un texte murement réfléchi et constitue une avancée significative vers une société plus juste et équitable. Je tiens à féliciter le Premier ministre pour son courage, son engagement vis-à-vis des femmes de ce pays suite à l'idée qu'il avait lancée lui-même le 08 mars 2011 à l'occasion de la journée internationale de la femme à Grand' Baie en faveur peut-être d'un système de quota - on ne sait pas - à la participation des femmes en politique. L'amendement à la constitution vient prouver sa bonne foi, sa parole donnée aux milliers de femmes de ce pays, d'enlever cette inégalité entre les deux sexes et cela va se faire dans des conditions humaines dignes d'un pays démocratique au respect des droits humains. C'est déjà une victoire aux femmes.

M. le président, cet amendement est aussi source de satisfaction et de profonde émotion aux milliers de femmes, mais surtout aux ONG, ces ONG qui luttent en faveur d'une participation plus active des femmes en politique. Et là, je ne peux pas faire référence à l'ONG *Gender Links* pour son combat soutenu vers une participation active des femmes et une meilleure représentativité des femmes dans les instances de décisions politiques. Dans cette perspective, je vous demande, et je demande aussi à l'île Maurice en entier, de se joindre à moi pour saluer le travail de l'équipe de *Gender Links*, et plus particulièrement, Madame Loga Virahsawmy, qui a su maintenir la réputation de cette ONG depuis 2001 dans le paysage du développement social de notre pays. C'est un fait. Le travail est fait. Elle continue dans cette même direction et on l'encourage de pouvoir faire autant plus.

Gender Links has developed a training manual for training *et ce manuel a été même translated in Creole, M. le président*. From 2008 to 2009, Gender Links works in close collaboration with the Ministry of Local Government - at that time, *feu* Dr. James Burty David *était là* - in many localities, villages and towns to help in developing their Gender Action Plan using the Mauritius Training manual on specific modules such as Media Literacy, Women in Politics and others. Sometimes, these activists had to stay in villages. They even had to stay one

night, two days maybe, in villages to be close to the people and to be able to do their work. In fact, during 2009 and 2010, Gender Links has trained 40 women leaders of different political parties in Mauritius.

Some political parties accepted the invitation of sending their women delegates to participate, others refused, but Gender Links has been able to train 40 women leaders.

Mais M. le président, nous avons aussi l'ONG *WIP* « *Women in Politics* », *WIN* « *Women in Networking* », qui a aussi contribué au bon travail de proximité sur le terrain. Il est évident qu'une fois la formation acquise maintenant les femmes sont prêtes à se lancer dans les prochaines élections urbaines et villageoises. Il ne faut pas aller chercher loin pour savoir qui sont celles qui sont prêtes. Elles sont prêtes, elles ont été formées et elles sont prêtes pour s'aventurer.

It is remarkable that in our country, in every age, there have been women who have had the strength of character to distinguish themselves in public activities. In spite that our history is rich in the names of women, wisdom, courage, talent, in spite that the contribution of Mauritian women is known in every sphere of life, be it political, social, literary and cultural, but local Government has, for a long time, suffered from a democratic deficit, in terms of the inputs and ideas that women could have forged forward. So, this amendment goes to the very root of our democracy in allowing more representation and participation of women. It allows decisions which affect the lives of thousands of families to be taken in a proximate manner with the views of women on board.

M. le président, je retournerais peut être un tout petit peu en arrière encore une fois pour dire qu'il faut rendre hommage aussi à d'autres ONG, organisations non-gouvernementales, des mouvements de femmes, qui chacun a sa façon amenait campagne sur le terrain pour sensibiliser cette société et le gouvernement pour pouvoir changer la mentalité des leaders politiques et de faire place pour beaucoup plus des femmes. Hommage aux associations féminines, mais hommage aussi aux instances féminines de divers partis politiques. Ces instances de partis politiques ont pris position au sein de leurs partis respectifs pour lutter afin que les réformes puissent être menées aux diverses lois discriminatoires existantes. L'appel a été continuellement fait au gouvernement, il ne restait que ce que nous débattons aujourd'hui, c'est-à-dire, l'amendement apporté au paragraphe 16 vient corriger d'un trait l'inégalité entre les deux sexes

et oblige les partis politiques d'inclure un minimum d'un tiers à leurs listes de candidats aux prochaines élections municipales et villageoises. Mais peut-on dire autant pour les autres partis politiques de l'Opposition. Oui ou non ? Oui et mais - pas Hervé Aimée - oui mais, Aimée viendra tout à l'heure ! Alors il y a d'autres partis de l'opposition - que ce soit le MMM, MSM – qui ont contribué à cette lutte. Alors oui mais il y a certaines conditions toujours ! Que dit le Leader de l'Opposition ? Que l'amendement constitutionnel soit étendu aux élections générales. Alors là je dirais simplement quelle audace !

M. le président, si ce n'est pas pour réclamer la paternité alors que quand ils étaient au pouvoir de 2000-2005, ils n'ont fait que jouer aux abonnés absents et aux oubliettes, cinq années au pouvoir et l'absence de toute référence explicite pour un amendement constitutionnel afin de permettre à plus de femmes à s'engager dans la politique constituée, de ce fait, le *status quo*, la perpétuité d'une ségrégation à l'égard des femmes mais nous le faisons aujourd'hui. Le Premier ministre arrive et il a dit, à la présentation de ce projet de loi, ces amendements. Il dit : on procède par étape. Il a même dit que ça viendra pourquoi pas. Aujourd'hui, on est confronté aux réformes des administrations régionales. On n'est pas confronté aujourd'hui aux réformes des élections générales et comme a souligné le Premier ministre *things will certainly evolve*.

Le consensus n'est pas trouvé encore. Il y a plusieurs implications. Il faut bien étudier, mais aujourd'hui à Maurice, M. le président, les chiffres parlent d'eux-mêmes. La représentativité des femmes au niveau des administrations régionales n'est que 6.4%. Nous sommes les plus faibles parmi les pays de la SADC. Donc, c'est l'occasion que nous donne l'honorable Premier ministre aujourd'hui et cette occasion sera suivie par mon collègue le ministre des administrations régionales, l'honorable Hervé Aimée, qui va incorporer à son projet de loi un minimum d'un tiers à leurs listes de candidates femmes et je tiens à le féliciter pour cette décision.

Par contre, le gouvernement tient toujours ses promesses. C'est un long engagement en faveur de l'égalité. Petit à petit, nous avons pris les mesures pour rehausser le statut de la femme. Il faut savoir que depuis les années 90 - je dis bien, M. le président, les années 90 - le Premier ministre actuel alors *Leader* de l'opposition réclamait que tout amendement constitutionnel ne soit pas limité qu'à une discrimination basée sur le sexe seulement, mais soit étendu aux autres droits fondamentaux des femmes. Je me réfère là à l'amendement de la Constitution présenté *at*

that time by the then Prime Minister, c'était en date du 15 août 1995 lorsque le Dr. Navin Ramgoolam, à ce moment dans l'opposition, disait, I quote -

“The solution is partial if only sex is added to section 16. What we need to do is to extend the scope of section 16, to extend the scope, in other words make section 16 larger to embrace all the discrimination possible that could happen.

And this is what we are doing today. This is not something that would be completely out of the ordinary because we do not have, at the moment, any law as such which prohibits discrimination totally.”

C'était le Dr. Navin Ramgoolam en 1995. Déjà en 1995, il prenait position sur l'esprit de l'amendement que nous présentons aujourd'hui. Il a fallu maintenant 16 ans après et aujourd'hui le Premier ministre a eu le privilège de présenter à cette auguste assemblée cet amendement constitutionnel pour éliminer une autre discrimination aux femmes d'être suffisamment représentées dans des instances de décisions régionales et cela pour corriger un manquement envers les femmes de ce pays et de rendre cette disposition plus équitable.

Comme je viens de dire, un nombre important de femmes sont actives dans plusieurs sphères de la vie publique ou sont engagées dans des activités socio-économiques et politiques.

Women as well as men are entitled to have the same political aspirations in the way they are governed and the way they want their Government or Local Government to be governed. This is an issue which relates to human dignity which, to our mind, is indivisible and inimitable. The rights of a human person are not related to biological predisposition or the way our genes are designed, but rather with the egalitarian values we share as human beings. This is why our Constitution has enshrined the principle of non discrimination and equality between the two sexes and, however, the manifestation of our Constitution and our principles into translation must rest upon concrete action.

So, Mr Speaker, Sir, before I resume my seat, I would like to say, that the issue of gender equality is openly discussed today in Britain for example. And laws have been passed which help to maintain equality. But, this has not been the case in many countries and even ours. For years, our society has been characterised as one of male dominant and male legacy, but, because of the

invisibility of women in politics at a practical level, more women will now be able to campaign on the doorsteps, participate in political manifesto, and this would in turn sensitise others and show the rest of society that the ideal of equality between sexes is not a reality which is far away.

So, with this amendment, and because of their right to vote, brought by SSR in 1958, women can now dream about being involved more in politics at the level of local administration as per amendment of the Constitution presented by the Prime Minister. They will be able to play a better role at the decision-making level for a better administration of their respective towns and villages.

The Mauritius Labour Party, Mr Speaker, Sir, has its footprints engraved in the history of women and politics in our democratic Mauritius from Mrs Damoo in 1950 as first woman councillor, and it has been, of course, a historical landmark. At date, the Labour Party has five women at the National Assembly, two women Ministers in Cabinet, and I have no doubt that, as the Prime Minister just said, things will certainly evolve. The party will bring forward more women involved in politics and decision-making level, and committed to serve their country; to mark the future of their country with pride and honesty.

Thank you, Mr Speaker, Sir.

(5.52 p.m.)

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, j'ose espérer que j'aurais droit à la même marge de manœuvre que ma chère collègue, madame la ministre, d'autant plus que j'interviens à la fois par rapport au projet d'amendement constitutionnel et à l'amendement proposé par le *Leader* de l'opposition.

M. le président, je commencerai par dire que la proposition contenue dans le projet d'amendement constitutionnel est positive. C'est un pas qui va dans la direction du progrès historique. Toutefois, ce qui gâche un peu ce geste c'est qu'il s'associe avec l'ignominie, l'infamie du projet de loi qui va suivre, qui va proposer un énième renvoi des élections municipales. Toutefois, pour nous, dans l'opposition, si c'est un pas positif, nous soulignons aussi qu'il y a là une occasion historique à saisir, d'où la proposition d'amendement qu'a faite le *Leader* de l'opposition.

Quelle est la réalité? La réalité c'est qu'aujourd'hui, au sein de nos collectivités locales, selon les statistiques citées par le Premier ministre plus tôt et reprises par madame Bappoo, il y aurait à peine 6% de femmes. Ici même à l'Assemblée nationale, dans cette Assemblée élue en 2010, les femmes sont mieux représentées, mais ne sont que treize députées sur un total de soixante neuf, ce qui nous fait moins de vingt pour cent - Madame Bappoo nous dit dix huit pour cent - et l'évolution a été très lente. De 1968 à 2011, il y a une évolution positive, mais c'est une évolution très lente. J'ai eu quelques difficultés à suivre les propos de l'honorable Shakeel Mohamed plus tôt qui, en tentant de nous faire une leçon d'histoire, faisait injure à l'histoire, en prétendant que seul le Parti travailliste avait contribué à l'avancement de la femme.

Vous savez, M. le président, moi, évidemment, je suis du MMM et je pense que c'est le MMM qui a beaucoup contribué depuis les années soixante-dix à l'avancement des femmes, et je ne ferai pas l'injure à l'histoire de dire que c'est le MMM seul. Nous avons, tous les partis de la Chambre, joué notre rôle. Sir Seewoosagur Ramgoolam a joué son rôle en son temps. Dans les années soixante-dix, c'est le MMM qui introduit la notion du féminisme qui permet de théoriser, d'articuler intellectuellement le combat des femmes pour l'égalité des droits. La génération qui entre à l'Assemblée en 1976, avec les Vidula Nababsing, les Shirin Aumeeruddy-Cziffra - C'est la même génération d'ailleurs de Madame Bappoo, championne du MMM à l'époque - a eu l'impact...

(Interruptions)

Présidente du MMM, pardon. En 1982, ce serait faire injure à l'histoire que d'ignorer l'importance des réformes législatives, la réforme du Code Civil, du droit de la famille introduit par madame Cziffra, première ministre de la justice femme de Maurice. Ensuite, à partir de 1983, madame Bappoo, ministre de la condition féminine de Sir Anerood Jugnauth pendant de longues années, a elle aussi, en tant que ministre du gouvernement MSM de Sir Anerood Jugnauth, contribué à l'avancement des femmes. Avec nous, de 1990 à 1993, nous avons fait de belles choses. Tout comme madame Sidaya, ministre travailliste, avec le MMM de 1995 à 1997, introduit le *Domestic Violence Bill*, face à une résistance interne farouche au sein du Parti travailliste. Ensuite, de 2000 à 2005, ma collègue, madame Navarre-Marie qui fait voter la *Sex Discrimination Act*. Elles ont toutes, provenant de différents partis, contribué à l'avancement des femmes. Donc, ne faisons pas l'injure à l'histoire de venir dire aujourd'hui que tout ce qui a été

fait de grand, c'est l'œuvre du Parti travailliste et du Parti travailliste seul. Nous y avons tous œuvré, mais l'évolution en termes de représentativité féminine a été extrêmement lente.

Aujourd'hui, pour reprendre les chiffres de madame Bappoo, nous sommes à 18% de femmes au sein de cette auguste Assemblée. Sur le plan mondial, la moyenne est de 19%. De 19% en 2011, elle était d'onze pour cent en 1995. Donc, de 1995 à 2011, nous progressons par un demi-point - 0.5% d'une année à l'autre sur le plan mondial. Je n'ai entendu personne s'élever contre le principe du quota. Mais face à ceux qui objectent, je fais toujours la remarque qu'il nous faudrait, à ce rythme, une progression d'un demi pour cent chaque année; il nous faudrait un siècle avant de parvenir à la parité. Donc, M. le président, l'évolution a été très lente. Pourquoi? Parce que les règles du fonctionnement du système politique ont été faites par les hommes et pour les hommes. Voyez le parlement qui se réunit jusqu'à des heures indues ; trois heures, quatre heures, cinq heures du matin, souvent sans préavis. Est-ce là une façon de faire qui encouragerait les femmes, mères de famille ou même une femme qui ne serait pas mère de famille à se joindre à la politique active? Est-ce, dans notre société, aisé pour une femme d'aller se justifier d'avoir à passer des nuits entières à l'Assemblée nationale ? Le langage ordurier utilisé par tant d'hommes politiques, est-ce fait pour encourager les femmes à assumer un tiers de sièges au sein de l'Assemblée nationale ou de nos collectivités locales ? Est-ce là un moyen d'encourager l'engagement des femmes avec ou sans quota ? M. le président, les dés sont pipés contre l'entrée des femmes en politique. C'est pour cela que l'évolution est si lente. C'est pour que sans quota, nous, nous pourrions attendre des siècles avant que ne se réalise la parité. C'est pour cela que je citerai un auteur que j'ai lu en anticipation de ce débat qui disait –

"Quotas for women do not discriminate, but compensate for actual barriers that prevent women from acquiring their fair share of the political seats."

Les quotas, ce n'est pas de la discrimination. C'est au contraire rétablir un équilibre, c'est au contraire garantir des opportunités aux femmes, c'est au contraire faire justice aux droits démocratiques des femmes de participer activement à la vie politique de notre pays et de tous les pays.

M. le président, ils sont aujourd'hui quelque 107 pays au monde. Je pense que cela représenterait les deux tiers des États nations qui ont introduit des mesures – *affirmative actions*, je préfère l'appeler ainsi plutôt que *positive discrimination* - en faveur de l'engagement des

femmes en politique. Pour la plupart, ce sont par des lois, des moyens législatifs, à l'exemple de l'Inde, de l'Afrique du Sud, de la France, de la Belgique, mais aussi un certain nombre qui, eux, l'ont fait à travers des engagements volontaires des partis politiques, ont présenté tel pourcentage de femmes aux élections comme les partis progressistes, les partis de gauche, en Angleterre, en Australie.

Mais comment le faire, comment introduire ces mesures? Là où il existe, la représentation proportionnelle, évidemment, cela est chose aisée, en réservant certain pourcentage des listes. C'est le cas du Mozambique ou de l'Afrique du Sud où 30% de la liste élue à la proportionnelle doit être composée de femmes. C'était le sens aussi des recommandations du *Select Committee* d'Ivan Collendavelloo de 2004 qui faisait suite au rapport Sachs qui prévoyait, effectivement, que sur la liste élue à la proportionnelle, il était prévu qu'un élu sur deux serait une femme. Mais là où il n'existe pas de représentation proportionnelle, comme dans le cas de Maurice, il reste les deux choix, ou les partis le font volontairement en s'imposant un quota, et cela pourrait se faire. Le Parti Travailleiste, nous disait le Premier ministre, a déjà dans ses instances internes, un quota réservé aux femmes. C'est le cas au MMM depuis plus de 20 ans. On pourrait de la même manière nous imposer à nous-mêmes un tiers de candidature féminine. Mais le problème c'est où seraient placées ces candidates, leur seraient-elles attribuées les circonscriptions les plus sûres ou les moins sûres? Donc, le quota de candidature ne se traduirait pas nécessairement par un quota d'élus.

Donc, c'est pour cela que, moi, je souscris pleinement – et le MMM de même – à l'idée d'avoir des quotas de candidature dans la loi pour l'Assemblée. Cela est le cas dans bon nombre de pays. En Afrique, toutes les nouvelles constitutions, celle de l'Ouganda en 1995, celle de l'Afrique du Sud, ont fait provision pour cela. En Amérique Latine, durant les années 90, la majeure partie des pays ont opté justement pour des lois telles que je l'ai décrit, à commencer par l'Argentine qui, très tôt, avait imposé un quota de 30%. En Inde, depuis des lustres, au niveau des élections locales - les *Panchayats* – le fameux soixante-quatorzième amendement à la Constitution indienne prévoyait de réserver un tiers de siège pour les femmes. L'année dernière, le *Lok Sabha* a adopté une loi prévoyant un minimum de représentation féminine dans la chambre basse du Parlement indien. C'est la même chose au Népal, en Belgique, en Italie et la France qui depuis 1999 a introduit la loi sur la parité.

Donc, pour toutes ces raisons, M. le président, je considère que cette idée d'un quota est un pas éminemment positif, les deux conséquences pratiques vont être le recrutement obligé de femmes par tous les partis politiques qui vont devoir trouver, présenter des candidates avec le profil approprié en termes de compétences, de volonté d'engagement, d'intégrité pour les prochaines élections, mais l'autre avantage ce sera aussi d'encouragement aux femmes qui ne se sentiront plus obligées d'entrer en compétition en vue de ravir leurs sièges à des hommes, mais qui seraient assurées d'un certain nombre de sièges.

Toutefois, M. le président, soyons très clair. Que nous ayons des quotas pour les municipalités, les *districts councils*, ou des quotas pour l'Assemblée nationale, comme nous le souhaitons, tant qu'il n'y aura pas une transformation par le biais d'une féminisation de notre culture politique machiste, les quotas ne viendront pas résoudre tous les problèmes. Quand on parle de *gender neutral politics*, cela s'applique aussi à la culture politique et au fonctionnement du système politique.

Donc, M. le président, au MMM, nous allons soutenir la proposition d'amendement constitutionnel. Pourquoi ? Parce que dans notre manifeste de 2010, il est écrit parmi les 12 mesures prioritaires, je le rappelle à l'attention, surtout de nos collègues de l'autre côté de la Chambre, de la majorité, législation nouvelle pour réserver un siège par circonscription à l'Assemblée nationale et un tiers de sièges au sein des municipalités, *village* et *district councils* pour les femmes. *It is not a question of 'leaching on' which were the inelegant terms used by the Minister of Labour.* C'est un engagement solennel pris vis-à-vis de la population. Je suis heureux que le Parti Travailleiste nous ait rejoint parce que cette idée, par contre, ne figurait pas au manifeste électoral du Parti Travailleiste aux dernières élections. Cette idée n'apparaissait pas dans le discours-programme de 2010, mais nous nous réjouissons du fait que le Parti Travailleiste aujourd'hui nous rejoint sur cette idée.

Loin de moi de vouloir me battre pour la paternité. Ce qui est important, c'est que nous puissions évoluer dans le sens du progrès historique et c'est pour cela que je voudrais lancer, encore une fois, un appel à la majorité - le Premier Ministre n'est pas là mais j'espère qu'il écoute - c'est que nous allons soutenir ce projet d'amendement constitutionnel. Étant des femmes et des hommes de progrès, nous n'avons pas d'autres choix que de soutenir ce projet d'amendement constitutionnel. Mais voilà une occasion historique !

Aujourd'hui, au sein de cette Chambre, personne n'oserait s'élever contre l'extension de cette proposition aux élections générales. C'est une conjoncture historique très particulière. Ce ne sera pas nécessairement le cas demain. Aujourd'hui, nous pouvons avoir l'unanimité au sein de cette Chambre pour faire adopter le principe d'un tiers des sièges réservés aux élections générales pour les femmes. C'est une occasion historique ! Demain, le Prof. Carcassonne pourra venir ou ne pas venir avec un rapport, il pourra proposer n'importe quoi. Cela ne nous empêchera pas de faire respecter dans tout projet de réforme électorale ou constitutionnelle à venir avec cet élément de réserver un tiers de sièges pour les femmes. Je connais le combat de l'honorable Madame Bappoo. L'honorable Madame Bappoo a appartenu aux trois grands partis présents ici au sein de la Chambre : le MMM, le MSM et le Parti Travailleuse, mais je lui reconnais une certaine cohérence dans son combat en faveur des femmes. Il y a, de l'autre côté de la Chambre, plusieurs femmes députés qui savent au fond d'elles-mêmes qu'il n'y a aucune raison aujourd'hui de ne pas avancer vers un tiers de femmes. Cela est à portée de notre main. Concevez-vous que si aujourd'hui nous votons, dès demain nous franchissons un pas et l'on ne pourra plus faire marche arrière. Cela ne tient qu'à vous, mesdames de la majorité, mais aussi toutes les féministes s'asseyant de l'autre côté de la Chambre. C'est pour cela que c'est sans esprit de partisanerie, mais au nom de conviction profonde dans l'égalité des genres, dont le droit aux femmes de se faire représenter en politique aux mêmes titres que les hommes que nous lançons un appel à toutes et à tous que nous votions ensemble non seulement le tiers des sièges pour les collectivités locales, mais le tiers des sièges réservés aux femmes pour les élections générales.

Merci, M. le président.

(6.12 p.m.)

The Minister of Gender Equality, Child Development and Family Welfare (Mrs M. Martin): Mr Speaker, Sir, first of all, let me thank you for giving me the opportunity to intervene on the Constitution (Amendment) Bill. In truth, it is not every day that a Government amends its Constitution.

The last time a provision was amended was in 2003 for the creation of the office of Ombudsperson for Children, and then, previously, in 1992, when the country acceded to the

status of Republic. A move such as amending the Constitution is usually done in a context where societal changes are necessary to address and adapt to the realities of the present time.

Mr Speaker, Sir, Mauritius is evolving, the world is changing and we, as a Government, are committed to work towards the creation of a more equitable society where men and women enjoy the same opportunities and life chances. A week before this Government came before this House with the Equal Opportunities (Amendment) Bill, today, consistent in our endeavour for a more just society, we are proposing the Constitution (Amendment) Bill. This Bill that is being debated in the House relates to the provision for a minimum number of candidates to be of a particular sex with a view to ensuring adequate representation of each sex on a local authority. I am of opinion that this amendment will drastically transform our society as regards access of women to political platforms.

This amendment, Mr Speaker, Sir, as we understand it, allows for the enactment of the New Local Government Bill. It takes on a particular importance in the light of the way the Mauritian society is constructed. We have to recognise that despite our efforts, there still exists a glass ceiling impeding women's access

to the higher levels of decision-making. The patriarchal structure of our Mauritian society is often not conducive for women to achieve fulfillment in various spheres including in the professional field and that is all the more relevant in politics. And this is in total contradiction with the fundamental principle of our Constitution which provides for every citizen of this country to be able to enjoy his or her fundamental rights and freedoms without discrimination and for the public interest.

In parallel, we are witnessing more and more a keen interest from women to put their knowhow and competencies at the service of their country. This drives and encourages them to participate in politics or to seek access to higher levels of authority. And this is where this amendment is pertinent, Mr Speaker, Sir.

When it comes to official representation in politics like a few of my colleagues have said before me, our country has one of the lowest percentages of women represented in Africa. If we consider that the fact that few women are occupying high level positions in the political landscape of our country, it is also good to note that there have been some efforts made towards

more women representativeness in politics. And I have heard Members from the other side of this House say what they have done, but on this side of the House, especially in the Labour Party which is a pioneer regarding the appointment of women in strategic positions.

In fact, late Sir Seewoosagur Ramgoolam made history when, at a consultative committee in 1947, he insisted that if women could toil the soil, they could also register their votes at polling booths. This statement was instrumental insofar that it led to giving women the right to vote in 1948. And throughout its history, the Labour Party has remained consistent with this philosophy to involve women in politics.

This amendment to the Constitution consolidates the Labour Party's ideals whereby pioneers such as late Mrs Damoo, late Mrs Lachicore, late Mrs Radha Poonoosamy paved the way for women's access to political field. In a more recent past, I cannot fail to mention my colleague, hon. Mrs Juggoo, first woman Deputy Government Chief Whip and Chairperson of the ICAC Parliamentary Committee nor Her Excellency, Mrs Monique Ohsan-Bellepeau, first woman President of the Labour Party and now first woman vice-President of the Republic of Mauritius. All this, Mr Speaker, Sir, are proofs that there could not have been a better Government than this one, headed by hon. Dr. Navinchandra Ramgoolam, leader of the Labour Party to propose such a consequential amendment in favour of women.

Mr Speaker, Sir, gender equality cannot become a reality if we do not establish a mechanism which will facilitate its mainstreaming in our policies. In many countries, to help women have access to high position of authority, quotas have been introduced. Hon. Obeegadoo just mentioned in India, women are allocated 33% of seats in Local Municipal Bodies, also in the United Republic of Tanzania, 25% of seats at the local level are allocated to women. I heard, a little while back, hon. Mrs Navarre-Marie saying that she was in favour of the quota system. The fact is, Mr Speaker, Sir, that despite the declarations of Members of the Opposition, the fact, as hon. Mohamed rightly said, remains between 2000 and 2005, the MMM/MSM Government had the possibility to put forward this amendment, introducing even a system of quota had they wanted to. The question is: why did they not do it? Perhaps the inclusion of women in decision-making instances in high percentage was not high on their agenda.

In Mauritius, with the present constitutional amendment, each gender will be represented on a local authority. As a matter of fact, this amendment does not mean that there should necessarily be more women than men represented at the Local Government level or vice-versa. Nothing is being imposed, ensuring thereby that there is no discrimination when it comes to deciding who among the men or the women will be the most represented on a local authority. This measure is, in itself, not discriminatory, it is affirmative action as it provides that women, as men, are represented on a local authority. The aim of this Government is to provide and ensure that both sexes are adequately represented on each and every Local Authority and in the Local Authority elections. This amendment thus remains faithful to the spirit of the Constitution, that is, every individual is considered to be equal. Indeed, Mr Speaker, Sir, women are equally capable as men to come to the forefront of politics and help in shaping the future of their country.

C'est pour cela, M. le président, que cela m'a particulièrement frappé tout à l'heure d'entendre l'honorable Steven Obeegadoo parlait des facteurs qui sont parfois décourageants pour des femmes d'entrer en politique. Il a cité par exemple le comportement brutal de certaines personnes, le langage ordurier utilisé par d'autres, le comportement agressif et les femmes qui sont victimes d'attaques personnelles. Il a raison, M. le président, et je peux le confirmer. Je suis moi-même régulièrement victime de ce genre d'action et ma collègue, l'honorable Deerpalsing également. Donc, ce que j'aurais voulu aujourd'hui, M. le président, c'est que vraiment les membres de l'opposition *mean what they say and that is the most difficult part to decide when it comes to them because they can say something, great ideas, but in concrete we do not see much.*

Therefore, Mr Speaker, Sir, to come back, the amendment today is only fair. It is only justice. It is contrary to what the other side of the House is saying; a consequential amendment not to be underestimated. History, Mr Speaker, Sir, will remember that this Government of hon. Dr. Navinchandra Ramgoolam which has brought forward before this House a major amendment to our Constitution in favour of our womenfolk. It is a stepping stone towards a more inclusive democracy and as regards the amendment proposed by the hon. Leader of the Opposition to provide for a minimum number of candidates for election to the National Assembly with a view to ensuring adequate representation of each sex in the National Assembly on a Local Authority, Mr Speaker, Sir, I would say this: I, for one, think that it would be extremely advisable to await for the Carcassonne report. The pure and simple reason behind that, Mr Speaker, Sir, being that

this House is not aware of what the outcome or conclusion of the report will be. We are in the dark as to what the configuration is going to be concerning the representation at Constituency level for example, whether we shall have one member per Constituency, two, three or four. So, it will be irrational and illogical to pre-empt on matters which will be presented in the context of a holistic electoral reform. Therefore, Mr Speaker, Sir, this Government cannot pre-empt on the findings of the report of a general electoral reform.

Therefore, today the Amendment, I maintain, Mr Speaker, Sir, is an amendment that aims at changing the face of the Local Government legislation in order to better meet the aspirations of the population. It is the first step towards a more inclusive democracy and we are all for it.

Thank you, Mr Speaker, Sir.

(6.24 p.m.)

Mr P. Jugnauth (First Member for Quatier Militiare and Moka) M. le président, nous accueillons évidemment favorablement cette motion pour une bonne représentation féminine sur la liste des candidats pour les prochaines élections municipales et villageoises. C'est certainement une étape qui favorisera une participation plus active dans la politique et permettra plus d'équité envers les femmes dans notre société. Je dois faire ressortir que comme les autres partis politiques représentés actuellement au parlement, le MSM est aussi à l'avant plan pour faire avancer cette cause. On a parlé - et on en parle toujours - depuis longtemps de la réforme électorale. Il y a eu beaucoup de discussions et de propositions surtout en ce qui concerne la représentation féminine. Au MSM, dans le passé, nous avons déjà proposé à ce que nous apportions une dose de proportionnelle à notre système et, ce faisant, apporter aussi une discrimination positive à l'égard des femmes. Nous avons dans le passé suggéré que dans le cas où il faudrait nommer les dix *best unreturned candidates, amongst them five should be women and five men*.

En 2005, nous avons présenté 7 candidates sur 30 aux élections générales et 6 d'entre elles avaient fait leur entrée au parlement. Nous étions le parti politique à avoir le plus grand nombre de femmes parlementaires. En 2010, au sein de l'Alliance, des 5 femmes sur notre liste de 17 candidates, 4 se sont faites élire. Le nombre n'est certes pas suffisant, mais au niveau de notre parti, nous progressons quand même et j'espère qu'avec la motion que présente le Premier

ministre, les décideurs politiques n'hésiteront pas à aligner un nombre peut-être plus élevé de femmes comme candidates.

Nous sommes signataires du protocole de la SADC qui recommande un minimum de représentation de 30% de femmes au sein des assemblées et des parlements. Certes, cela n'a pas force de loi, mais, étant donné - et je pense à ce que le Premier ministre a dit parce que je dirais que nous étions et nous sommes toujours parmi les plus mauvais élèves de la SADC. Je n'en doute pas qu'avec cet amendement on va faire quand même un grand pas en avant surtout qu'à Maurice nous avons des femmes qui sont capables. Actuellement, nous avons des femmes qui occupent dans plusieurs secteurs les plus hautes responsabilités, que ce soit dans le service civil, dans le judiciaire, dans le secteur privé, au niveau de l'économie et il nous importe de créer les meilleures conditions pour les encourager davantage à s'engager pleinement dans la vie politique et de participer comme candidates que ce soit aux élections municipales ou villageoises mais, encore plus, au niveau des élections générales. C'est pourquoi je dis qu'à Maurice on est sur la voie du progrès en termes de représentation des femmes au parlement.

J'ai écouté le Premier ministre qui disait tout à l'heure qu'au niveau du Parti Travailleiste, il y a comme *self-regulation within a party for a number of women to hold a number of seats in a committee*. Chaque parti peut le faire. On peut avoir cette règle qui stipule qu'il doit y avoir un certain nombre de femmes, un certain pourcentage, mais le plus important c'est qu'il y ait une volonté à ce qu'on puisse présenter autant de femmes comme candidates que ce soit aux élections des collectivités locales ou au niveau des élections générales. Je pense que ce n'est pas correct lorsque j'ai entendu l'honorable Shakeel Mohamed dire - tout d'abord il a dit que nous qualifions cela de *small step. We can call it a big step, but let us make a giant leap forward by including this amendment with regard to the general elections.*

This is where we fully support the amendment that has been proposed by the hon. Leader of the Opposition because I don't believe that - comme le dit l'honorable Mohamed - we want to attach on a bandwagon.

Le Premier ministre nous a invités, l'opposition a donné tout son support à ce projet de loi; c'est clair, il y a unanimité au niveau de la Chambre. Mais nous disons, étant donné les circonstances, étant donné l'opportunité qui se présente, *we are making history, let us further make history* - saisissons cette occasion pour amender la loi et inclure à ce qu'au niveau des

élections générales, nous puissions avoir une bonne représentation de femmes comme candidates.

Evidemment, l'honorable Madame Mireille Martin a dit qu'il faudra attendre les propositions du comité *Carcassonne*, *we are in the dark*. *We are not in the dark!* As far as this amendment is concerned, what the hon. Leader of the Opposition is saying is let us seize this opportunity to say in the Constitution that it would not be a discrimination, if we are going to favour women, as far as reservation of a number of candidates are concerned within the law, whether it is going to be the Representations of People Act or any other law. This is what the motion of the hon. Leader of the Opposition is all about. Then, of course, whether it is going to be *Carcassonne*, whether it is going to be somebody else, who knows what can happen tomorrow? I don't know what kind of proposal it is. Is it going to be unanimously accepted? Or are we able to – let's say we have the required majority - amend whatever laws? That is why we fully subscribe to this amendment that is being proposed.

Je dirai aussi que cet amendement qui va être adopté aujourd'hui n'est pas seulement une affaire de femmes. Je pense que c'est - *it should have been more* - une affaire d'hommes. Parce que nous voulons ceux qui sont avant-gardistes, ceux qui veulent l'émancipation de la femme et ceux qui veulent une société plus égalitaire et moins discriminatoire, *we should all subscribe – men, I am talking - to this Bill*.

J'espère qu'après les prochaines élections, M. le président, elles seront encore plus nombreuses au sein de notre auguste Assemblée. Lors des élections, nous ne devons pas nous contenter d'un grand nombre de femmes seulement sur notre liste. Il nous faut tout pour faire élire ces femmes aussi, parce qu'elle serait peut-être la raison de cet amendement, de pouvoir donner la possibilité aux femmes d'être candidates et puis, lorsque les électeurs vont voter, nous allons voir, finalement, qu'il y aura beaucoup plus d'hommes que des femmes qui sont élues. Je sais que ce n'est pas seulement une affaire de femmes, mais il faut aussi que la mentalité des gens change et qu'on puisse reconnaître les vraies valeurs des femmes qui peuvent, sans nul doute, assumer pleinement des responsabilités, que ce soit au niveau des collectivités locales ou que ce soit au niveau de notre auguste Assemblée. Nos collègues femmes parlementaires, comme je dis, sont aussi, sinon plus, capables que les hommes d'amener notre pays à bon port.

We should not forget, that women and men are, in fact, the twin pillars of a progressive nation.

Thank you, Mr Speaker, Sir.

At this stage, the Deputy Speaker took the Chair.

(6.35 p.m.)

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Deputy Speaker, Sir, the Constitution (Amendment) Bill purports to amend, *inter alia*, section 16 (4) of the Constitution by inserting after paragraph (a) a new sub-paragraph (aa), which reads as follows -

“(...) for a minimum number of candidates for election to local authorities to be of a particular sex, with a view to ensuring adequate representation of each sex on a local authority.”

In fact, Mr Deputy Speaker, Sir, the combined effect of section 16(1), subsection (3) of the Constitution is that -

“As a general rule, no law should be discriminatory in itself or in its effect on the ground of sex”.

However, section 16 (1) is subject to the provision of subsection 4, which enables Parliament to enact laws in the derogation of the general rule. The present propose amendment is one such derogation, which will enable Parliament to enact laws to ensure that both sexes, women in particular, are adequate and presented at local authorities' elections, be it at municipal or village council levels.

Mr Deputy Speaker, Sir, in recent years the participation of women in various spheres of Mauritian society has kept on increasing. More and more women now hold key roles in a number of strategic fields such as, the judiciary, the legal profession, the medical profession, the financial world, tourism to name a few, Mr Deputy Speaker, Sir. However, it is noted with concern that this trend has not replicated in the political sphere.

Currently, Mr Deputy Speaker, Sir, there is an inadequate representation at the level of Municipal and Village Councils, in particular. Nevertheless, it is worth pointing out that under

the leadership of the hon. Prime Minister, women participation in politics have increased. In fact, if we go through the records, in 1995, in 2005 and in 2010, women representation in the National Assembly was 9.1% back in 1995, 17.1% in 2005 and 18.8% in 2010. This is remarkably an achievement, Mr Deputy Speaker, Sir.

In many countries of the world, Mr Deputy Speaker, Sir, the rule of law still rules out women. If we look at the figures, the average in national parliaments, at the world level, out of 44,000 MPs, total for the lower House and upper House in those countries - where there is an upper House, in the form of a Senate or an upper House proper elected, the number of men MPs is more than 35,000 compared only to 8,000 for women, Mr Deputy Speaker, Sir, which gives us, in terms of percentage of woman representation, 19.4%. We have reached, as I say earlier, 18.80%, we are near to the world average, Mr Deputy Speaker, Sir. If we go according to single House, meaning the elected representatives of the House of Parliament worldwide, out of 37,751 MPs, men represent nearly 81%, meaning nearly 30,000 and women only 7,316.

Now, when we look at the figures in National Parliaments, Mauritius ranks 61 out of 136 countries Mr Deputy Speaker, Sir, and the country with the most number of women in Parliament is Rwanda which is in Africa, standing with 56.30%, so there are more women than men in their Parliament. Seychelles which is next door to Mauritius; they have 45.20%. They are leading us by large Mr Deputy Speaker, Sir. In fact, the range is between 56.30% as I have said Rwanda stands first and the last 136; is Yemen, Upper New Guinea with 0%. We have, in fact, reached quite far if I may put it this way Mr Deputy Speaker, Sir.

Since 1975, Mauritius has been engaged in raising the status of women in promoting gender equality. Following the United Nations decade for women in 1975, the policy has shifted the focus of attention from a woman in development approach to that of gender and development making gender mainstreaming and equity an explicit goal of sustainable and social development.

Mr Deputy Speaker, Sir, it is a well known fact that women have their own interests and needs. I have no doubt that they are in a better position to defend those interests and even the participation of women and men in politics may lead to a diversity of ideas, values and patterns of behaviour that can only result in an enrichment of our institutions and society at large.

Mr Deputy Speaker, Sir, women's political participation is considered a human right. It is now widely recognised that 30% participation rate at elections is the minimum percentage required to ensure a critical mass of women who can influence the decision-making processes and political agendas. The Labour Party, Mr Deputy Speaker, Sir, has always strived to enhance the role of women in politics and other spheres. It is important to encourage in a sustained manner women's participation and representation in decision-making positions at all levels as in popular election or designated positions as a necessary means to construct an equal democracy as well as to improve public management and women's empowerment.

Mr Deputy Speaker, Sir, I am convinced that women in Mauritius embody an enormous, but untapped potential in its political system. This Government under the leadership of the hon. Prime Minister has again strived to promote gender equality in all respects. The proposed amendments to the constitution will now enable Parliament to enact laws to promote gender equality in the political sphere thereby ensuring the tapping of that woman potential.

Mr Deputy Speaker, Sir, the Leader of the Opposition in his intervention said that the Opposition will vote in favour of this constitutional amendment which is indeed a positive step and this was followed by all the previous orators on the other side of the House. It is indeed a positive step towards more representations of women at Local Government level. We, on this side of the House, do appreciate the stand taken by the Opposition, be it on the right side or the left side in this regard. He agrees that this is a historic event, that we're making history once again, but all the same Mr Deputy Speaker, Sir, he stated that he will move for an amendment to include a provision that will extend the issue of representation of women at the National Assembly level. He says let's make history all the way, if we are making history today. The Leader of the MSM, hon. Jugnauth subscribed to the amendment which is being proposed by the Leader of the Opposition. Now...

The Deputy Speaker: Hon. Baloomoody and hon. Aimée, please!

Mr Faugoo: This Mr Deputy Speaker, Sir, when we are amending the Local Government Bill, the Bill is before this House. This is an amendment which has to be read together with the Bill which is before this House. We are not coming here in this House to debate the process of general election reform, general election for the National Assembly and by way of a motion to

amend this particular Bill which is coming from the Government side to amend section 16, coming from a leader of a party, from both leaders of two different parties, a previous Prime Minister to introduce such a provision by way of amendment, somebody was Prime Minister, somebody was in Government for five years, 2000 and 2005, coming today and proposing by way of amendment something which is not before this House to debate. We are yet to come there, when we come with the electoral reform, we are going to debate all issues in this House, but today coming as if through the window in a way.

This is political maneuvering and I can say they are in partnership again the MSM and MMM because this is not on, this is not what we're talking about. Again, hon. Obeegadoo, for example, I must confess in all honesty that he made good points, but not on this Bill. He's talking of the future when we will come back here in this House, with amendment of the electoral reform, he will have to repeat what he said today because this is not the debate on the Bill which stands before the House Mr Deputy Speaker, Sir. If we do not amend the Constitution, if we debate the Local Government Bill without amending the Constitution, there was an amendment to that effect in France, Mr Deputy Speaker, Sir, back in 1982 which provided for a quota of women representation and this was held to be illegal and unconstitutional. So this would be the fate of the Bill which is before this House, which is being brought by the hon. Minister of Local Government. So this is why I say that this amendment of the Constitution has to be read together and this is why we brought it together. If we had brought this amendment in isolation, in its own, maybe they could have had a point to raise because we're coming to amend the Constitution, but we're not only coming with an amendment to the Constitution. We are coming to amend the Local Government Act, Mr Deputy Speaker, Sir. Hon. Obeegadoo again said that *c'est un pas positif*, but then he said that it does not appear in our manifest and again it does not appear in our Government programme 2010 and 2015. I have gone through the whole Government programme and I can see at paragraph 218 on page 23 of the document which says – 'that a major review of Local Government legislation will be undertaken in order to better meet the aspirations of the population'. What does that mean Mr Deputy Speaker, Sir? It can mean a lot of things, this is generic, we have to read, we cannot repeat every single line, every single idea. What are the aspirations of the population?

(Interruptions)

The Deputy Speaker: Let the hon. Minister make his point. There is no need to argue.

Mr Faugoo: If it is not better and reasonable participation of women, why should we have, at party level, brought so many changes? Why, at party level, have we strived so much, that we have so much representation; 18.80% in the National Assembly, Mr Deputy Speaker, Sir? This has expressly been provided for, but my friend is a lawyer and he has to read between the lines also. This is clear. When you look at paragraph 218, Mr Deputy Speaker, Sir, it is clear. As I said, we have done it at party level; we have done it at Parliamentary level. We are bringing it at local authority level. Why are we doing this? Because there is a big disparity between representation at National Assembly level and local government level, Mr Deputy Speaker, Sir. There is a huge disparity. When we look at section 16 of the Constitution, there is a duty on each political party to align candidates of both sexes. We shouldn't, in a democratic system of Government, discriminate between men and women; but it happens. But, what we are doing today is to make it mandatory. This makes all the difference. Without any law pertaining to general elections, without any provisions of the law, we have made it. We are more or less on the average of world level on representation of women in Parliament, Mr Deputy Speaker, Sir. But, it is not the same level at local government level. Today, we are making it mandatory. So, this is not rhetoric. This is not words; it is action.

As I have said, we have noted a very slow progress at local government level, Mr Deputy Speaker, Sir. I was going through an article, there was a speech given by Mrs Cherie Blair where, in fact, she was talking of representation of women in British Parliament. Mrs Blair - the professional name that she uses is Mrs Booth - compared what she calls the slow progress of women's rights in the UK to the tremendous strides taken by emerging democracies such as Tunisia and Egypt, saying that Tunisia had, in fact, leapfrogged the UK. I quote -

“The old democracies needed to listen and learn from what is happening in emerging democracies.”

She pointed out that, currently, only 22% of UK MPs are women - compared to ours which is 18.80%, nearly 19% - up from 10% in 1992. She goes further to say -

“At this rate of progress, it might take another 200 years to reach equal representation.”

Talking of local government, she says -

By the same token, gender parity in local government was still over a century away.”

This is what she had to say as far as UK is concerned.

We are experiencing the same problem. When we look at the national level, at least, we have moved somewhere. But when we look at local government level, we know that we are lagging behind. So, this is a gigantic step and not a small step; a gigantic step towards giving women the chance, Mr Deputy Speaker, Sir.

We made history when the first lady was elected in municipal council elections, Mr Deputy Speaker, Sir; first time; first lady. The party made history. We made history again in 1963 when the first lady was elected in Legislative Assembly; for the first time again. In 1975, we again made history when, for the first time, a woman was nominated Cabinet Minister, as rightly pointed out by the Prime Minister, Mr Deputy Speaker, Sir. The Labour Party created the Ministry of Women; Rights was added afterwards. But the Ministry itself to deal with women matters, interests of women, empowerment of women was created by the Labour Party. The first woman vice-President; historical step; first-time, Mr Deputy Speaker, Sir!

There is no doubt that we are going to make history again. History will be made once again by the Labour Party, Mr Deputy Speaker, Sir. We don't need today, in a rush, by way of motion - in waiting; she is going to become first Secretary General!

(Interruptions)

Mr Deputy Speaker, Sir, we are going to make history. But we don't want to be an accomplice with the Opposition today. Today, we are debating local government; we are debating democracy at local level. When it comes to parliamentary level, when it comes to national level, again, we will make history, Mr Deputy Speaker, Sir.

Thank you.

(6.56 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Mr Deputy Speaker, Sir, when introducing the Bill today in Parliament, the hon. Prime Minister said something, which I have noted down. He said -

“I hope nobody today stops the march of history.”

I think we all heard him. If that was meant for the Opposition, Mr Deputy Speaker, Sir, it is certainly not the case. As the other hon. Members of the Opposition have said before me, we do not have the intention at all to stop history. In fact, we are going today to open the way better for Government to make history.

We are, in fact, today accompanying Government. Yes! And we are propelling Government, in fact, to make history in a better way, Mr Deputy Speaker, Sir. This is the purpose, in fact, of the amendment of the hon. Leader of the Opposition.

You will have noted, Mr Deputy Speaker, Sir, that, on the Opposition benches today, we have lifted the debates, raised it from the level of pure politics and elevated it to a higher level. We have not played politics today, although we were quite conscious of the fact that Government might not take on board our proposal, that is, the amendment of the hon. Leader of the Opposition. But, the hon. Leader of the Opposition said genuinely, with his heart, like we have all said today, Mr Deputy Speaker, Sir, that we will vote this amendment even though Government is playing politics by refusing the amendment proposed.

Government needs our votes for this amendment to go through the House, Mr Deputy Speaker, Sir. So, if we withdrew our support to this Bill, history would not have been made. We are making history also, therefore, on this side of the House.

(Interruptions)

It was very painful when we heard the last orator, hon. Minister Faugoo, linking the proposed amendment from the hon. Leader of the Opposition today with the electoral reforms. Mr Deputy Speaker, Sir, reforms or not reforms, we cannot anticipate what is going to happen. In fact, the reforms that are envisaged, that we are talking about will need another three-quarter of majority. For what we know, we might not be agreeable to the proposal of Government. So, there might never be any reforms, depending on the proposal that is going to be before the House. But, what

we are saying is that today we have a golden opportunity to walk the way all through, Mr Deputy Speaker, Sir, that is, to extend this representation of women to better representation of women at the local level to national level.

So, why not rise to this occasion, this is what we are asking the Government. Let us not play politics, Mr Deputy Speaker, Sir. Let us not make it a question of ego. Don't be politically biased because it is the Opposition that has proposed this amendment. It is good for democracy. It is good for the foundation of democracy because it is a question of human rights. It is good for the women in this country. So, let us all together hands in hands agree with proposals of Government and also, of the Opposition and, once for all, Mr Deputy Speaker, Sir, *on tourne une page* and we better help and promote woman in the field of politics. This is what the debate is all about today Mr Deputy Speaker, Sir.

In fact, Mr Deputy Speaker, Sir, we are addressing ourselves today to this question of equal participation of women in political life. It is nearly now 30 years ago since the first UN Conference which was held in Mexico City, Mr Deputy Speaker, Sir, this issue was first debated; the promotion of women in the field of politics. Then, came the Beijing Conference which was alluded to by hon. Minister Bappoo; many conferences, Mr Deputy Speaker, Sir, since the past 35 years. In Europe, since an early 80s, there has been much action on the Pan European level and international level to promote women presentation in decision-making and positive action.

In fact, Mr Deputy Speaker, Sir, we are addressing ourselves today to this question of equal participation of women in political life. It is nearly now 30 years ago since the first UN Conference which was held in Mexico City, Mr Deputy Speaker, Sir, this issue was first debated; the promotion of women in the field of politics. Then, came the Beijing Conference which was alluded to by hon. Minister Bappoo; many conferences, Mr Deputy Speaker, Sir, since the past 35 years. In Europe, since an early 80s, there has been much action on the Pan European level and international level to promote women presentation in decision-making and positive action.

The European summit in Athens was held as far back in 1992, Mr Deputy Speaker, Sir, and the Athens declaration was published in that year. After that we have had several directives of the EC, several protocols and so on. But what is the state of affairs after all this, Mr Deputy

Speaker, Sir? In fact, the stark reality is that women remain grievously underrepresented in politics in the world level. Women hold an average of less than 20% of parliamentary seats and ministerial portfolios in the world today, Mr Deputy Speaker, Sir, and less than 5% as Heads of States. So, as have been said before me, there have been many factors which have led to the underrepresentation of women in politics.

First and foremost, the aged-old discriminatory attitudes, customs by men and authorities which have hold women to hostage, pinned them down to certain set and prescribed models and stereotypes. Mr Deputy Speaker, Sir, this belief that politics are more tailored to fit men, who don't have shoulder family responsibility and so on, this has been said before me. In fact, these attitudes have determined and defined many countries institutional and electoral frameworks and we have, therefore, been caught up in a vicious circle. The attitudes, the prejudices of men have moulded the electoral environment, the institutional framework. And the institutional framework Mr Deputy Speaker, Sir, have resulted in the under-representation of women, this is what I call the vicious circle.

Mr Deputy Speaker, Sir, the electoral systems in some countries have played against the better representation of women and, according to data provided and studies which have been made, it would have seemed according to experts that the systems that seem to favour higher participation of women are the PR systems. But, in the UK and other countries where the first past the post system is to be found, for example, in the UK, the Labour Party has had to devise, what they call, a women shortlist system to secure a better representation of women.

Having said that, Mr Deputy Speaker, Sir, what has been the solution down the ages? I think hon. Obeegadoo touched upon that, Mr Deputy Speaker, Sir. Government's political parties have had to resort to the introduction of gender equality and antidiscrimination provisions in the different constitutions and different laws with, of course, the necessary exceptions allowing positive discrimination measures for the underrepresented sex by way of legislating as we are doing today, Mr Deputy Speaker, Sir. The second method has been to encourage political parties to voluntarily adopt gender positive quotas, to take positive actions and measures, namely the party structures that are responsible for the nomination of candidates should translate that will into reality. But, we know, Mr Deputy Speaker, Sir, that the true engine for the emancipation for the promotion of women in politics has always been this

political will to feminise politics. But, unfortunately, this will has always been lacking in our country and in other countries and this is why quotas have been resorted to replace the need to translate the political will, the Desiderata into action.

Thirdly, Mr Deputy Speaker, Sir, accompanying measures by initiatives such as gender, sensitive civic education and awareness to eliminate bias against women within the political world and also, within the media and other sectors. This also, has been a measure that has been taken in different countries, including Mauritius. But, the point is to come back to the Bill; we all wish today, to promote gender equality and to make of gender equality a reality in our country. It is regrettable, Mr Deputy Speaker, Sir, as I was saying at the beginning of my speech that the occasion today has been given to this House to amend the Constitution, to promote the participation of women not only at the local level but also, at the national level. Unfortunately, we seem to be missing this occasion.

Mr Deputy Speaker, Sir, I was saying that electoral gender quotas constitute the appropriate and legitimate measure to increase women's parliamentary representation. In fact, an impressive number of countries have introduced electoral gender quotas worldwide in the recent 15 years and there are different types of quotas. There are mandatory quotas, that is, the quotas in the law are mandatory as opposed to being permissive.

As I said, Mr Deputy Speaker, Sir, in the last 15 years around 50 countries have introduced mandatory electoral gender quotas and in more than 50 additional countries voluntarily party quotas have been introduced. What is the difference between mandatory quotas and voluntary quotas? I will come to our legislation in a few minutes, Mr Deputy Speaker, Sir, but more importantly the quotas that are introduced in the law can be means-orientated or result-orientated. Means- orientated means that the law does not provide any guarantee those women will actually be elected, although provisions are made for the election of women, for women to stand as candidates. But, there is no guarantee that women will actually be elected at the end of the day, whereas result-oriented quotas, provide - the way the law is devised - a guarantee that female candidates will actually be elected, Mr Deputy Speaker, Sir. So, Let us look at our legislation as it is today.

I would also like to reply to what hon. Faugoo was saying and to add to what I said earlier. It is clear that there is a consensus in this House today. The two parties of the Opposition

have signified their intention to vote for this amendment, but in other countries, Mr Deputy Speaker, Sir, it has been a long and arduous fight, protracted struggle to be able to draft the legislation, agree on the contents of the Bill, come to the House, withdraw it, come back years after, it has been a long protracted struggle, because there was no consensus. In India, hon. Obeegadoo was talking about the 33%, it has been a long protracted struggle. Mr Deputy Speaker, Sir.

In France, as early as in 1982, the Socialist Government passed a law setting a quota of 25% for women candidates for local election. This law was struck down by the Constitutional Court of France, Mr Deputy Speaker, Sir. And it was only in 1999 that the Jospin Government came back and passed a constitutional amendment to promote equal access for women in political life, Mr Deputy Speaker, Sir.

So, this is why I said at the beginning that we are missing a golden opportunity, Mr Deputy Speaker, Sir, and we really find no reason why Government does not subscribe to the amendment of the hon. Leader of the Opposition for the emancipation of women, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I come therefore to this question about whether, what we have in our law is mandatory or permissive. Let me read, Mr Deputy Speaker, Sir, clause 11(6) of the Local Government Bill:

“Any group presenting more than 2 candidates in an electoral ward shall ensure that the candidates are not all of the same sex”.

Shall ensure, shall strive, shall try, and shall do their best to ensure that the candidates are not all of the same sex. What happens if a group has failed to ensure, Mr Deputy Speaker, Sir? What is the sanction?

The Deputy Speaker: We are not with that Bill yet.

Mr Ganoo: Yes, but it is linked to the amendment, Mr Deputy Speaker, Sir. So, what I am saying is that when we go into the other clauses of the law, 18, 11, vacation of seats and so on. When you are elected, your seat is vacated and so on, the grants which are given, nowhere it is said that if a party fails to ensure that candidates are not all of the same sex that the election of

the group is declared null and void. In other countries, Mr Deputy Speaker, Sir, it has been specifically provided, that is, the list submitted are not gender balance, there will be declared invalid and this is not to be found in our law and to highlight what I am saying, Mr Deputy Speaker, Sir, let us come to the reserved list, which the hon. Prime Minister, alluded to, I think, the clause concerning the reserved list is drafted differently. There, this clause says: a reserved list shall not comprise. This is clear, according to me, there is clarity in this clause, but in the previous clause 'shall ensure' I humbly submit, Mr Deputy Speaker, Sir, according to me that it is important to know what is the section because the law is providing that we must promote, that we must do, that all the parties, the groups and so on, must comply with the law by submitting such and such list, but there is no sanction and the law, according to me, Mr Deputy Speaker, Sir, is ambiguously drafted and we know that in other countries, if the law is not respected, financial penalties are imposed in the event of non-compliance.

(Interruptions)

The Deputy Speaker: Order please!

Mr Ganoo: In France, for example, there are some parties which have agreed...

(Interruptions)

The Deputy Speaker: Hon. Aimée, please!

Mr Ganoo: ...to shoulder heavy penalties for non-compliance of the mandatory quotas. They have agreed to lose money, to pay the financial penalties, to lose the financial contribution of the State. As you know, parties are State-funded in some of these countries. They have agreed to lose that and decided not to respect the provisions of the law. But here, I repeat, what I have been saying, Mr Deputy Speaker, Sir, that the law is not clear. The law has not said that if the group failing to submit more than 2 candidates in an electoral ward, failing to ensure that the candidates are not all of the same sex, that this is declared invalid and the election should be declared invalid. There are no such provisions in our law. I think this is a major flaw in the propose piece of legislation.

Mr Deputy Speaker, Sir, I will end by saying this: women, we have all agreed - Mr Deputy Speaker, Sir, what I just said is not a political argument, as a humble Member of this

House, I am just drawing the attention of Government to this *manquement* in this piece of legislation. Now, Mr Deputy Speaker, Sir, I end up by saying, women should be fairly represented at all levels. We have all agreed upon that. We have all agreed that we must improve and take the necessary measures to better the conditions for women participation and representations throughout the electoral process.

Mr Deputy Speaker, Sir, I will end up, but I could not resume my seat without saying the following: Equal participation of women in politics, I said it, is one of the foundations of democracy. Gender equality is a human right. Hon. Mrs Navarre-Marie said it, I am repeating it, but to make that gender equality a living reality, there are measures that have to be taken, besides amending the Constitution, amending the law and so on. They are important, but somebody talked of holistic and comprehensive measures. One of the measures should be the following. And I appeal to the hon. Prime Minister, the Minister of Education and the Minister of Tertiary Education, to come up with an action in favour of women academics. Within our tertiary education world, the university, the MCA, the MGI, the MIE and the TEC *regorgent* a lot of female energy, knowhow and intelligence. This sector is a reservoir of talents and resources and competence, Mr Deputy Speaker, Sir.

We remember Mrs Vidula Nababsing; at a point in time, these academics were allowed to participate in politics, to stand as candidates, to help the country, their respective parties, whichever they decide to join. Came one time when there was a ban, *interdiction* for whatever reason on these ladies, also men academics, tutors, professors whatever they are, Mr Deputy Speaker, Sir. I appeal to Government, Mr Deputy Speaker, Sir, to allow these ladies to play a more meaningful role in local politics and they be allowed to stand as candidates in local or general election. This is how we can walk the talk and, in fact, show that we are dedicated to the principle of equal participation of women in politics. I have said.

Thank you, Mr Deputy Speaker, Sir.

At this stage, Mr Speaker took the Chair.

The Prime Minister: Mr Speaker, Sir, first of all, I want to thank hon. Members who have participated in the debate on this constitutional amendment. I must say that I am glad that there is consensus and that the hon. Members of the Opposition agree with it, that is, to ensure

that there is a minimum number of women as candidates for local elections. I would indeed have been very surprised if the MMM had decided to vote against this amendment. I would have been very surprised. I am glad also that the MSM has said that they too will support this constitutional amendment. I am glad because, in the past, the MSM had been dead against quotas of positive discrimination, but I am glad this change of heart has taken place and that we have consensus.

Mr Speaker, Sir, I have given very careful consideration to the amendment that the hon. Leader of the Opposition has circulated this afternoon. It is an amendment that goes in line with our thinking. At the end of the day, what we want is, in fact, to increase the participation of more women in both local and national elections. That is what we want at the end of the day, I think. I don't know about the MSM. I suppose they agree too, but, at least, I know the MMM also wishes to have this increase in participation. However, Mr Speaker, Sir, after giving it careful consideration, I must say we have appointed three eminent constitutional experts of international repute to look at our electoral system and make proposals for electoral reform.

Although the amendment circulated by the hon. Leader of the Opposition appears to be going in the same direction as we wish - it is going in the same direction, there is no doubt about this - we cannot for sure say what the experts will say as far as amendments to the Constitution are concerned. I am not just talking of one amendment, but what amendments they might propose. They may make recommendations which necessitate other constitutional amendments and they may make recommendations which are not worded as what we have worded our amendment today. I am not sure because we are talking about general elections, although they may well come up with similar amendments. That is also very possible. We are not sure what wording they will be using in their proposals. They might be slightly different. It might be the same and also they may well - I think, in fact, they will have to - propose other constitutional amendments as far as general elections is concerned. Therefore, for a careful consideration, I think it is best we do not prejudice and prejudge what they may suggest.

Let me reassure the hon. Leader of the Opposition and all the hon. Members on the other side that my intention is to bring further amendments if they so suggest and I think they will suggest. I cannot see how they will not suggest. Let me refer to one of the terms of reference in the mission that I gave them and let me quote, Mr Speaker, Sir, my letter to them, and this was afterwards circulated as a communiqué from my office. One of the objectives I said, and I quote

-

« Le premier ministre souhaite que les propositions nous permettent de nous diriger résolument vers la parité entre hommes et femmes. Les femmes représentant cinquante pour cent des électeurs, cette parité doit se retrouver dans la représentation parlementaire même si cela ne peut se réaliser en une seule fois ».

That is one of the objectives that I asked them to consider.

Clearly, Mr Speaker, Sir, the intention is there. There can be no better evidence. I don't think there can be any better evidence of my commitment about increasing the participation of women also in general elections. They are about to make the proposal. It is not a question of waiting for months. They have indicated that they will be submitting their report within two weeks from today, probably a bit less than two weeks. It is just round the corner. I have no doubt that we will all want to examine their reporting details and then decide. Once they submit their report, I think it will be wiser to look at all the constitutional amendments they propose about general elections and decide accordingly. At the end of the day, we will decide.

The hon. Leader of the Opposition said this morning that our Constitution is our supreme law. We must ensure that we do not bring amendments as if piecemeal. This amendment goes in the right direction, I must say, and I agree with it, but in case they suggest other amendments concerned with elections, then we will have to come with different amendments and all this. I think it might be a bit messy. In any case, Mr Speaker, Sir, the urgency is for local elections which are next door, they are not far; they are not going to be at the end of the year whereas general elections will be in four years' time. They are not next door.

(Interruptions)

They will be! They should not worry!

(Interruptions)

I am not worried at all! They will have to wait for a long time and I will win the next general elections!

(Interruptions)

We will see! Have patience! Ils sont voués à rester dans l'opposition et ils vont rester dans l'opposition. If we miss the opportunity of adopting this constitutional amendment today for local elections, we will have to wait another six years. Therefore, that is why there is urgency as far as local election is concerned. Once we get the Carcassonne report, examine it in detail, we will then deal with all the constitutional amendments that might be needed from what they

propose and then amend the Representation of People's Act. We will have to do that, if that is the case. It must be one package and not part of it now, the other part later. This is an exercise now for Local Government elections and we will do the exercise once we come to general elections and electoral reforms. First, the electoral reforms and then we will see. But let me reassure the House again and I thank the hon. Leader of the Opposition for his suggestion because it goes in the same line. We have no disagreement as such with it, on the contrary. I am committed, as I said, to increase the participation of more women in general elections as well, not just local elections, but the timing is not right. That is why I said that I gave really careful consideration to it. There is no need to rush because general elections are not round the corner. Let us wait for the views of the constitutional experts and then we can decide. I can thank hon. Members again because this is not a small step. Some of them said that it is a small step; hon. Jugnauth said it is a big step, but I think hon. Obeegadoo said it is a small step. It is a first major, major step. Every journey, we know, Mr Speaker, Sir, has to start by the first step. So, let's take that crucial first step into history.

Thank you, Mr Speaker Sir.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE CONSTITUTION (AMENDMENT) BILL

(No. XXIX of 2011)

Clause 1 ordered to stand part of the Bill.

Clause 2 (Section 16 of Constitution amended)

Motion made and question proposed: "that the clause stands part of the Bill."

Mr Bérenger: Sir, I have circulated an amendment and I explained why I move that amendment, so that this possibility of positive discrimination in favour of women as candidates to the National Assembly and not just to local authorities. I do move the following amendment –

“In Clause 2, by deleting the proposed new paragraph (aa) and replacing it by the following new paragraph –

- (aa) for a minimum number of candidates for election to the National Assembly or to local authorities to be of a particular sex, with a view to

ensuring adequate representation of each sex in the National Assembly or on a local authority;”

On question put, amendment defeated.

Clause 2 ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill was agreed.

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

Third Reading

The motion was made and seconded for the Constitution (Amendment) Bill (No. XXIX of 2011) to be read a third time and passed.

Mr Bérenger: There must be a division.

The Prime Minister: Sir, I move for a division.

AYES

1. Dr. the Hon M. R. Sorefan
2. Hon S. Soodhun
3. Hon M. K. Seeruttun
4. Hon Ms L. N. Ribot
5. Hon K. Ramano
6. Hon Mrs M. J. Radegonde
7. Hon J. P. F. Quirin
8. Hon L. S. Obeegadoo
9. Hon Mrs A. Navarre-Marie
10. Hon D. Nagalingum

11. Hon K. C. Li Kwong Wing
12. Hon G. P. Lesjongard
13. Hon P. K. Jugnauth
14. Hon P. Jhugroo
15. Hon Mrs S. Hanoomanjee
16. Hon A. K. Gungah
17. Hon E. J. R. Guimbeau
18. Hon A. Ganoo
19. Hon J. F. François
20. Dr. the Hon. S. Boolell
21. Hon N. Bodha
22. Hon Mrs P. K. Bholah
23. Hon R. A. Bhagwan
24. Hon J. C. Barbier
25. Hon. V. Baloomoody
26. Hon M. Ameer Meea
27. Hon J. C. Leopold
28. Hon Ms M. J. Perraud
29. Hon D. S. Khamajeet
30. Hon A. R. G. M. Issack

(Interruptions)

Mr Speaker: Hon. Members, this is the Third Reading of the Bill. I have put the question. The Bill has passed, but because we need a three-quarter majority, we have to have a division and now Members have to vote.

(Interruptions)

This is where I say: 'Please, follow the debate'.

Yes, carry on!

31. Hon A. H. Hossen
32. Hon J. H. T. Henry
33. Hon. P. G. Assirvaden
34. Hon M. Peetumber
35. Hon Mrs K. B. Juggoo
36. Dr. the Hon B. Hookoom
37. Hon Ms M. G. S. Anquetil
38. Hon Ms K. R. Deerpalsing
39. Dr. the Hon R. R. Hawoldar
40. Hon P. Roopun
41. Hon P. R. Bérenger
42. Hon S. Moutia
43. Hon Mrs M. F. Martin
44. Hon J. Seetaram
45. Hon S. Dayal
46. Hon S. C. Sayed Hossen
47. Hon L. Bundhoo
48. Hon J. Sik Yuen
49. Hon S. Mohamed
50. Hon M. Choonee
51. Hon L. H. Aimée
52. Hon S. Ritoo

- 53. Hon L. J. Von-Mally
- 54. Hon T. Pillay Chedumbrum
- 55. Dr. the Hon R. Jeetah
- 56. Hon D. Virahsawmy
- 57. Hon S. Faugoo
- 58. Dr. the Hon V. Bunwaree
- 59. Hon Mrs S. Bappoo
- 60. Dr. the Hon A. T. Kasenally
- 61. Dr. the Hon A. Boolell
- 62. Hon A. Bachoo
- 63. Hon X. L. Duval
- 64. Dr. the Hon A. R. Beebeejaun
- 65. Dr. the Hon Prime Minister

ABSENT

- 1. Hon. M. R. C. Uteem
- 2. Hon Mrs F. Labelle
- 3. Hon C. M. Fakeemeeah
- 4. Hon Mrs L. D. Dookun-Luchoomun

AYES : 65

NOES : 0

ABSTENSIONS : Nil

ABSENT : 4

Mr Speaker: The Bill having been supported by a three-quarter majority, as required by section 47 (2) of the Constitution, I declare that the Bill has been read the third time and passed.

(Applause)

I suspend for one hour and fifteen minutes for dinner.

At 7.37 p.m. the sitting was suspended.

On resuming at 9.05 p.m. with Mr Speaker in the Chair.

Second Reading

THE LOCAL GOVERNMENT BILL

(NO. XXX OF 2011)

Order for Second Reading read.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Speaker, Sir, with your permission I move that the Local Government Bill (No. XXX of 2011) be read a *second* time.

Mr Speaker, Sir, let me, first of all, explain to the House the reasons behind the withdrawal of the first version of the Local Government Bill from the House and introducing a revised version which is presently in front of the Assembly.

Mr Speaker, Sir, we are all aware that Rodrigues Regional Assembly has raised objection to certain clauses ...

(Interruptions)

Mr Bérenger: Mr Speaker, Sir, it is a point of order. We have dealt with that...

(Interruptions)

I have raised a point of order, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: There is a point of order and I have to listen to it.

Mr Bérenger: We have dealt with that. The motion was specifically and you ruled that we should stick to why the former Bill was withdrawn. Now, we start again.

(Interruptions)

Mr Speaker: Yes, I do agree with the hon. Leader of the Opposition. There is no need for the hon. Minister to explain why the Bill has been withdrawn. I think his speech should concentrate on the Bill which is before the House.

Mr Aimée: Mr Speaker, Sir, I am sorry; I have not got the opportunity to explain why

...

(Interruptions)

Mr Speaker: Please sit down! You have had ample opportunity to explain that the first Bill has been withdrawn because there have been representations from the Rodrigues Regional Assembly, and this is why you have had to withdraw the Bill. During the Bill on the Constitution (Amendment), all these were thrashed out; you have to stick to the present Bill now before the House.

Mr Aimée: Mr Speaker, Sir, since the first day when I got the opportunity to become a Member of the National Assembly and later Minister of Local Government, after two months, I started to prepare the Bill. As you know, we have taken a long time and I think that the Opposition, in general, has always criticised even when the Bill was not even present in front of the House. Today, after the withdrawal of the Bill, they still complain about the Bill that has taken so much time to be in front of the House.

Mr Speaker, Sir, the Bill required some 20 amendments. In addition, the measures announced in the Budget Speech regarding the abolition of the tenant's tax and the possibility of the local authorities delegating the tax collection to the Mauritius Revenue Authority would have entailed a dozen of amendments and the insertion of a few additional clauses. I have also seized the opportunity to liaise with the Director of Audit to see how the clauses regarding the keeping of Accounts and Audit of the Finance of local authorities could be reinforced. Consequently, some amendments have been made so that keeping of accounts by local authorities and their auditing are carried out according to the standards set by the International Federation of Accounts which is the International Authoritative body on the Accounting and Auditing system.

Mr Speaker, Sir, at Committee Stage, it would not have been practical to examine all these changes ...

(Interruptions)

Mr Speaker: I do not know who has prepared the speech of the hon. Minister on the Second Reading of the Bill. There is no need for the hon. Minister now to justify why he has withdrawn the other Bill. The Bill before this House is the Bill which has been published on 25 November 2011, with the objectives that have been set. I think the speech of the hon. Minister must refer to the objectives of the Bill without going into everything that has happened.

Mr Aimée: Mr Speaker, Sir, we all agree that local government or what we call grassroots democracy is central to the well-being of our communities. This requires that the population is well represented through democratic and fair elections, and the services needed from the local authorities are efficiently and effectively delivered. It is only then that we can aspire to attain a higher standard of living for the local communities.

Mr Speaker, Sir, at the level of the Commonwealth Local Government Forum, of which I am a Board member, there is a growing awareness that in all countries, especially the developing ones, local government should be at the forefront of the battle against poverty, in the fight against slum dwellings, in the improvement of town and country planning, in the protection of our values, the living environment and historical sites. Because of the growing challenge facing local government, we should always continuously revisit our local government systems and reengineer our local government theories, philosophy and practices. The local government legislation is thus a tool to achieve these targets.

With this approach in mind, Government is proposing the new Local Government Bill to the House. This Bill will, among other things, provide more autonomy to the local authorities to manage the affairs of their respective areas. It will also provide more space for the elected councillors to participate in the decision-making process of the local authorities. Additional measures have been introduced to enhance checks and balances, to guard against arbitrary exercise of powers and to better respond to the needs of the citizens.

Mr Speaker, Sir, in the Government Programme 2010-2015, we came with a pledge, and I quote -

“A major review of local government legislations will be undertaken in order to better meet the aspirations of the population. Consideration will be given to the creation of new Municipal Councils.”

However, because of the worldwide economic and financial recession, which is impacting on our economy, it has regrettably not been possible to come with our much cherished idea of creating new towns around the island. In fact, we do indeed recognise that there has been important property developments in our districts and that the social and economic infrastructural facilities have improved considerably, and that many villages are ripe to be upgraded to towns. However, the structure of the new legislation makes it possible to envisage a change of status of these large villages at a later stage, through a relatively simple procedure initiated by the President of the Republic, as for the first time ever, all local authorities are included and finally defined in the Schedules of the Bill.

Furthermore, I am proposing the separation of the three twinned district councils, namely Pamplemousses/Rivière du Rempart, Moka/Flacq and Grand Port/Savanne. This proposal has been made for nearly 40 years now, and we are pleased to make it happen. There are obviously many advantages in the splitting of the twinned district councils.

First, with the reduced area that each district council will have to manage and the small population for which the administration will have to cater for, it is obvious that the service delivery will become closer to the people, hence more effective.

Second, the elected representatives will be nearer to those who have elected them. This will favour cohesion and better understanding of the needs and aspirations of the local people. Furthermore, the splitting will allow more time to the chairperson and their fellow councillors to look after and to attend to the affairs of their council area.

Mr Speaker, Sir, at present the Chairperson of the Pamplemousses/Rivière du Rempart District Council has to look after the needs of some 75,000 households. When the District Council North will be split into two district councils, the chairperson of the representative district councils will have to look after about only half of the number of households. This will definitely provide the chairperson and councillors with more time to listen to the grievances of the citizens and find ways and means to satisfy their needs. Consequently, the efficiency and effectiveness

with which the chairperson and the district councillors will be attending the needs of the citizens will be greatly enhanced.

Mr Speaker, Sir, I should like to allay any apprehension that the splitting of the district councils will involve huge financial investment and current expenses. This will not be the case. For the first year of the creation of the district councils, the headquarters of the new district councils will be set up in existing buildings already constructed to be leased by Government. This will allow us to optimise the use of the existing infrastructure and save funds for the purchase of land, subsequently for the construction of customised buildings in the medium and long term.

Mr Speaker, Sir, representations have been made to the effect that some villages are not properly represented in the district councils. Furthermore, district councils representing villages with a very small number of electorate have the same voting power in the decision-making. Such a state of affair can lead to small villages being favoured as compared to villages with much larger number of inhabitants. To address this issue, I am proposing the creation of eight new village councils, namely Trou aux Biches, Nouvelle Découverte, Bramsthan, Grande Retraite, Camp Carol, La Flora, Tyack and 16^{ème} mille. In the case of certain big villages, I am giving the possibility for two councillors to be elected at the level of the district councils.

It is to be noted that most of these large villages will eventually become towns and, at that time, they will be distracted from their relevant district councils, thereby reducing the number of councillors accordingly.

Mr Speaker, Sir, the Leader of the Opposition has raised the question of boundaries of electoral wards recently. For the first time ever, the boundaries of local electoral wards appear completely in the Schedules of the Bill. By including the boundaries in the Schedules, we have ensured transparency in regard to this exercise.

(Interruptions)

Mr Speaker: Order! Order, please! Let the hon. Minister make his speech!

Mr Aimée: No longer will the population, including hon. Members of this august House, be put in front of *un fait accompli*.

(Interruptions)

Mr Speaker: I must tell the hon. Minister that *il ne faut pas mettre le doigt entre l'arbre et l'écorce*.

Mr Aimée: Mr Speaker, Sir, I wish to reassure the House that all boundaries prior to the inclusion of the Bill were submitted to my Ministry by the Electoral Commissioner's Office. In fact, on 08 June 2011, my Ministry sent a letter to the Electoral Commissioner's Office with proposal for the delimitation of the five Municipal Councils and their wards for the benefit of its views and comments, bearing in mind the number of wards, the creation of new villages and the split of the District Council.

In the light of the draft proposal, the Electoral Commissioner's Office considered the matter and subsequently made new proposals for the delimitation of wards, in respect of the town councils of Port Louis, Beau Bassin/Rose Hill, Quatre Bornes and Curepipe.

My Ministry received the new proposal from the Electoral Commissioner's Office on 05 July 2011. My Ministry then ensured that all the proposals from the Electoral Commissioner's Office were taken on board. All new boundaries, which appeared in the First Schedule of the Bill, have been, in fact, put forward by the Electoral Commissioner's Office.

Mr Speaker, Sir, allegations that have been made to the effect that there have been gerrymandering - not Aimée mandering or *tripotages* on my part - on the part of anybody in my Ministry are, therefore, totally baseless and unfounded. In regard, to the new Bill, provisions have been made for the following new boundaries -

- (i) the inclusion of Pailles in the city of Port Louis, and of Closel, Henrietta in the Town of Vacoas/Phoenix;
- (ii) the increase in the number of wards in the Municipal Councils, and
- (iii) the splitting of District Councils and the creation of eight new Village Councils

The usual criteria have been used by the Electoral Commissioner to determine these boundaries, namely, amongst others, fair distribution, as far as feasible, of the voting population; geographical and topographical features and means of communication.

In this respect, the Electoral Commissioner took this opportunity to also update some boundaries of a few villages, in particular those of Bois Chéri and d'Épinay, as well as to make a minor correction along one boundary line between Quatre Bornes and Vacoas/Phoenix.

Furthermore, Mr Speaker, Sir, in order, to ensure proximity between the elected representatives and the electorate, I am introducing a number of changes in the manner in which councillors will be returned.

Firstly, for the Municipal Council elections, for a person to be eligible to stand as candidate, he should be registered as an elector in any of the wards, but for a Village Council election, he should be registered as an elector in that village.

Secondly, Mr Speaker, Sir, the present legislation provides for Members of the National Assembly to stand as candidates for Local Government elections, whilst any other person drawing emoluments for the State is not allowed to do so. This present state of affairs is not giving the opportunity to aspiring young politicians to make a breakthrough in politics.

(Interruptions)

Hon. Members are well aware that the Local Government has been the stepping stone in politics for many of the nation's political leaders, namely Sir Seewoosagur Ramgoolam, Sir Gaëtan Duval and Sir Anerood Jugnauth.

Thirdly, hon. Members are aware that in the case of Municipal Council and Village Council elections, the candidates for those elections very often regroup themselves in such a way that their political appurtenance becomes apparent. In the Bill, I am introducing the possibility of candidates to be registered in groups, thus providing for party politics in both Municipal Council and Village Council elections.

Fourthly, we have all been talking about crossing the floor, yet nothing has been done in Mauritian legislation against this practice.

(Interruptions)

Mr Speaker: Order, now!

Mr Aimée: I must say so, Mr Speaker, Sir. This appears is my first draft in the Bill and I have kept it up to now, although there has been a *cassure* in the meantime.

Fifthly, in order, to reinforce democracy, I am providing...

(Interruptions)

Mr Speaker: Order! Order, please! I said order, now!

Mr Aimée: Fifthly, in order to introduce democracy, I am providing in the Bill that any vacancy arising in the office of councillors to be filled from a reserve list of candidates to be submitted by the group. Additionally, the term of office of the councillor will be increased to a six-year term with Mayors and the Chairpersons holding office for a renewable period of two years. This measure will allow them enough time to implement their projects and give them the opportunity to come up with new ideas for the betterment of the citizens.

Mr Speaker, Sir, I now come to the much acclaimed proposition in this Bill, namely the proper representation of both women and men in politics.

The House is aware that following the last Local Government elections held in 2005, only 16 female urban councillors from a total of 126, that is, 13% and 97 female rural councillors from a total of 1,488, that is, 7% were elected. This is far behind the target of 30% of women in decision-making in the political sector set up by the SADC Gender Protocol and the Commonwealth Plan of Action for Gender Equality.

Mr Speaker, Sir, women's participation and representation in the frontline of democracy is crucial. For women to be able to influence the decisions that affect their lives, ...

Mr Speaker: Can I request the hon. Minister to skip that part of his speech because this was taken care of in the Bill for the amendment of the Constitution? All these issues have been discussed. There is no need for the hon. Minister to repeat that. Could you skip it, just for us to gain time?

(Interruptions)

Do you have any problem?

(Interruptions)

Mr Aimée: Mr Speaker, Sir, with due respect to you, this clause appears in the Local Government Bill and I am here to explain the Local Government Bill. This is in paragraphs 11, 12 and 13.

Mr Speaker: I just said that this clause was fully discussed during the first amendment to the Constitution. I am just asking the hon. Minister if he could skip that part of the Bill just to save the time of the House. We have 30 Members who are going to take part in the debate and I don't want anybody to dictate to me what ...

(Interruptions)

Mr Aimée: For women to be able to influence decisions that affect their lives and those of their families, their political, social and economic empowerment must form part of the democratic ideal that contributes to sustainable development. In fact, since in Mauritius women constitute more than half of the population, sustainable development cannot be achieved without them. Democracy and development thus need to be seen as mutually reinforcing goals essential to the achievement of gender equality.

Mr Speaker, Sir, this Bill provides that any group presenting more than two candidates in an electoral ward shall ensure that no more than two thirds of the group's candidates are of the same sex. In addition, the reserve list of candidates presented by groups to the Electoral Supervisory Commission, to be used for the filling of vacancies, shall not comprise more than two-thirds of persons of the same sex. Furthermore, the list should indicate the order of precedence of each of the candidates - in which his or her name appears on the list - provided that not more than two consecutive candidates on the list shall be of the same sex.

Mr Speaker, Sir, many people call the capital as the "City of Port Louis". It is true that the status of "City" was conferred on Port Louis by a Royal Decree of Queen Elizabeth the Second, validated on 12 August 1966. The official conferment took place on 25 August 1966 when the Governor General Sir John Shaw Rennie, presented the Letters Patent to the Municipality.

However, the recognition of City was never couched in any Mauritian law and, in particular, the Local Government Ordinance of 1962, as well as in any of the subsequent versions of the Local Government Act. Today, for the first time in history, we are officially conferring the status of "City" on Port Louis in a piece of legislation. We are also at the same time giving official and legal recognition to the Lord Mayor of the City of Port Louis. I have also availed myself of this opportunity to include Pailles within the limits of the City of Port Louis.

Mr Speaker, Sir, criticism has often been leveled against our Mayors, Chairpersons and Councillors regarding the actions which are not theirs, but those of the officials of Municipalities and District Councils. These criticisms could, for example, concern the procurement of goods and services or the issue of building and land use permit. Under the present law, the procurement of goods and services and the issue of Building and Land Use Permits are not at all under the responsibility of the elected members in either Municipalities or District Councils. Yet in the opinion of the public, they are accountable for the acts of the officers of the Councils. In future, they will be given a reasonable share of the decision-making process. Not all will be left in the hands of the public officers alone. There will be checks and balances in the councils, there will be sharing of powers and duties whilst the sovereign decision-making body shall remain the Council. For this reason, I have created in municipalities, the district councils and the Executive Committee.

The Executive Committee shall consist of the Lord Mayor, Mayor or Chairperson, as the case may be, the Deputy Lord Mayor, Deputy Mayor or vice Chairperson, as the case may be, and five other members to be appointed by the Lord Mayor, Mayor or Chairperson, as the case may be.

The Executive Committee shall be responsible essentially for two processes: firstly, the determination of application for Outline Planning. Permissions and Building and Land Use permits, and secondly for the approval of the procurement of goods and services.

The Bill also provides safeguards so that the twin power of the Executive Committee is exercised fairly and reasonably.

Mr Speaker, Sir, because the Executive Committee shall have powers with regard to the issue of Building and Land Use Permits and for the approval of the procurement of goods and services, allow me for a few minutes, to sketch out the process established in the Bill for these two functions.

Firstly, allow me to comment on the BLP process. Applications for BLP shall be examined by a Committee of officials, known as the Permits and Business Monitoring Committee. This Committee shall, having regard to all enactments in force, including Planning Policy Guidelines and the Outline Planning Schemes make a recommendation to the Executive

Committee on the determination of an application. The Executive Committee shall either approve the recommendation made or reject it. The Minister shall have a '*droit de regard*' on any decision or recommendation made by the Permits and Business Monitoring Committee. This process has been designed to protect the citizens and applicants against any possible arbitrary discharge of the functions by any local authority.

Mr Speaker, Sir, in fact, the '*droit de regard*' will also concern Members of this House because, Mr Speaker, Sir, every Tuesday at Adjournment Time Members from both sides of this House ask for something that they want to redress in their area or there is something wrong in the area concerning the local authorities, they ask me questions. But explain to me when you don't have a '*droit de regard*', how you can tackle the problem. Explain to me when I get PQs here in this House, when I need information if the Council would say that they are autonomous, they will not allow me to go through and get information, how can I reply to the PQs in this House?

(Interruptions)

Most Members of the House and particularly from the Opposition side, almost every two weeks at Adjournment Time they have their *doléances* and we take their *doléances*, all Ministers, in fact, take their *doléances* and me as well but then how to tackle that, if I can't have a direct contact with the council.

(Interruptions)

Secondly, Mr Speaker, Sir, the Executive Committee shall approve the procurements of goods and services in strict accordance with the Public Procurement Act. Furthermore, any procurement shall be determined by a Procurement Committee comprising the Chief Executive, the Financial Controller and one other senior officer. Any decision to determine of the Procurement Committee shall require the approval of the Executive Committee where the total value of procurement exceeds Rs100,000.

Because of the significant number of applications of BLUP that are received, and also the volume of procurement, the Executive Committee shall be required to meet once every week and Members will be paid a higher remuneration than other councillors.

Finally, there will be no committees apart from the Executive Committee and all the decisions, other than permits and procurement, will be decided in Council meetings held once every fortnight as opposed to every three months, presently.

Mr Speaker, Sir, the new Local Government Bill also purports to translate into reality the concept of “*Maurice Ile Durable*” by bringing it one level closer to people. In fact, the Bill makes provision for the Local Authorities to provide services and facilities to the local communities in an ecologically sustainable manner.

Mr Speaker, Sir, as the House is aware, a wide array of services is being provided to local communities, businesses and other institutions by the Local Authorities, amongst which are waste collection services, which have a marked environmental and ecological dimension. Local Authorities will be empowered through this Bill to make a more active part in the minimisation and recovery from waste. Local Authorities will thus no longer be simply at the receiving end, confined to execution of national policies and compelled to provide ever-increasing budgets for delivery of waste collection services. Instead they will be encouraged to adopt a more participative and innovative approach towards solid waste management with particular emphasis on stakeholder involvement, for example, on-site composting of Council’s green waste, distribution of home-composters, implementation of Memorandum of Understanding with recyclers for collection of dry recyclable wastes, local competitions for promotion environmental cleanliness and embellishment, partnerships/sponsorships from private firms for cleaning and maintenance for a specific area, etc.

Mr Speaker, Sir, under the existing legislation, my Ministry is registering scavenging contractors and licensing waste carriers. The Bill intends to go one step further by controlling all operators in the field of waste management, including recyclers and exporters of recycled materials. The objective is to ensure compliance with the norms and good practice in the recycling sector and also to sustain the sector.

Furthermore, under the new Bill, provision is being made for the designation of waste management facilities for hazard wastes, a category of wastes which has to be more and more reckoned with, in view of the technological advancement which has brought about a significant

increase in E-product and, consequently E-wastes over and above traditional hazard wastes like chemical and clinical wastes.

Local Government is a dynamic sector, Mr Speaker, Sir. I will not say that this piece of legislation is the perfect one. In fact, no human law is perfect. If a better system is found later on, then we can improve on whatever is being proposed today. For instance, certain villages can be upgraded to towns. The present Bill makes it easier to do that and I have no doubt that this will happen in the near future. But we must start somewhere.

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

Dr. A. Boolell rose and seconded

(9.45 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, my main point will be my last point and I am glad that the hon. Prime Minister is present. I took good note a few hours earlier of his insistence that he considered very seriously my amendment to the Constitution (Amendment) Bill and I would wish, when I reach my last point which is, as I said, my main point, that he would listen very carefully because I consider that something very serious, very grave, is happening, has happened, and can have very serious consequences if we don't react as we should.

Before, therefore, reaching that last point which will be my main point, that is, how the wards have been delimited, how the law has been violated, how contempt of the President of the Republic and of the Electoral Boundaries Commission have taken place? Very, very serious issues! Before, therefore, reaching my last point, my main point, let me offer some comments on this piece of legislation generally.

I consider that this piece of legislation represents *un grave recul par rapport à la loi de 2003*. *Un grave recul*, Mr Speaker, Sir! First point: we are not putting on a *piéd d'égalité*, rural and urban areas. This is revolutionary. This is what was done in the 2003 legislation: putting rural and urban areas *sur un piéd d'égalité* with the same Municipalities covering the whole of the island.

I am surprised to have heard the hon. Minister with a new Minister of Finance say again that the problem is a problem of finance. Either we mean what we say or we don't! If we believe that the inhabitants of the rural areas must be treated with all the respect they deserve, that they cannot be treated as second-class citizens as compared to the citizens of the urban areas, then we must put our money where our mouth is. Until recently, it was put on the back of the former Minister of Finance that he was not providing the required finance to put the rural areas on a *pied d'égalité* with the urban areas. Now, we hear from the hon. Minister of Local Government and Outer Islands that it is still the same: that a new Minister of Finance is not providing the funds to put the rural areas on a *pied d'égalité* with the urban areas. This is unacceptable; this is *un manque de respect vis-à-vis des habitants des régions rurales*, Mr Speaker, Sir.

(Interruptions)

Secondly, when I say that it is *un grave recul*, it is in terms of powers - powers that the Municipalities were given under the 2003 legislation and so many of these powers are being taken back. I tell you honestly, it hurts me when I saw the front bench - not the hon. Prime Minister, but the others - applauding when the hon. Minister of Local Government was taking back powers that were given in the past to Municipalities, Mr Speaker, Sir. A few examples were the titles, the explanatory memorandum itself.

What does it say?

“The Bill makes further and better provision for the establishment of democratically elected local authorities with sufficient autonomy.”

It speaks volumes, this word ‘sufficient’. The hon. Minister of Local Government decides what sufficient autonomy is; it takes back so many powers, Mr Speaker, Sir. A few examples - and he pointed out to that proudly, Mr Speaker, Sir. So, now there is a Permit and Business Monitoring Committee and if its recommendations are rejected by the Executive Committee of the local authority concerned, the matter shall be referred to the Minister for determination. I can give dozens of such examples, Mr Speaker, Sir.

I watched the front bench, except the hon. Prime Minister, they have no idea of what the fight has been down history for Local Government to have the powers that they have now and that are being taken away from them. Proudly, the hon. Minister said that “the hon. Minister

shall have *le droit de regard* on any decision or recommendations made by the Permits and Business Commission.”

(Interruptions)

Un droit de regard, Mr Speaker, Sir, and supposedly he needs that to be able to answer to PQs and to react to points raised at Adjournment.

(Interruptions)

We ask for information, we don't ask for action. Action is to be taken by the Municipalities and the District Councils. If they *coquin*, there is supposed to be ICAC and the Police. The hon. Minister of Sports – I congratulate him - *ena coquins dans sport*, but on every occasion the hon. Minister of Sports says it does not interfere in the working of the Sports Federation.

(Interruptions)

It should be the same. We ask for information. We don't ask for action. We are not asking the hon. Minister because of this and that the Local Authority is failing. We are not asking for the Central Government to act just as we don't ask the hon. Minister of Sports to interfere into the Sports Federation when they *fané* - as we say- and they do *fané*. When I watch these three hon. Members of the front bench applauding, I realise that they have no idea, as I have said, no idea of what genuine local autonomy is, Mr Speaker, Sir.

(Interruptions)

I find that this is very, very sad. I could give dozens of examples where the Central Government is taking back, hijacking, robbing, powers that the Local Authorities have. The occupation of stores and shops inside market fairs or other premises, except with the approval of the hon. Minister, “the Local Authority shall not suspend, revoke or fail.” We are going back decades, Mr Speaker, Sir. So, even where the local authority has found that there has been fraud, that they need to act and to revoke permits, we know that some people obtain permits for stores and sublets, we know that. If a Municipality decides to take action, the hon. Minister can step in and stops that local authority from acting, Mr Speaker, Sir. I could go on and on and give so many examples of where Central Government, through the hon. Minister concerned, is taking back powers that over decades of tough struggle have been earned by local authorities.

Thirdly, supposedly hon. Members of Parliament will no longer be able to stand as candidates “for the sake of democracy,” Mr Speaker, Sir. Too old! Look at some of our Members of Parliament. It is a shame! It is a rape of democracy. The people choose. If a Member of Parliament stands as a candidate in the Municipality or elsewhere, it is the people who will choose. If they fear that somebody is too old, it is their right. If they feel that there is enough work to be done as a Member of Parliament, that they should choose someone else, it is their right, but it is not the right of Government or of the Minister to rape democracy and impose that Members of Parliament cannot. They are running scared, Mr Speaker, Sir. This is a truth.

(Interruptions)

They are chickening out, they are afraid and they know it, but that will not stop them earning the fate that they will earn in due course. But, in the meantime, this is unacceptable, Mr Speaker, Sir, this issue of creating groups, supposedly to fight *transfugisme*. *Transfugisme* is there.

(Interruptions)

Mr Speaker: Order, please!

Mr Bérenger: In fact, it is not even true what the hon. Minister is saying as if this issue of groups is to fight against *transfugisme*. Not at all, Mr Speaker, Sir. What does the law say and I want to know how this is going to be put into practice. It says that you can have a group. You register a group and if a Councillor is no longer a member of this group and a notice of the fact has been sent to the Chief Executive by the group. Who is the group? The group signs! Who is in the group? So, if notice is given by the group that so and so is no longer in that group, he loses his seat. It is not just the question, supposedly, of somebody being guilty of *transfugisme* and his group forces him – they don’t work – but as far as this group decides that so and so is no longer; expels him. Somebody who wants to stand for honesty and good governing practices, he stands up, his group expels him and he loses his seat. *Dictature du parti!* This is what it is. *Dictature du parti*, Mr Speaker, Sir and it won’t work. It does not even say if there is a leader of the group? Nothing is said. The group will advise the Chief Executive that so and do is no longer in our group for whatever reason because they don’t like his face and he is standing up against corruption. Anything, Mr Speaker, Sir! Again, this is *recul grave de la démocratie* and my colleague - I won’t repeat too lengthily – was right to point out what is the

sanction in the case of a required number of women candidates. I am mentioning the group because it is not clear at all how the group will perform. Who will do what? Who will inform the Chief Executive and for what reasons and it is the same in the case of the women 33%, one third of candidates being women? What happens if a group - since we are talking of groups - in a given ward does not have, at least, one woman Councillor? Is the whole group cancelled? Is the whole group in all the wards not allowed to stand as candidates? My colleague was right to point this out. What is the sanction? Who will be hit by the sanction? The group? That ward? Again, Mr Speaker, Sir, it won't work. There is something rather extraordinary that has just taken place. The hon. Minister stood up. He was stopped by the Chair from going back to the reasons why the previous Bill was withdrawn and he talked about the contents of the present, the new Bill, Mr Speaker, Sir, and he managed not to say one word on the postponement of elections. It is a shame, *la honte doit l'étouffer*, that is why he has not said a word on the postponement of elections Mr Speaker, Sir, and yet this is in the new Bill, in the previous Bill, municipal elections were to be held in 2011 and now *noyer le poisson dans l'eau sale*, 2011 is replaced by 2012 and he is so ashamed of himself that he does not even refer to that. *Un silence des plus éloquents*. I am going to propose an amendment when we will reach Committee Stage that instead of 2012, at least, it should read the first quarter of 2012.

Another point with which I disagree totally! Why six years? It is Parliament; the National Assembly is elected for five years. In countries like Australia, Parliament and other administrative organisations are elected for three years. I agree that three years is too short, but why six years instead of five years? Why? So that supposedly, Mayors will do two years, two years, what nonsense Mr Speaker, Sir! So, because we want Mayors to have two years, therefore it must be *2 fois trois*, six years. It should remain five years like the National Assembly, and this reserve list, as I said earlier on, when the hon. Prime Minister referred to that. I think it was a bit awkward for the hon. Prime Minister to say that.

We are saying, therefore, that positive discrimination is being provided for, in terms of the number of candidates, but also within the reserve list. What is the reserve list? The reserve list is only one way. That's all it is. It is one way of getting rid of Local Government by-elections. That's all. Another *recul de la démocratie* and then he has the cheek to present that it was a step forward and speaks of democracy Mr Speaker, Sir. *Révolutionnaire!*

(Interruptions)

I don't want to go back to the past. We know in the past who postponed general elections, who cancelled by-elections, who cancelled municipal elections, now we abolish municipal by-elections through this monster called the reserve list and even there it is provided, in case we run out of the reserve list, the Minister appoints, Mr Speaker, Sir.

I wonder whether the hon. Prime Minister has really gone through every section, every paragraph of that law. How in 2011, nearly 2012, we can provide for that kind of backward step in terms of local democracy. So, we have a reserve list that does away with by-elections in Local Government and in case the reserve list runs out, the Minister steps in and appoints councillors. *Révolutionnaire!* Definitely *révolutionnaire*, Mr Speaker, Sir!

Before I reach my last point, we've discussed of using the Creole language here. We agreed on that. The Creole language is not the language of any given community; it is our national language, we all agree on that now. So, we agreed on the principle of using the creole language here. In Municipalities, in the past, Beau Bassin/Rose Hill, Port-Louis and elsewhere the Creole language was used in the municipalities for debate and so on with no problems. Either the reporters, nobody had any problem. It had been used for ages, years and yet in a supposedly *révolutionnaire* piece of legislation, we insist again it is a case of centralisation. Before, each municipal council could produce its own Standing Orders. They are adults, they are mature people, they become immature, irresponsible when elections are postponed, otherwise they go back to the electorate and the electorate chooses. And now, we decide that there will be a standard Standing Orders for all the Municipalities, again taking back powers that they earned in the past and we decide that only, we put in the law rather that only French and English can be used in municipalities, in the Local Government and this is called *révolutionnaire*, this is called a step forward at a time as I said, when we are preparing ourselves to use Creole in this august Assembly *quel recul encore une fois M. le président*, and this brings me to my last and main point Mr Speaker, Sir.

Our information is that there has been gerrymandering. Our information is that the hon. Minister, his adviser and a few civil servants have fiddled with the delimitation of the wards and produced...

Mr Speaker: Sorry, you cannot accuse the Minister of fiddling..

Mr Bérenger:... fiddling of having worked out the delimitations of the wards.

Mr Speaker: The word ‘fiddling’ is not parliamentary.

Mr Bérenger: As I said, and this is illegal Mr Speaker, Sir. This is the point which I would wish the hon. Prime Minister to listen to very carefully.

The law as it is, the Local Government Act of 2003 and the section concerned was proclaimed on 01 December 2003 therefore, the law of the country, the Local Government Act of 2003, provide at section 4, division of towns and districts into electoral wards. The law is perfectly clear, Mr Speaker, Sir. It says the boundaries of each electoral ward shall be determined by the President of the Republic after consultation with the Electoral Boundaries Commission and such other person, as it seems fit. This is the law of the land and it further provides, the next subsection the President shall cause a draft order to be prepared, setting out the proposed boundaries of an electoral ward and then the draft order specifies in subsection 3 shall be -

- (a) published by the Minister in two or more daily newspapers,
- (b) open to inspection at such place as maybe specified.

Next subsection, every person who wishes to make any representations on the boundaries proposed in the draft order may do so within six weeks. In such manner and at such place as maybe specified. And finally, subsection 6 the President shall by order, after the period specified in subsection 5 and after considering any representations made, confirm the boundaries proposed in the draft order or fix them with such modifications as being determined.

The law is perfectly clear. The President set things in motion. In practice, of course, the Prime Minister is free to raise the issue with the President and so on. But, the law is clear. It is the President of the Republic, who set things in motion. The boundaries of each electoral ward shall be determined by the President after consultation with the Electoral Boundaries Commission. Therefore, what has taken place is totally illegal. Totally illegal, even after what I have heard and I will get to that supposedly the Electoral Commissioner’s Office gave its green light.

Even if that is true, the law has been violated. The law gives to the President and to the Electoral Boundaries Commission that legal responsibility of determining wards Mr Speaker, Sir. The law is perfectly clear. Something very, very grave has happened therefore, Mr Speaker, Sir. The hon. Minister has told us that the Electoral Commissioner's Office gave its green light. I would request very solemnly that the Minister places on the Table of the National Assembly copies of this correspondence exchanged, because if that is true - I say if that is true - then the Electoral Commissioner has taken part in the violation of the law. The President and the Electoral Boundaries Commission are given those responsibilities. I am not saying that the Electoral Commissioner's Office or the Electoral Commissioner have given their green light. The Minister said so. I request most solemnly that copies of that correspondence be placed on the Table of the National Assembly. I am sure that the Electoral Commissioner will react to what the Minister has said, and it will go in Hansard, Mr Speaker, Sir.

Therefore, to me it's clear that what has taken place is illegal. That piece of legislation before the National Assembly is illegal, and there has been contempt of both the President of the Republic and the Electoral Boundaries Commission. Adding insult to injury, I heard the Minister on radio and in the local press, Mr Speaker, Sir. Again, I consider that as an insult towards the Electoral Boundaries Commission. The hon. Minister has the cheek to say '*à aucun moment la Commission électorale ne s'est prononcée contre les changements préconisés concernant les nouveaux arrondissements.*' *C'est incroyable!* The law provides for the President and the Electoral Boundaries Commission to determine wards. Here he says that the Electoral Commissioner's Office gave its green light, and on radio and in the press he has the cheek to say that the Electoral Boundaries Commission has not reacted negatively to what they have put in the law. They have worked out wards; the President and the Electoral Boundaries Commission have been set aside, and those wards have been put into the Bill itself without the President being involved, without the Electoral Boundaries Commission being involved, Mr Speaker, Sir. What criteria? The Electoral Boundaries Commission, with the help of the Electoral Commissioner, works on the number of electors also. Can those who have devised those wards tell us whether there is more or less the same number - this is the principle in general - of electors, Mr Speaker, Sir? I consider what has been said - and I am sure the hon. Prime Minister will agree with me - concerning the involvement of the Electoral Commissioner's Office as extremely serious.

Across the world these days, in Congo, countries explode because the Electoral Commissioner and the Electoral Commission lose credibility.

One fundamental strength of Mauritius since independence - we have had funny Electoral Commissioners, especially one who is no longer with us - we have had situations where things could explode, but generally speaking we have Electoral Commissions and Electoral Commissioners that had the required credibility. This is essential. Otherwise, everything explodes; a country can explode. That is why I would wish the hon. Prime Minister to react very seriously to that, because if it is proved that the Electoral Commissioner or his Office has been involved in getting round the President and the Electoral Boundaries Commission, this is very, very, very serious, Mr Speaker, Sir.

At Committee of Supply, consideration was given to Programme Code 071 - Supervision of Electoral Activities and Review of Electoral Boundaries. The Prime Minister was asked several questions on the involvement or not of the Electoral Boundaries Commission and of the Electoral Commissioner. He gave confusing, conflicting points on that. But, Mr Speaker, Sir, he said a number of things. He said that there would be further consultations with other stakeholders, which means other political parties. Mr Speaker, at one point, you stepped in. When the Prime Minister said that the Minister does not draw the boundaries - I am not responsible for the English; that is on record. It is the Prime Minister speaking.

‘The Minister does not draw the boundaries. He says he goes to the Electoral Supervisory Commission, and he says that he wants to delimit the thing and they do the work. That is how it will be, I give the assurance.’

Mind you! Now, we have heard only about the Electoral Commissioner’s Office, but I am sure the hon. Prime Minister must have been told something by the hon. Minister to say that the Minister does not draw the boundaries. Hon. Bhagwan came in and said -

‘We trust the hon. Prime Minister’s assurance, but there is an advisor, the Minister’s political advisor who is talking everywhere that they have interfered in that report.’

And you, Mr Speaker, Sir, came in and said -

‘The hon. Prime Minister has told you that this is being worked with the Electoral Supervisory Commission.’

I am sure the hon. Prime Minister must have been given the impression that the Electoral Boundaries Commission was involved. Today, we have heard nothing of the sort. Today, we have heard about involvement of the Electoral Commissioner's Office, Mr Speaker, Sir. Nevertheless, the Prime Minister was adamant and said that he gives the assurance that there would be consultations. We have not been consulted at all on the wards; not at all. Would that be proper when, as I said, the law provides for the President and the Electoral Boundaries Commission to do that job Mr Speaker, Sir? Would it be in order? I doubt very much so, Mr Speaker, Sir. The law provides that it is the President and the Electoral Boundaries Commission. So it should be *de façon à dépolitiser*. In all democracies, it is like that. It is not the Minister who draws wards with his political adviser. The law provides that it is the President and the Electoral Boundaries Commission, and so it should be in any democracy. Our Constitution says that any law voted, anything done must be reasonably justifiable in a democratic society. Does the hon. Prime Minister, does Government really believe that a Minister, with his political adviser, determining, devising wards in lieu, in place of the President and the Electoral Boundaries Commission is reasonably justifiable in a democratic society? Surely not!

That is why, I believe, Mr Speaker, Sir, that we should stop where we are and go back to the law. The Prime Minister should discuss with the President; the President should set things in motion, in consultation with the Electoral Boundaries Commission. Do a fair job; come with a determination, an apolitical determination of wards, and then we will come back to that Bill.

I have appealed and I appeal again to the hon. Prime Minister, to Government: let us not rush forward after what has happened. What has happened is illegal and represents contempt of the President of the Republic and the Electoral Boundaries Commission. Let us stop there. Let us go back to the law. We have travelled outside the law; let us go back to the law. Let us give the opportunity to the President and the Electoral Boundaries Commission to do what they have to do under existing law, Mr Speaker, Sir.

I hope that my appeal is listened to. I consider as very, very serious what has happened and as very, very serious what the hon. Minister has said, that the Electoral Commissioner's Office has given its green light to what has taken place. I consider that very, very serious.

Therefore, I appeal to the hon. Prime Minister, to Government, let us not rush through; let us go back to the law. Let us give the opportunity to the President and the Electoral Boundaries Commission to do what they have to do under the law.

Although I appeal to the hon. Prime Minister, I hope we do not rush forward, we do not move forward; we reserve our right to go to the Supreme Court and even further to the Privy Council, because we must have something which abides by the law and which is reasonably justifiable in a democratic society. Therefore, this is generally a very bad piece of legislation.

Generally speaking, it is a huge step backward, as I illustrated earlier, Mr Speaker, Sir, but my main point is that last point and it is something very, very serious which I would request the hon. Prime Minister to consider very carefully.

Thank you, Mr Speaker, Sir.

(10.21 p.m.)

The Minister of Education and Human Resources (Dr. V. Bunwaree): M. le président, avec ce projet de loi qui est devant nous ce soir, le *Local Government Bill*, j'ai l'impression que nous sommes partis pour de longues heures de débat.

Je vais essayer d'être le plus concis possible. Je dois dire qu'il est de mon devoir de commenter le discours du *Leader* de l'opposition. J'ai vu qu'il y avait deux parties dans ce discours. La première partie, où des points ont été soulevés, était plutôt théâtrale. Et puis, une deuxième partie...

(Interruptions)

Peut-être avec beaucoup de conviction, mais quand même théâtrale.

(Interruptions)

Et une deuxième partie où il est venu, sur un ton émotionnel, avec un point très important auquel on va donner toute l'attention qu'il faut. Je dois dire, M. le président, qu'aujourd'hui est un jour historique. Des points ont été soulevés par le *Leader* de l'opposition. J'ai été dans un comité interministériel où les membres de l'autre Opposition en faisaient partie quand ils étaient avec nous. Je dois dire qu'on a travaillé beaucoup ensemble. Ils le savent aussi - on ne va pas révéler ce qu'on a discuté. Il y a eu beaucoup de travail dans le fond pour venir avec un tel projet de loi.

Presque tous les points qui ont été mentionnés par le *Leader* de l'opposition, surtout dans la première partie de son discours, ont été les points qui ont été soulevés, discutés en profondeur, où des correspondances, des enquêtes, des études ont été faites avec plusieurs institutions pour finaliser un tel projet de loi.

M. le président, en ce jour historique, puisqu'on parle du *Local Government* de notre pays, on peut considérer que ce projet de loi va sûrement faire l'objet de beaucoup de critiques, va soulever des passions concernant certains points plus ou moins précis. C'est un peu comme un verre à demie rempli ou à demie vide. Tout dépend sous quel angle on étudie ce projet de loi, on le découpe. Je voudrais quand même, avant d'aller plus loin, féliciter le ministre, l'honorable Hervé Aimée, pour le courage qu'il a eu de venir de l'avant avec ce projet de loi.

Je voudrais aussi avoir une pensée spéciale pour notre ami, feu Dr. James Burty David, qui a été à l'origine, le moteur derrière ce qui est abouti aujourd'hui, ici, à cette Assemblée. Le ministre Aimée a pris la balle au bond après le départ de l'ex-ministre David. Il a réussi quand même à éplucher ce projet de loi, à le travailler, à ajouter ce qu'il fallait et proposer des points valables au moins pour que ce débat puisse avoir lieu, ici, aujourd'hui. Donc, il est de mon devoir de le féliciter, parce que je sais que la tâche n'était pas facile. Même après que ce projet de loi soit devenu loi, il y aurait toujours des débats qui vont continuer concernant le *Local Government*.

M. le président, je ne vais pas répondre aux points du *Leader* de l'opposition l'un après l'autre, parce que je vais en faire allusion dans mon discours. Le *Leader* de l'opposition a mentionné un point dans la première partie de son discours, que nous considérons important, le ministre aussi, je le sais, concernant les élections municipales et les conseils des districts, et l'élection du *Local Government*. En fait, c'était cela le point important que le ministre aussi voulait faire ressortir, peut-être qu'il l'a pris par un angle où il n'a pas eu l'occasion de s'exprimer. Nous avons mis comme *target* qu'il fallait faire les élections cette année et nous avons jusqu'à fin de décembre pour organiser les élections. Donc, tout son travail sur ce projet de loi pour pouvoir l'amener ici, il avait cela en tête, il savait qu'il avait comme *target date* la fin de décembre. Si la première lecture faite au mois de septembre/octobre avait abouti, on aurait pu organiser des élections avant la fin de l'année, mais malheureusement on a dû *withdraw* le projet pour les raisons qui ont été mentionnées. Je ne vais pas revenir là-dessus. Il faut que la

population comprenne que le ministre avait préparé ce projet de loi, et que dans ce projet de loi, il n'y avait pas de renvoi des élections.

(Interruptions)

Il y avait l'organisation des élections cette année, mais seulement dans le souci de transparence et d'écoute; on a entendu la voix des Rodrigues. Comme le Premier ministre l'a expliqué tout à l'heure, on a dit : 'Pas de problème, on va prendre cela en considération'. Tout cela nous a obligé de revoir le projet de loi, de prendre plus de temps. Donc, c'était devenu difficile pour nous d'organiser les élections avant la fin de l'année. Comme le Premier ministre a dit tout à l'heure : 'Les élections sont derrière la porte'. Il faut comprendre les procédures, on n'est pas en train d'inventer ici. On est pris dans le piège des procédures parlementaires et on est...

(Interruptions)

Oui, parce qu'on doit respecter les règles, donc, on n'avait pas d'autre choix que de passer la loi et faire les élections l'année prochaine. Le *Leader* de l'opposition veut proposer un amendement, mais seulement que ce soit dans le premier trimestre ou dans les quatre ou cinq premiers mois, cela va avoir lieu le plus rapidement possible l'année prochaine. Mais je pense que c'était mon devoir de venir expliquer cela ici.

(Interruptions)

Mais qu'ont-ils fait, eux, M. le président ? Comme-ci, eux, ils n'ont jamais renvoyé les élections ? En 2002, il fallait organiser les élections. Les élections villageoises eurent lieu en 1997 quand on était au pouvoir, et devaient avoir lieu cinq ans après, 1997/2002. En 2002, ils étaient là, est-ce qu'ils ont organisé les élections villageoises ?

(Interruptions)

Pas de réponse ! *Zéro plombage* ! Ils étaient obligés...

(Interruptions)

Ils avaient renvoyé les élections villageoises en 2003.

(Interruptions)

Mr Speaker: Order!

Dr. Bunwaree: Cela fait mal ! Ils avaient renvoyé les élections en 2003.

(Interruptions)

Mr Speaker: Let the hon. Minister speak!

Dr. Bunwaree: Voilà l'explication qu'ils avaient donnée : "Nous sommes en train de préparer un projet de loi pour venir changer les données, etc." C'est exactement la même chose qu'on est en train de faire aujourd'hui.

(Interruptions)

Mr Speaker: Order!

Dr. Bunwaree: En juillet 2002, le gouvernement MSM/MMM décida de passer à l'action, donc, de renvoyer les élections villageoises pour 2003. En 2003, la loi passa au Parlement - le *Local Government Act* de 2003 qu'on propose de *repeal*. Cette loi abolit les conseils de districts et les villages, comme il l'a dit lui-même. Je crois que l'idée était bonne, mais on a essayé d'aller trop vite. Nous, nous avons épluché ce dossier et nous pensions que...

(Interruptions)

Quand vous faites tout devenir pareil, il faut accepter que les revenus aussi doivent être ...

(Interruptions)

C'était une bonne idée, mais on a essayé d'aller trop vite. Nous avons épluché ce dossier. Quand vous le faites devenir identique, il faut accepter que les revenus aussi doivent être prélevés de la même façon. Nous croyons qu'il faut préparer notre population. Elle n'est pas prête, surtout pas en une période de difficulté économique. On sait que cela va durer quelque temps. Qu'est-ce qu'ils ont fait ? Ils ont aboli les conseils de district et de village et les ont remplacés par les *new municipal councils* qu'on n'a jamais vu venir *in the rural areas*. Et les conseillers des *village councils*, existants à l'époque, devaient rester *in office* jusqu'aux élections municipales de 2004 qu'ils avaient prévues. Après le deuxième renvoi, en 2004, le gouvernement MMM/MSM décida de repousser les élections municipales par deux ans. On les renvoie pour 2006 et cette fois-ci sans de raisons officielles. Mais je vais vous donner la raison. La raison c'était la raclée qu'ils avaient écopée à l'élection partielle, l'élection de l'honorable Dr. Jeetah. C'est là qu'ils ont eu peur de faire des élections.

(Interruptions)

Ils viennent nous accuser aujourd'hui! On renvoie les élections pour 2006 en maintenant *in office* tous les conseillers municipaux des districts et des villages, ainsi que les *village councillors* élus en 1997 et qui auraient servi pour un terme de 9 ans, M. le président. Ne venez pas nous donner des explications qui ne sont pas plausibles!

Mr Speaker, Sir, at the time of the last amendment in 2004, quite a few village councilors passed away; others, either by resignation or through repeated absences, lost their seats and they are counted by hundreds *grâce à ce projet du gouvernement MMM/MSM de l'époque*.

Mr Speaker, Sir, I would like to say that the Minister has shown courage in coming with the introduction of the Local Government Bill 2011 in this Assembly. He has taken a bold step to bring forward quite a number of fundamental changes. Nous avons eu ce problème et mes amis du MSM faisaient partie du comité à cette époque. Nous nous sommes dit qu'il y a de bonnes choses mais il y a certains points qui sont *débatables*; des points de litige peut-être. Et ce sont ces points qui ont été soulevés par le *Leader* de l'opposition. A un certain moment, on s'est dit qu'il faut voir la grosse majorité de ce projet de loi où il y a consensus et de le lister séparément. Et qu'il faut regarder séparément les quelques points litigieux. Je suis sûr que dans tous les discours qu'on va entendre, ce sont ces points litigieux que les membres vont faire référence.

Mr Speaker, Sir, there are a number of bold steps. In a few minutes, I will mention a few of them, but I have to say that this Government has recognised that the current system no longer responds to the evolving needs of modern Mauritius and the expectations of our citizens, essentially the local communities. It was high time, therefore, Mr Speaker, Sir, for necessary reforms in Local Government to take place and for addressing the shortcomings of the previous legislations.

Depuis 2005, M. le président, nous sommes dans des périodes de réformes. Le monde est en train de vivre des changements fondamentaux sur le plan économique et social. Donc, c'est normal. On a fait des réformes de notre système économique, on a des réformes de la loi du travail, des réformes de l'éducation et d'autres réformes. Il est normal qu'on vienne avec des réformes de notre système de *Local Government* aussi. It was therefore high time.

This new Bill, Mr Speaker, Sir, replaces the Local Government Act and the Local Government Act 2003 so as to bring necessary reforms to the existing legislation relating to Local Government in general. It makes necessary provisions for the establishment of Local Authorities with sufficient autonomy to manage the local affairs of their area. *I say sufficient autonomy* parce que là aussi il y a beaucoup de débats qu'on peut faire. Tout à l'heure on a parlé de droit de regard. Quand on parle de droit de regard, on ne peut pas dire que le ministre va commencer à regarder tout ce qu'il y a dans le *Local Government*. Mais il faut retenir que plus de 50% de financement de *Local Government*, provient...

(Interruptions)

80% peut-être si on ajoute les autres institutions. Un grand pourcentage du financement de *Local Government* provient du budget de l'État. C'est-à-dire de l'argent des contribuables. Ces gens qui sont dehors nous attendent, ils veulent savoir. Donc, on ne peut pas laisser la main libre complètement. Il faut qu'on ait un système 100% autonome, cela pourrait venir un jour. Mais nous avons pensé que nous ne sommes pas encore prêts pour cela.

Mr Speaker, Sir, this is in line with Government's policy - *on peut dire ceci ou cela, mais nous avons décidé ainsi* - to empower the democratically elected councils who are also accountable to the local communities. Consequently, they, in turn, require sufficient economy, of course, to manage their local affairs. On est conscient de cela. Je dois dire aussi quand on parle de cumul des mandats - permettez-moi de dire un mot ici - cela dépend de quelle façon on regarde. Ils disent une chose et puis on dit une autre chose. Mais je dois dire que quand les honorables membres de l'opposition sont au gouvernement, ils constatent la difficulté. A ce moment là, vous allez voir qu'à chaque fois qu'ils ont été au pouvoir, seulement un ou deux membres de l'assemblée - un faible minimum - qui ont eu des responsabilités comme conseiller. Cela veut dire qu'il y a un problème. Donc, je veux dire par là, M. le président, que ce cumul des mandats, cela dépend de quelle façon on regarde ce cumul des mandats. Il fut un temps où au parti Travailleiste aussi il y avait des membres de l'assemblée qui étaient conseillers ...

(Interruptions)

Oui, mais bien sûr, il y a eu, mais c'était à un moment où le pays manquait de personnes qui avaient la possibilité d'assumer leurs responsabilités. Maintenant, nous avons des médecins

partout, des comptables, des avocats et autant de personnes compétentes. Il faut leur laisser aussi la chance. C'est une façon de voir et de penser...

(Interruptions)

Nous aussi nous sommes avec le peuple, nous discutons, nous débatons et je peux vous dire que j'en parle dans le pays. Et beaucoup de personnes sont d'accord que puisque les conseillers sont maintenant rémunérés et seront de plus en plus rémunérés, donc, il faut prendre cela en considération. Il ne faut pas qu'il y ait de cumul des mandats. C'est une façon de voir.

Mr Speaker, Sir, I must say that I find it gratifying to note that section 7 of the Bill provides for District Councils to be split, as the Minister has said, to give greater autonomy to the existing twin district councils. I won't mention the names, you all know these district councils. I feel this is the most welcome measure which will enable more focused attention to the needs of the communities concerned. I am glad to note that on the other hand, specificities even of Agalega have been respected.

Regarding the creation, Mr Speaker, Sir, of 8 new village councils in Mauritius, under section 3 of the legislation, it will bring a great encouragement to respective inhabitants. Il y a un village dans ma circonscription, Camp Carol. Il y en a d'autres encore. Mais quand on prend ce point pour discuter, vous savez comment les gens sont satisfaits. Ils vont avoir leur propre *village council* alors que maintenant ils sont branchés à un autre *village council*.

Mr Speaker, Sir, we also welcome the provision under section 13 that will allow 17 village councils with an electorate of more than 7,000 to have two representatives instead of one. Là aussi il y a l'injustice. Dans ma propre circonscription, il y a un conseil de village où il y a 1000 électeurs. Ils ont un représentant au *District Council*. Il y a le grand village de Mahebourg où il y a 12,000 électeurs, il y a toujours un seul représentant. Ce n'était pas normal. Donc, on a corrigé cela à travers la section 13.

Mr Speaker, Sir, I won't dwell on the cases of women because this has been discussed. I am going to skip, but I just want to say that we have given them due recognition through the two Bills that we are passing in this Assembly tonight. I think that it makes of Mauritius still more *un*

pays phare. Je suis sûr qu'il y a d'autres pays qui vont prendre l'exemple de ce qui se fait pour la représentation féminine.

Mr Speaker, Sir, I heartily welcome again to more measures under sections 15 and 60 which provide that an individual should be a registered elector in the respective local area. I have spoken about the Member of Parliament, but, I am speaking of people who, according to the Bill, should be registered in the area where they want to vote. *Cela aussi est débatable. Comme je disais tout à l'heure, cela dépend de quel angle on regarde. Il y a des personnes qui vont dire : «non, je passe tout mon temps dans telle ville; j'habite dans un autre endroit, mais je voudrais représenter la ville.» Il y a d'autres personnes qui disent : « non, il faut être électeur d'abord dans l'endroit que vous voulez représenter. » Mais, finalement, on a tranché dans ce sens.*

Mr Speaker, Sir, it is also worthy to note that section 25 sets a new code of conduct for councillors which, I understand, has already been prepared in collaboration with ICAC and the European Union. This is one very important issue which needed to be addressed. In a bid to reduce, Mr Speaker, Sir, all types of, let us say, *maldonne, et cela vient de toute part. Cela ne vient pas d'un parti ou de l'autre, mais c'est un peu de toute part...*

(Interruptions)

Nous avons eu l'occasion

(Interruptions)

Il y a des personnes qui appartenaient au parti de l'opposition dont les affaires sont en cours. Je ne dis pas qu'on n'a pas cela chez nous. C'est de toute part. In a bid to reduce - je pèse mes mots et je dis bien to reduce - all types of maldonne, it is important that councillors be made aware of their limits and their desired mode of conduct. We have had, in fact, too many instances where I believe that this kind of guidance was sadly lacking and many erred through sheer ignorance of their roles and responsibilities. Councilors will henceforth have a valuable guidance.

Mr Speaker, Sir, the long-awaited issue of remuneration of village councillors will now become a reality because under section 27, provision is made for village councillors also to benefit from an allocation which is not the case for the time being. I welcome this measure also.

Mr Speaker, Sir, if we consider section 33, we will see that it provides for one fundamental change - this has been mentioned by the Leader of the Opposition, *mais il n'a pas bien saisi peut-être le bienfondé* - that is, the tenure of office. The term of office for the Lord Mayor, Mayor, Chairpersons are being extended in the provisions of the Bill to allow for renewable two-year terms for heads of councils, as I mentioned. I believe this measure will give more time to the committed office bearers to complete their projects and programmes which they start initiating.

Là aussi, c'est basé sur l'expérience. J'ai remarqué à plusieurs reprises que pour les maires MMM, leur mandat ne se prolongeait pas démocratiquement par élection. A la fin de l'année, on a réélu la même personne. Pourquoi? Il y avait une raison à cela. Je pense que c'est une bonne mesure et deux ans, c'est plus valable qu'un an, pour laisser travailler.

Quand on a un mandat de deux ans, il est normal que les élections doivent se faire après un chiffre pair - trois fois deux, cela fait six. Deuxièmement, quand on fait six ans, cela ne coïncide pas exactement, comme cela a été le cas à plusieurs reprises, avec les élections générales. Les élections générales sont de cinq ans ; si on met l'autre aussi de cinq ans, on a eu à plusieurs reprises les deux élections et aussitôt une élection terminée, il faut se lancer dans l'autre. Donc, pour ces deux raisons, l'équipe travaillant sur deux ans et prenant en considération que les élections générales restent à cinq ans, ce sont des points extrêmement valables pour permettre cela.

Mr Speaker, Sir, on a parlé de l'aspect anti-transfuge de certaines sections. Je dois dire que cela va dans cette direction. Ce n'est pas une loi anti-transfuge, mais cela va dans cette direction et la provision qui est faite par cette loi est de décourager quelqu'un qui est dans un groupe, de quitter le groupe. Il ne faut pas que cette personne quitte le groupe et part pour n'importe quelle raison. On a opté pour cela, mais on prend en considération ce qui se dit, ce qui va être dit pour voir ce que cela veut dire.

The Act, Mr Speaker, Sir, also places a lot of emphasis on service provision. Councils are required to reflect accountability in their management plans. This will bring an effective and efficient inclusive and accountable system of Local Government. *Cela aussi, c'est une petite révolution quoi qu'en dise l'opposition.*

I believe, Mr Speaker, Sir, that Local Government, by its very nature, should be one of the most transparent machinery. Councillors should be made accountable to their *mandants*. For these reasons, the new measures being introduced to bring greater transparency in permit approval and procurement are to be commended. I therefore fully support them. *Le Leader de l'opposition n'est pas content, il pense différemment, mais nous avons évolué par expérience et il y a beaucoup de choses qu'on n'a pas pu réaliser, qui ont mis un retard énorme où il y a eu des concoctions between people and people which have made us think deeply and come with these provisions.*

For example, the provisions under section 47 for the setting up of the Executive Committee, for final approval of the Executive Committee of the Council to be obtained following the recommendations of the Permits and Business Monitoring Committee before delivery of the permits under section 117, for the Procurement Committee decisions after observance of the present legal requirements, for example, procurement policy and guidelines to be approved by the Executive Committee of councilors as per section 160 and also it provides for the bulk purchase under section 160 of goods and services as it will be more economical for the Ministry of Local Government. This will definitely allow the purchaser to benefit from better offers and obtain better discounts. *Il y a beaucoup de choses que les municipalités, les conseils de district ou les conseils de villages ont besoin for the conduct of their work. Ils ont besoin des machines, des camions. On prend en bulk purchase et on a une meilleure offre.* It is, Mr Speaker, Sir, noteworthy that a financial management manual has been developed and circulated to all Municipal and District Councils to promote sound financial principles...

Mr Speaker: I am sorry to interrupt the hon. Minister. I will ask the Deputy Speaker to take the Chair.

At this stage the Deputy Speaker took the Chair.

The Deputy Speaker: Yes, please!

Dr. Bunwaree: Mr Deputy Speaker, Sir, it is noteworthy that a financial management manual has been developed as I were saying and circulated to all Municipal and District Councils to promote sound financial principles throughout. In order to further reinforce good financial management, provisions have been made under sections 131 to 140 for modern audit

provisions. The Minister dwelt on that. They deal with updated accounts and audit in line with the policy of the International Federation of Accounts.

In addition, Mr Deputy Speaker, Sir, the powers of the Director of Audit have also been reinforced. A decisive step will be the introduction of a new grant-in-aid formula, as we just mentioned, under section 83 to ensure that Local Authorities receive proper and adequate funding especially with regard to salaries. *Je ne serai pas long là-dessus parce que j'en ai parlé tout à l'heure.*

Mr Deputy Speaker, Sir, there are many challenges that Local Authorities have to address including climate change. Section 59 of the Bill makes provision for the sorting out of solid waste in line with the Maurice Ile Durable concept and I welcome this section. Under section 78 of the Bill, provision is also made for the recognition of the Association of Urban Authorities (AUA) and the Association of District Councils. These have existed for decades, Mr Deputy Speaker, Sir, but they were not legally recognised. I believe that it is only fitting that we recognise the participation of one and all in this democratic process.

Mr Deputy Speaker, Sir, it is a great relief to stakeholders since, at their request, the time limit for the payment of fees has, under section 122, extended to 30 days as compared to the current 15 days delay. This is also a good measure that we must welcome. Mr Deputy Speaker, Sir, there are so many measures and I am sure that other measures will be taken up in the course of debates.

To sum up, Mr Deputy Speaker, Sir, I believe that this Bill will allow us to be more responsive to the needs and aspirations of our rural and urban communities and it will enable a better coordination, better planning and better delivery of services as well as the optimum use of resources in an efficient and effective manner. In addition, Mr Deputy Speaker, Sir, it will definitely improve the financial sustainability of all Local Government.

M. le président, c'est une étape extrêmement importante de notre vie politique, économique et sociale qu'on est en train de traverser ici par la présentation de ce projet de loi à cette Chambre aujourd'hui. Comme l'a dit très bien le ministre lui-même, ce n'est sûrement pas la fin d'une histoire démocratique, il y aura beaucoup encore à faire. Nombreuses, M. le président, dont celles de nos campagnes et nos villes qui ont besoin d'être considérées

différemment. Donc, comme le dit toujours une chanson, *lisié tous pays ape guette nou pays, l'honneur l'île Maurice, li dans nou la main.*

With these words, Mr Deputy Speaker, Sir, I am happy to commend my friend for this Bill.

(10.52 p.m.)

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Mr Deputy Speaker, Sir, history is the collective memories of the people of a country. It is precisely this particular history of Mauritius, which will one day recall that on 06 December at 10.55 p.m. the Government deem it fit to twist, bend and play with democracy at its very core, utter disregard to the interests and expectation of its fellow citizen, solely for the best pity interest of its political agenda.

M. le président, l'attente pour ce projet de loi était longue, trop longue même, mais elle était, quand même, assortie d'un espoir, d'une réforme révolutionnaire qui répondrait aux besoins pressants d'une île Maurice moderne. Mais force est de constater que la déception est d'autant plus profonde, non seulement au sein de la population ou parmi les membres de l'opposition, mais également au sein de cette majorité gouvernementale. Je sais de quoi je parle. On sait bien qu'un parlementaire de la majorité connu pour son franc-parler avait dit que les amendements proposés ne contiennent rien de révolutionnaire. Il avait aussi dit clairement que pour lui, un ministre de tutelle ne doit pas être la pomme d'amour qui est utilisée à toutes les sauces. Ce n'est pas moi qui le dis, M. le président, mais c'est un membre de l'autre côté de la Chambre de la majorité. Partageons ce qu'il a dit, parce qu'il parle en connaissance de cause, M. le président. Cela dépend aussi de qui vous avez comme ministre et je cite -

'Un débile ou un fin gestionnaire, une bourrique ou un visionnaire, une mairie ou un conseil de village a besoin d'une autonomie absolue et non d'un ministre ...'

Ce n'est pas moi qui le dis, M. le président,

'... pas un ministre pomme d'amour qui se mêle impudemment à toutes les sauces. Il faut faire confiance à un maire et à ses conseillers. Il faut les accorder une certaine latitude, laissez libre de gérer, laissez libre de décider. Si un ministre

doit à chaque fois intervenir, qu'il prenne alors lui-même la place du maire. Ne traitons pas les élus comme des incapables.'

Ce n'est pas moi qui le dis, c'est un membre de l'autre côté de la Chambre qui l'a dit.

Mr Deputy Speaker, Sir, I listened much actively to the speech of the hon. Minister of Local Government during the Second Reading of his second version of the Local Government Bill 2011. Is this really the new formula, which Government committed itself to devise with a view to better respond to the requirement of local authorities and reduce disparities between urban and rural areas? As spelt out at paragraph 219 of the Presidential Address on the 08 June 2010, Mr Deputy Speaker, Sir, I wonder whether the hon. Minister has been able to convince himself about this particular facts.

For my part, Mr Deputy Speaker, Sir, and, to my humble opinion, there cannot be a better formula than the present Bill to illustrate how a Government can take people for a long ride. I just cannot prevent myself from asking a few questions. What is there revolutionary in this Bill? What is said in the Bill, which warranted a waiting period of 6 ½ years? What *idée magique* is there in the present Bill and which was not provided in the Local Government Act 2003?

Mr Deputy Speaker, Sir, answers to these questions are simply, absolutely nothing, except for some minor changes of names and many major recentralisation provisions also. But, what I found unjustified and, indeed, sad is that we had to wait for more than 6 ½ years to have such legislation.

The very first draft of the Bill dated 14 October 2011 and was introduced to this House recently by a First Reading by the hon. Minister of Local Government, *ouf de soulagement dirait l'autre, mais nous ne sommes pas malheureusement au bout de notre peine*. Mr Deputy Speaker, Sir, Government committed himself to amend the Bill well before it is debated in the House, *sans precedent*. Worse, the circulated version is cropped *en catimini* and replaced by another one dated 25 November 2011. The wide consultation promised with the stakeholders and public did not take place, instead the Bill is now being introduced *en quatrième vitesse* because, otherwise, elections would have been held in 2011 as per the law and this is what they want to avoid. The hon. Minister may give whatever explanation he wishes; he will never convince anybody of the rationale behind this delay. Besides, up to now, god knows how many contradictory and conflicting statements he made just to justify this lateness.

Let me give a brief overview as given by a Sunday newspaper on some of the various statements made by the hon. Minister of Local Government on 27 May 2010, I quote from the press-

The Deputy Speaker: Yes, please!

Mr Duval: Mr Deputy Speaker, Sir, is the hon. Member quoting from the press?

The Deputy Speaker: Yes, of course, he is quoting whatever the hon. Minister has stated himself.

Mr Baloomoody: I want a ruling from the Chair, that the hon. Members of the Opposition can quote from the press ...

The Deputy Speaker: No, there is no problem.

Mr Nagalingum: So I quote –

On 22 May 2010 the Minister said –

« J'aurais aimé que la loi soit amendée avant la tenue des prochaines élections municipales d'ici Septembre aussi bien qu'avant celle des élections villageoises qui sont prévues vers la fin de l'année ».

We are not talking of this year Mr Speaker, Sir, but in 2010 we are *à la fin de 2011*. Not only the election, but even the date has not yet been fixed.

On 10 August 2010, I quote –

“Nous sommes tout près de finaliser le nouveau Local Government Bill qui est révolutionnaire et même spectaculaire, il sera utilisé pour les 50 prochaines années »

Mr Deputy Speaker, Sir, I don't know what to say about this joke of the year if not *qui vivra verra!*

On 11 February 2011 again the Minister said –

“Le nouveau projet de loi est prêt et sera promulgué avant juillet ».

Six months later we are still at Second Reading and today we are having the Second Reading of the Bill. And conscious of the fact that he won't be able to stand by his word, this is what the hon. Minister had to say about Local Government election. "*Election pas rempli ventre*". Would you believe such words coming from a Minister of our Republic Mr Deputy Speaker, Sir? He himself being an elected Member of this House! Talking of elected Member, let me say a few words on section 16, "Disqualification for Election as Councillor". This section Mr Deputy Speaker, Sir, prohibits a Member of the National Assembly to stand as candidate at Municipal election.

Mr Deputy Speaker, Sir, I just cannot understand the logic like the hon. Leader of the Opposition just mentioned. Behind this provision according to the Minister it is with a view to allow more young people to participate to municipal election but this argument does not hold water. Mauritius is not the only country in the world where MP's sit in Municipal election, such is the case in France and in the UK to name only these countries. Beside history has shown that many Members of the National Assembly have been excellent Mayors. Mr Speaker, Sir, this provision of the Bill is no less than a *signe de panique. Le gouvernement a peur d'être broyé par la machinerie MMM aux prochaines municipales mais une chose est sûre, quelles que soient les circonstances, rien n'empêchera le MMM de remporter ces élections.*

Mrs Deputy Speaker, Sir, to stick to the Bill, now allow me to refer to paragraph 232 of the Presidential speech delivered on the 29 of July 2005 which says -

"Conscious of the fact that the Local Government Act 2003 will create injustice, Government will repeal the Act and replace it by a new Local Government Act based on democratic principle and providing greater autonomy in the management of the affairs of Local Authorities".

The Explanatory Memorandum of the Bill is also worth quoting paragraph 2 (a) which states -

"The Bill makes further and better provision for the establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area."

Mr Deputy Speaker, Sir, as you can see the underlying threat in the commitment of Government to come forward with a new Local Government Bill is democracy and autonomy. What do we understand by autonomy of local authorities? In simple term, it could be to render local authorities sufficiently independent in their functioning and to empower them with adequate resources so that they may respond effectively to the needs of the population. Autonomy means inevitably less ministerial interference, but is it what is being proposed in that present Bill?

Mr Deputy Speaker, Sir, the Bill contains many sentences like - with the approval of the Minister. The Minister shall have a *droit de regard* on the Bill and if it is not the Minister then it is his Permanent Secretary or the Chief Executive of the Council who, in term, is accountable to the very same Permanent Secretary. This is autonomy as per the Minister's version. *Comprenne qui pourra!*

Mr Deputy Speaker, Sir, with your permission, I will now go through some of the provisions of the Bill to show the shameless extent of Ministerial interference which the Bill provides for and, at the same time, to prove that their autonomy, the Minister is screaming over the roof top is, but a slogan *creux*.

Section 18 sub section 5(a) and 5(b). This section deals with registration of group like the Leader of the Opposition just mentioned and the reserve list -

Schedule 5(a) reads as follows –

“A group may submit to the Electoral Supervisory Commission a list of reserve candidate for the election of Municipal City Councillors, Municipal Town Councillors or Village Councillors for the purpose of filling under section 42, any vacancy which may occur after that election for the election of councillors”.

Section 5 (b) provides that –

“A reserve list shall contain the name of more than 6 persons”.

Mr Deputy Speaker, Sir, these sections of the Bill are highly controversial and may give rise to much dilemma. I won't dwell on each and every circumstance, but I will lay emphasis on the filling of vacancies aspect of the problem.

Mr Deputy Speaker, Sir, part 3 of the Bill makes it clear that the term of office of councillors will be extended to six years so that local authorities election would be held every six years when we know the number of vacancies which arise at the level of municipal council is a list of six persons appropriate, to my opinion a list of six persons might not be practicable because it might be that during this period some of the persons appearing on the list have moved to another place of residence or are no longer interested to serve as councillor or simply have passed away.

What will happen if the number of vacancies which occurs exceeds the number of eligible persons appearing on the reserve list?

Section 42 (6) and (7) applied and it is the Minister who makes such appointment. This is what these sections provide.

Section 6 says –

“Where no remaining person is available on the group reserve list or where the group did not submit a reserve list at the time of the general election or the local authorities, the Minister may appoint any person who is qualified to be a Municipal City Councillor or a Municipal Town Councillor.

Sub section 7 says –

“Where a vacancy occurs in the office of a Municipal Councillor who is not a member of a group, the Minister may appoint any person who is qualified to be a Municipal Councillor. Thus the Minister acts as a substitute to the will of the people”

Is this autonomy, is this democracy? No, Mr Deputy Speaker, Sir, it is a violation of the right of people to elect their representative, *c'est un viol de la démocratie*. If Government is fully committed to safeguard a democratic principle and provide greater autonomy to local authorities,

I suggest that we maintain the current formula in the case of Municipal Council filling of vacancies to be held by by-election. As regards section 25, Code of Conduct for councillors, here again this section reads as follows –

“The Minister shall, after consultation with local authorities and such other person as he thinks fit, issue a code of conduct for councillors, which he shall cause to be published in the Gazette.”

If the need for a code of conduct is felt, should it come to the Minister to issue such a code of conduct? Obviously not! What is the purpose of talking about autonomy when the Minister steps in every decision? I think that it would be most appropriate to leave it to the council or each local authority to design the code of conduct, in consultation with the Chief Executive and other appropriate technical staff or, if not, leave it to the Association of District Councils and the Association of Urban Authorities to come up with a harmonised code of conduct.

Clause 57, Mr Deputy Speaker, Sir - Occupation of stalls and shops inside markets, fairs or other premises. Another case of ministerial interference occurs in this clause, precisely at subsection 3 (a), (b) and (c). It reads as follows -

“(3) Except with the approval of the Minister, a local authority shall not -

- (a) suspend, revoke, or fail to renew an authorisation granted under subsection (1);
- (b) where it has the option not to renew a contract entered under subsection (1), exercise that option, or
- (c) vary the terms and conditions of an authorisation granted under subsection (1).”

Mr Deputy Speaker, Sir, let me clarify one point. A market fair is operated and managed by the Municipal Council. Every stall and shop found in the premises of the market fair falls under the responsibility of the Municipal Council. It is the Municipal Council which issues trading licenses to economic operators of the market fairs. Thus, the Municipal Council is the license-issuing authority. If it is the Municipal Council which issues a licence, why is it that it

should not have the power to suspend, revoke or fail to renew a licence? Why should the council seek the approval of the Minister to take such a decision? What happens if a trader does not abide by the condition attached to his licence or fails to pay the appropriate fees to the Municipal Council? Why is it that the Municipal Council is not empowered to take appropriate remedial measures in such circumstances? I shall be grateful if the hon. Minister could kindly enlighten the House on this point.

As to clause 57, subsection 3 (b) states -

“(3) Except with the approval of the Minister, a local authority shall not -

(b) where it has the option not to renew a contract entered under subsection (1), exercise that option;”

Mr Deputy Speaker, Sir, this clearly defeats the very basic of the law of contract. The contract is entered into by the Municipal Council and a trader. The Minister or Ministry is not party to the contract. So, why should the Minister have a say when a Municipal Council deem it fit to exercise an option or not renewing a contract. Once again, I hope that the hon. Minister will shed light on this issue.

Clause 60 talks of storage, collection, transfer and disposal of waste. Mr Deputy Speaker, Sir, here, I am referring to subsection (5) of this clause, which is as follows -

“(5) All waste collected by, or on behalf of, a local authority shall be the property of the State.”

This provision of the Bill, as stipulated herein, is very vague. However, since it is projected that waste will be used as a source of energy to produce electricity or compost, should we conclude that the revenue generated by the waste collected by and with the resources of local authorities will go solely and directly to the State, leaving nothing to local authorities? If such is the case, revenue due to local authorities will be graciously offered to the Ministry, when local authorities are suffering from chronic under financing. This reveals an obsession from the Ministry of Local Government that local authorities are branches under the absolute authority of the Ministry. Is that what is called sufficient autonomy?

Clause 68 - Unified Local Government Service Board. Mr Deputy Speaker, Sir, this clause reads as follows -

“(1) There shall be for the purposes of this Act a Unified Local Government Service Board, which shall have the power to -”

There are a lot of paragraphs in this subsection. Mr Deputy Speaker, Sir, the powers of this Board is clearly defined in this clause of the Bill. At a given point in time, I thought I was reading the Local Government Services Commission Act; to tell you the extent to which there is and might be duplicity of responsibilities. Mr Deputy Speaker, Sir, with the advent of the Local Government Services Commission, many of the powers of the local authorities were curtailed. The creation of this Board is just adding insult to injury. May I point out that this clause of the Bill provides for the setting up of a Unified Local Government Service Board, presided by the Permanent Secretary or his representative, and shall comprise of representatives from five different Ministries, but not a single one from the local authority. This is a fragrant case of recentralisation at the highest level instead of decentralisation and delegation of powers, which is the very essence of local government.

Clause 83, Mr Deputy Speaker, Sir - Grants to Municipal City Council, Municipal Town Council or District Council. Mr Deputy Speaker, Sir, here is another example of the Minister’s attempt to have a firm grip over local authorities. I am referring specifically to subsection (3) of this clause, where it reads -

“(3) The Minister may reduce any grant payable to a Municipal City Council, Municipal Town Council or District Council by such amount as he thinks fit, where -

- (a) he is satisfied, on representations made to him or otherwise, that the authority has failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of its functions; or
- (b) he is satisfied that a requirement of this Act or any condition imposed under subsection (1) is not being complied with.”

Mr Deputy Speaker, Sir, *gouverner c’est prévoir*, and sound management calls for planification. How can a local authority devise a plan of work to be carried out, an objective to achieve during a financial year, if it is to the *bon vouloir* of the hon. Minister to reduce grant or to release funds, and funds which have been duly approved by this House? Paragraph (a) refers

to a reasonable standard of efficiency and progress. Can the hon. Minister explain to the House how he will proceed to evaluate this standard?

Now, I come to Clause 117 - Application for Building and Land Use Permit. Mr Deputy Speaker, Sir, let me refer to this clause to illustrate the strange concept of autonomy, and it is in this Bill. I am referring particularly to subsection 12 (b) which reads as follows -

“(b) The Minister -

- (i) shall have a *droit de regard* on any decision or recommendation made by the Permits and Business Monitoring Committee; and
- (ii) may direct a local authority to refer a particular application made to it for determination by him where he considers that it is necessary or expedient in the public interest to do so.”

Mr Deputy Speaker, Sir, I wish to lay emphasis on the term ‘*droit de regard*’. In other words, the Permits and Business Monitoring Committee works under the supervision of the Minister to whom it is also accountable.

Now, the hon. Minister also reserves the right to direct a local authority to refer a particular application made to it for determination by him. So, the hon. Minister substitutes himself to the Council. Is this why we call the Minister a super Mayor?

Mr Deputy Speaker, Sir, up to now, I have enumerated only some sections of the Bill just to demonstrate that the autonomy of the Minister - which he is talking about - is simply fictitious and that the Bill is the worst Bill one can expect if we have to give more autonomy to Local Authorities.

(Interruptions)

Indeed, it is more *centralisateur* than other. By the way, the word ‘Minister’ appears nearly hundred times in the Bill! I am not talking about the Permanent Secretary, the Chief Executive or their representatives. This is what we are debating tonight, Mr Deputy Speaker, Sir.

To conclude, Mr Deputy Speaker, history will recall the reckless and cunning way that this Government has butchered the independence and autonomy of Local Authorities.

Thank you, Mr Deputy Speaker, Sir.

(11.23 p.m.)

Mr P. Jhugroo (First Member Mahebourg and Plaine Magnien): M. le président, toute la population vit en ce moment dans un climat d'incertitude avec le renvoi des élections municipales et villageoises. Ce gouvernement tient toute la population en otage, à travers son ministre de tutelle, en l'occurrence l'honorable Hervé Aimée.

M. le président, l'honorable Ministre Aimée est devenu le mal-aimé de l'île Maurice.

(Interruptions)

Et toute la population a le regard braqué sur son incompétence au niveau de son ministère.

The Deputy Speaker: Please! The hon. Member should withdraw!

Mr Jhugroo: I withdraw the word '*incompétence*'. La question qu'on se pose : combien de temps encore va-t-on subir cette incompétence ? Cette incompétence, M. le président, se traduit naturellement dans l'inaction de ce gouvernement, dirigé par le Premier ministre, qui est autant coupable que son bien-aimé, l'honorable ministre des Administrations Régionales.

Tous les deux violent la démocratie et aujourd'hui toute la population a honte de ce gouvernement. L'honorable Premier ministre, comme on le connaît, repousse toujours à plus tard toute décision. Et comme la population le reconnaît si bien : la tortue bouge plus vite que lui. Tout le monde connaît cet adage – tel père tel fils. Navin Ramgoolam ressemble terriblement à son père, Sir Seewoosagur Ramgoolam....

(Interruptions)

The Deputy Speaker: No, don't be personal! I request the hon. Member not to be personal, please.

Mr Jhugroo: Navin Ramgoolam ressemble ...

The Deputy Speaker: You should refer to any Member as 'honourable'.

Mr Jhugroo: L'honorable Premier ministre ressemble au premier *Leader* du Parti Travailleiste à prendre des décisions contestables et anti-démocratiques.

Laissez-moi vous rappeler, M. le président, que le Premier ministre prétend être ...

(Interruptions)

Il prétend être un grand démocrate dans les forums internationaux. En réalité, il fait le contraire de ce qu'il prêche. Avec ses beaux discours, il berne la population entière...

The Deputy Speaker: No, please! We are talking about the Local Government Bill, not about the Prime Minister.

Mr Jhugroo: Le renvoi des élections municipales et villageoises est là un exemple concret et confirme le manque de sérieux de ce gouvernement.

En passant, M. le président, l'ancien Premier ministre avait, de 1972 à 1976, reporté les élections législatives et ce, toujours avec la complicité du PMSD.

(Interruptions)

The Deputy Speaker: Please, address the Chair!

Mr Jhugroo: Le *Leader* de l'opposition d'alors, l'honorable Sookdeo Bissoondoyal, lançait un vibrant réquisitoire, *and I quote* -

"Aujourd'hui est le jour le plus sombre de l'histoire de l'île Maurice. J'ai honte de voir à l'Assemblée tant de visiteurs, car ils assistent à des funérailles. Nous enterrons la démocratie et mon coeur se brise."

Il faut aussi se rappeler que le député, l'honorable Yusuf Mohamed, à cette époque, criait au scandale et abus de pouvoir.

The Deputy Speaker: Please, don't refer to past Members!

(Interruptions)

Mr Jhugroo : We should, it's in the Hansard! Quand le gouvernement de SSR, en juillet 1972, avec un amendement constitutionnel, permettait de nommer les remplaçants d'élus démissionnaires, en l'occurrence Dev Virahsawmy, le député de Triolet, et Gaëtan de Chazal, le député de Curepipe.

M. le président, les élections qui devaient avoir lieu l'année dernière ont été renvoyées car le ministre préparait une nouvelle loi avec la création des municipalités dans certaines régions rurales.

Au journal « Le Matinal » du 01 février de cette année, il a déclaré que sept villes remplaceront quatre conseils de district. Ces élections devaient se tenir vers la fin d'octobre de cette année. Or, que vient nous rabâcher l'honorable ministre Hervé Aimée ?

(Interruptions)

The Deputy Speaker: No! The hon. Member has to withdraw the word '*rabâcher*'!

(Interruptions)

Mr Jhugroo : Que vient nous dire l'honorable ministre Hervé Aimée, ministre des Administrations Régionales ? Qu'il préparait - sous prétexte - une nouvelle loi révolutionnaire ! Je dois dire, plutôt révoltant ! Il avait fait beaucoup de déclarations. Laissez-moi citer quelques unes, M. le président.

Le 10 août 2010 : on a demandé si le passage de la nouvelle loi n'était pas une tactique pour retarder une élection municipale. Et il répondit tout simplement : non, nous sommes tout près de finaliser le *Local Government Bill*, qui est révolutionnaire et même spectaculaire. Il sera utilisé pour les cinquante prochaines années.

Le 10 décembre 2010, une autre déclaration : Les élections seront renvoyées à 2011.

Le 1^{er} février 2011 : Le gouvernement a déjà voté une somme de R 190 millions pour les élections municipales et villageoises cette année.

Le 11 février 2011 : Le nouveau projet est prêt et sera promulgué avant juillet 2011.

Le 09 mai 2001 : Les élections seront bel et bien pour cette année et la campagne commence dans trois mois.

Le 18 octobre 2011 : Le *Local Government Bill* est présenté à l'Assemblée nationale, prévoyant des élections en 2011.

Le 29 novembre 2011 : Une nouvelle version du projet de loi est présentée. Les élections sont renvoyées à 2012.

Le 1^{er} décembre 2011 : Les élections se tiendront très tôt l'année prochaine. *Election pas rempli ventre*, disait l'honorable Hervé Aimée.

Là, je dois, M. le président, concéder que nous voyons un ministre abattu, confus, ridicule de par son ...

The Deputy Speaker: No, please! The hon. Member has to withdraw the word ‘ridicule’.

(Interruptions)

Mr Jhugroo : Je retire le mot ‘ridicule’. Je dirai plutôt ‘de par son incompétence au niveau le plus bas’.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Jhugroo : Depuis qu’il est ministre, l’honorable Hervé Aimée n’a rien fait de bon que de présenter deux projets de loi du *Local Government Bill* actuellement en circulation dans notre assemblée. Du jamais vu ! Mais c’est un deuxième renvoi des élections qui sera voté par ce parlement aujourd’hui. Et ce ministre des administrations régionales vient de déclarer dans le journal « Le Mauricien » en date du 01 décembre ‘que les conseillers ne sont pas dans l’illégalité’. Soit qu’il est sourd soit *li pas tander seki li causer*. Quelles bouffonneries !

M. le président, comme nous savons tous, la loi prévoit de nouvelles élections de maires qui doivent se tenir chaque année entre le 21 et le 24 novembre. Savez-vous, M. le président, que tous les maires et maires adjoints se trouvent, à ce jour, dans une situation illégitime, c’est cela le gouvernement parti Travailleiste, violeur de la démocratie.

Pendant ce temps, ce gouvernement affaibli, gardera en fonction ces quelques quidams qui avaient été élus et qui sont devenus des spécialistes de la mauvaise gestion au niveau des municipalités. Ils sont des trafiquants de biens municipaux, des vendeurs des étaux, des gaspilleurs de fonds publics, etc., etc. La liste est longue, M. le président.

Et le Premier ministre, M. le président, prolongera je ne sais pour combien de temps encore le mandat de ses conseillers, *manger boire*, dont l’incapacité de gérer est devenu leur *trademark* afin de leur permettre de continuer à dilapider les ressources municipales.

M. le président, toute la population sait très bien la vraie raison qui motive ce renvoi une deuxième fois. Affaibli par le départ de notre parti, le MSM du gouvernement, sans l'avenir, le Premier ministre, le Dr. Navin Ramgoolam, a peur d'un bon coup de balai *pou alle dans karo cannes*. Pour éviter cette défaite, le Premier ministre suit l'exemple de son cher papa qui, en 1974, avait révoqué les conseils municipaux pour les remplacer par des administrateurs nommés, bafouant et violant ainsi la démocratie. Plus démocrate que cela tu meurs !

M. le président, laissez-moi vous dire qu'à chaque fois qu'un parti au pouvoir renvoi un scrutin, l'électorat lui fait payer à la prochaine consultation. Ce gouvernement sait très bien que ses jours sont comptés. La majorité de la population les a bien jugés. C'est une question de temps, M. le président. Alors, on peut attendre qu'ils vont repousser au plus tard possible les élections pour qu'ils puissent jouir des privilèges de '*maja karo*'.

M. le président, '*élection na pas rempli ventre*'. Ce sont les propos tenus par le ministre Aimée à une radio le 01 décembre dernier. C'est un gouvernement sous perfusion du PMSD et deux transfuges. C'est un gouvernement abattu et qui comme d'habitude *backpedals*, *l'habitude pas vantard*, qui abuse de son pouvoir et qui avoue sa faiblesse.

Last year, on 09 December 2010 at 1.00 p.m., when I intervened on the Local Government Bill, I had great hope on the Prime Minister that he will hold the municipal election this year. Unfortunately, it's sad to say, once again, *que la tortue bouge plus vite que le Premier ministre*. Où sont passées les valeurs que défendait le parti Travailleiste comme son cher papa.

The Deputy Speaker: No, please! I told the hon. Member not to make it personal. He must not refer to that, please.

(Interruptions)

Mr Jhugroo: Le Premier ministre, l'honorable Dr. Navin Ramgoolam...

(Interruptions)

The Deputy Speaker: Hon. Varma, please!

(Interruptions)

But I stopped him. If the hon. Member interrupts, I can't hear. What can I do?

(Interruptions)

Please! I called him to order and I am now calling the Attorney General to order.

Mr Jhugroo: J'ai honte de ce gouvernement qui viole la démocratie par son abus de pouvoir.

(Interruptions)

The Deputy Speaker: Hon. Ms Deerpalsing, please!

Mr Jhugroo: Et j'ajoute, M. le président, même Clency Lajoie, un membre du parti Travailleiste tient le Premier ministre coupable personnellement pour le renvoi des élections municipales. Le conseiller Clency a perdu la joie avec la façon de faire du parti Travailleiste et il a fini par *lève so paké allé* car il n'aime pas la façon de faire de notre cher aimé ministre des administrations régionales.

(Interruptions)

Mr Deputy Speaker, Sir, when going through the Bill at Sub-Part C - Vacancies of Councilors, clause 37 at page 32, it is interesting to note that there are vacancies presently in various municipalities. Can I ask the hon. Minister of Local Government, how many vacancies are there presently in our five municipalities? I am sure he has not got the right figure as he is not aware of what is going on at different municipal councils. Let me refresh his mind! Out of 126 sitting councillors, there are 31 vacancies which have not been filled in so far. Sièges vacants: Port Louis 3, Beau Bassin/Rose Hill 8, Vacoas/Phoenix 6, Quatre Bornes 6, Curepipe 8. And I note, Mr Deputy Speaker, Sir, under the same part C that the Minister is asking to abolish the by-election at municipal level, which is again *une violation de notre démocratie par ce gouvernement*.

Mr Deputy Speaker, Sir, in Sub-Part B - Qualifications and Disqualifications as Councillor, clause 16(a) at page 21, I quote -

“No person shall be qualified to be elected, or nominated (...) if he is a Member of the National Assembly”.

This is very pertinent, so perfidious and treacherous. Let me tell you that this clause 16(a) is against the spirit of our Constitution. How can we deprive the right of a Member of the National Assembly to sit as a candidate for the municipal election?

(Interruptions)

The Deputy Speaker: Order!

Mr Jhugroo: Un membre de notre assemblée nationale est là pour servir le peuple et tout en étant membre du conseil municipal, ce même membre va aussi servir les citoyens c’est à dire ce même peuple.

Alors quoi, M. le président? Why does the hon. Minister want to deprive this right to our hon. Members? The Government always talks of democratisation; is this democratisation? Or is it that the Minister n’est pas content et jaloux de voir que ces mêmes députés vont toucher une allocation comme membre du conseil municipal. Si tel est le cas, alors comment expliquer, that one Member...

The Deputy Speaker: The hon. Member can’t input motives on the Minister that he is *jaloux* and so on. This he can’t do.

Mr Jhugroo: Si tel est le cas, alors comment expliquer that one Member of this National Assembly, over and above her monthly salary and other benefits as MP, is benefiting a monthly salary of Rs30,000 plus a chauffeur-driven car, plus countless overseas missions, plus millions of rupees as stipend. Politique deux poids deux mesures. C’est cela qu’on appelle clan familial du parti Travailleiste.

M. le président, je peux vous citer un exemple concret de la grandeur d’âme de notre démocratie. Quand quelqu’un qui était en cellule policière pouvait se porter candidat à l’élection municipale et se faire élire par le vote du peuple, c’était historique, M. le président. Je parle de l’honorable Cehl Meeah qui est avec nous ce soir dans cette Chambre. Comment peut-on aujourd’hui oser empêcher ce droit constitutionnel, un élu du peuple de ne pas se porter candidat

aux élections municipales ? Avec ce projet de loi, M. le président, cela nous ramène à une période très sombre de notre histoire. Ça sent le Mugabe à la mauricienne. J'espère que les membres de l'autre côté de la Chambre réalisent à quel point c'est un recul de la démocratie.

Mr Deputy Speaker, Sir, while talking about good governance, I feel much disappointed about the PTR/PMSD councillors. Je tiens à souligner le mauvais comportement de certains conseillers travaillistes dans les municipalités. A la mairie de la ville de Quatre Bornes, cinq conseillers sont poursuivis par l'ICAC pour conflit d'intérêts devant la cour intermédiaire. Un de ces conseillers a approuvé la demande de son épouse et ses deux sœurs pour des étaux à la foire de Quatre Bornes. M. le président, une conseillère a été prise en flagrant délit alors qu'elle vendait des permis pour l'octroi des étaux sur une plage publique. Ce cas est toujours en suspens et notre chère institution qu'est l'ICAC enquête toujours depuis belle lurette et *zot dire l'ICAC pa guet figir mais figir parti travailliste li pa guetter, peut-être li rassi*.

M. le président - du jamais vu – un maire en exercice, forcé de *lev paké allé* au beau milieu de son mandat pour cause de scandales que nous connaissons tous. Je suis sûr et certain que mon ami, l'honorable Assirvaden, président est très fier de son poulain...

(Interruptions)

On était ensemble, il m'avait raconté l'histoire ! Et ce même poulain avait l'intention de faire une balade avec ses collègues dans un jet privé aux frais des contribuables avec une sirène mais, malheureusement, pour lui, il a été botté hors de ses fonctions comme maire. It is so sad, Mr Deputy Speaker! But his dream has become his nightmare!

M. le président, l'habitude *pa vantard*. Toujours à la mairie de Vacoas/Phoenix, le nouveau maire, qui avait remplacé l'autre, fait l'actualité en ce moment. Il a été rapporté par une radio privée qu'il aurait encaissé l'argent provenant de *sponsors*; toujours annoncé par la même radio, à la mairie de Curepipe, un conseiller qui est aussi membre d'une association socioculturelle, est accusé de conflit d'intérêts. M. le président, toujours à la mairie de Curepipe, nous avons appris que des dépenses effectuées par des pigeons voyageurs du Parti Travailliste/PMSD ont coûté au petit peuple la somme colossale de 1.2 millions de roupies. C'est ça la culture 'calée, pillée et voyagée'. A la mairie de Beau Bassin/Rose Hill, il y avait eu une allégation rapportée de conflit d'intérêts contre le maire et qui concerne l'octroi des *grants* accordés à une association sportive où son épouse est un membre exécutif.

M. le président, la liste de scandales est longue dans les différentes collectivités locales tels que l'achat de cent poubelles à R 759,000; l'achat de bottes à R 3.9 millions à la mairie de Port Louis. C'est le bilan flatteur de ce gouvernement et *ça ki appel conseiller ki pe kas paké*.

Mr Deputy Speaker, Sir, at page 49, clause 55, it is mentioned that all wastes collected by or on behalf of a local authority shall be the property of the State. I wish to draw the attention: what will happen to the money generated after conversion of this waste to energy? It is not mentioned that money generated will be forwarded to the local authorities concerned. May I know, Mr Deputy Speaker, Sir, where this money will go...

(Interruptions)

Pa gayne tracas! I am sure that hon. Minister Aimée and his councillors know exactly where the money will end up.

Mr Deputy Speaker, Sir, at page 42 clause 50 section 2(g), a Municipal City Council, Municipal Town Council or District Council would be responsible for the provision, maintenance, control, management and renting of parking lots for vehicles on both urban and rural areas. Will the hon. Minister give the House the assurance that all vehicle owners will not have to pay the rent for parking spaces in the Municipal Town Council of Vacoas/Phoenix and all District Councils as it is now?

Mr Deputy Speaker, Sir, we all know that the official spoken languages in all Councils are English and French as mentioned in the Local Government Bill. The Minister is well informed that presently, many councillors do communicate in our mother tongue. Why has this Creole language not been included in his Bill? Already there is a committee looking at the possible introduction of the use of Creole language in this august Assembly. Many of them are not able to express themselves clearly in either English or French language, but they may come and express themselves in Creole with bright ideas for the better development of their localities. Why deprive our councillors to communicate in Creole as it is already the case at local government level?

M. le président, le seul point positif que je note dans cette nouvelle loi proposée, c'est donner plus de chance aux dames de briguer les suffrages dans les différentes collectivités régionales. Mais on aurait souhaité aller au delà des élections régionales et qu'on applique la

même formule pour les élections législatives. La destinée de nos sœurs en politique se trouvait entre nos mains aujourd'hui. Carcassonne ou pas Carcassonne, c'est nous, les élus du peuple, qui devrions prendre notre responsabilité !

There is a saying, Mr Deputy Speaker, Sir, that goes, I quote: 'Behind every successful man, there is a woman.' There was an opportunity today to put women first. Unfortunately, the Government chose to fire that golden opportunity. This will go down in history that this Government led by the hon. Prime Minister has failed to make a quantum leap in the process of giving women their due. I am sure, Mr Deputy Speaker, Sir, that you and the Speaker would agree with me that we could have had in a near future a woman as Speaker of this House.

M. le président, ce peuple *inn plein are zot*. Avec tous ces scandales mentionnés durant ces six dernières années pendant qu'ils étaient à la tête des collectivités locales, s'ils prétendent être le plus grand parti du pays comme mentionné toujours par mon ami, pourquoi ont-ils renvoyé les élections ? Pourquoi ont-ils violé la démocratie ? Pourquoi ont-ils abusé de leur pouvoir contre ce petit peuple ? N'ayez pas peur ! Appelez les élections le plus tôt possible et laissez le peuple faire son choix ! Les résultats sont connus d'avance, *zot pou dan karo kann biento*.

Thank you, Mr Deputy Speaker, Sir.

(11.50 p.m.)

Dr. R. Sorefan (Fourth Member for La Caverne and Phoenix): Mr Deputy Speaker, Sir, I feel really very, very sad today when I heard my colleague, hon. Jhugroo, drawing up the picture of the Local Government.

Today, the Local Government is at its lowest and I keep asking myself the question why. Why today Town Council is at its lowest? So many mayors and councilors are corrupted. Why? Is it because councilors and mayors of these towns think they are members of the Labour Party? One is presently saying: "*Pouvoir dans nou la main, ICAC dans nou la main, nou faire ce qui nou content.*" Mr Speaker, Sir, with this kind of attitude, I feel very sad because many of us were mayors. Hon. Issac and hon. Hossen also were mayors and lord-mayors. We spent a lot of time to bring Local Government to self-respect. But today what do we see? We see the Local

Government going down the hill. What makes me sad is because, we, as human being, we, as a Mauritian, have contributed in the Local Government to bring it to a certain standard. It is indeed very, very sad.

Mr Speaker, Sir, I won't talk long. I will just say a few things, because there are so many Members who will intervene and I will leave some ideas and sections that they are going to refute. If there are good ideas, they may also praise certain sections.

Mr Speaker, Sir, to start with, let me read the first page of the Local Government Bill (No. XXX of 2011) that is brought to this House. The first line says –

“The object of this Bill is to repeal and replace the Local Government Act...”

Which Local Government Act are we talking about? It continues –

“...and the Local Government Act 2003 so as to reform the law relating to the Local Government Act.”

What a lack of professionalism coming with such a Local Government Bill to be approved in this august Assembly, with such big mistakes! What about the inside of it? God knows! I know, many of us have read it and we are going to tell this House what's wrong in it.

Mr Speaker, Sir, this Local Government Bill, the previous one that has been withdrawn today, went to the Electoral Commissioner, because of the Constitution section 41 subsection (3). This was sent to them with the Schedule of Ward for them as per the Constitution. The Minister has said there are a lot of correspondences which the Leader of the Opposition has asked to table. But one thing the hon. Minister has failed to say that the one that was withdrawn with the ward, the Electoral Commissioner sent a letter to the Ministry to get the views of political parties. This has not been mentioned in this House, Mr Speaker, Sir. Now that we have withdrawn the Local Government Bill, the previous one and we have replaced it with the second one, No. XXX of 2011, this is a new one with certain amendments. If this Bill with amendments - that is, Rodrigues is not in there - it should as per the Constitution section 41 subsection (3). If you will allow me, Mr Speaker, Sir, I will read it –

“Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of the Assembly or to the election of such members shall be referred to the Electoral Supervisory

Commission and to the Electoral Commissioner at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in the Assembly or, as the case may be, the regulation or other instrument is made.”

As far as I am concerned, this Bill which is in this House is against the Constitution, it should have been laid to the Commissioner, because the Constitution says so.

Mr Speaker, Sir, having said this, nothing has been mentioned regarding the postponement of election by the Minister about postponing to the 2012. I keep asking myself why. I keep telling myself what is the main reason and one good reason for the Minister to postpone it for next year? The Minister, in a committee stage on the Budget, says he does not want papers from his officers; he got it in his head. I had a tendency to tell him to table his head, because if he has list of papers, list of figures, we say: “To table the document, Mr Speaker, Sir.” But even tabling his head, with such a little grey matter, I think we won’t even get the single reason...

(Interruptions)

The Deputy Speaker: Please!

(Interruptions)

No, please, do not go that far. I do not want to make such remark.

Dr. Sorefan: I am sorry, Sir!

(Interruptions)

The Deputy Speaker: Please. I’ll ask you to withdraw.

Dr. Sorefan: Yes. I withdraw the words “grey matter”, although grey matter forms part of the brain of a human being.

Mr Deputy Speaker, Sir, even...

(Interruptions)

Mr Deputy Speaker, Sir, I think when this lady ...

(Interruptions)

The Deputy Speaker: Order!

Dr. Sorefan: I listened to previous orators, I beg that she listens to us without any comments.

Mr Deputy Speaker, Sir, grey matter is a scientific word for the brain. Some people who are sitting opposite me do not know what is the meaning of grey matter, some got it a lot, some got it very little. It seems that one of us got it very little. It is scientific and it is not unparliamentary to say so. Either you accept it...

(Interruptions)

Mr Deputy Speaker, Sir, coming to the issue of 2012 election, there is not a good enough reason to postpone it.

(Interruptions)

The Deputy Speaker: Order!

Dr. Sorefan: The election if it comes ...

(Interruptions)

The Deputy Speaker: Hon. Soodhun, please!

Dr. Sorefan: Mr Deputy Speaker, Sir, when the election will come, we will see what the result will be. Like our colleague has said: “It will be a *bater bef.*”

Mr Deputy Speaker, Sir, as I said, I won't be long, but there are a few things that I would like to say regarding the finance part of this Bill. We talk of centralisation. With this Bill, Government has centralised the Local Government. We, in the MMM, we always talk of decentralisation, giving power to the people of the local town. But here, people want to take power even from the Local Government. And what more, it is the first time that the Minister of Finance is coming into play. Hundred times of a Minister of Local Government!

(Interruptions)

The Deputy Speaker: Order! Hon. Aimée, you will have the opportunity to reply. I don't want any Member to disturb the Member who has the floor.

(Interruptions)

I am reminding hon. Members that hon. Dr. Sorefan has the floor, he has the liberty and the privilege of addressing us; let him make his point, please!

(Interruptions)

Hon. Assirvaden, it seems that I did not talk loud enough!

Dr. Sorefan: Mr Deputy Speaker, Sir, I was talking about the Minister of Finance coming into play in the Local Government Act. What we see is that the Minister of Finance has mentioned in the budget that debtors of the Local Council may be taken by the MRA section, that is, the Local Authorities may – the word is ‘may’, it did not say ‘shall’, it says ‘may’ – elect to have all the debtors collected by the MRA. Well, the officers are very happy in the Local Authorities. The Financial Comptrollers are very happy on this issue. They will definitely send all their debtors to the MRA because that will relax their jobs. But, Mr Deputy Speaker, Sir, as per the scheme of duties of Financial Comptrollers, it is their duty; it is in their scheme to collect revenues for the council. They are paid according to their duties, as per the PRB report, you are paid according to your responsibilities. What we see is that it is proposing that the MRA will take over.

Mr Deputy Speaker, Sir, regarding the MRA, the total staff as at December 2010 is 1,195. Do you know what is the critical staff that the MRA needs? It is in the report, it is 1,280. Out of the survey they did for the MRA, 48% of the staff are not satisfied at MRA; 43% are not happy with the tools provided to do the job. What I am trying to say is that at present, about 50% are not satisfied with the MRA. They are not given the tools to provide the job. How can we send them for the collection of money? This will create a lot of problem. The Financial Comptroller of the Local Authorities has the means. All we have to do is to give them some more tools to prosecute those who do not pay like it is being done presently, Mr Deputy Speaker, Sir. If we give them the tools, they will collect all the debts themselves. Since they know the person in that area council, they will do the job better than the MRA, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, another section of the Government Bill, that the Finance Department is poking his nose in, is regarding the pensions ...

(Interruptions)

The Deputy Speaker: Hon. Members, please!

Dr. Sorefan: ... of the Local Authorities. It has been mentioned in the debate on the budget that that will be collected by SICOM. Very good! Presently, each Local Authority manages the pension. The officers do the job, they collect, they know the officers who are working, the FC and all his staff do the pension. It is the employer, that is, the Local Authority which contributes 12% ...

(Interruptions)

The Deputy Speaker: Is the question of SICOM in the Bill?

Dr. Sorefan: Yes, Mr Deputy Speaker, Sir, it has been mentioned in the budget and it is in the Bill. In the Bill, the company is mentioned. And the company is as per the Statutory Bodies etc. Presently, the pension is being done by the Financial Comptroller of the Local Authorities. 12% is contributed by the employers, that is, the Local Authorities and 6% by the officers or employees as we call it. They manage the fund, they have a special fund where they credit the money and they get interest out of it that goes in the same fund. Now, SICOM is going to take the five Local Authorities which come to a huge sum. I am wondering if SICOM collects all those money, how is it going to manage the money? Is it going to pay back and so on? But is it going to put that in a special fund? That is interest accrued to that fund goes in the fund for the pension or is it SICOM that benefits it as a whole? That's my big question. It should be that if SICOM is going to collect the money from the five Local Authorities, the interest that accrued from it goes in that fund for the benefit of those getting pensions, Mr Deputy Speaker, Sir.

The next thing, Mr Deputy Speaker, Sir, concerns candidatures of the Members of Parliament. As I am a Member of Parliament, if this law goes through, it prevents me to be a candidate in the Local Council. It is my right, Mr Deputy Speaker, Sir. And as it is my right, this august Assembly is going to vote for this Bill, let me say it clear and loud. It is my right, Mr Deputy Speaker, Sir. As it is my right, this august Assembly is going to vote for this Bill, let me say it clear and loud that I am going to vote against this Bill.

(Interruptions)

For my right, Mr Deputy Speaker, Sir.

(Interruptions)

As a Member of Parliament, I am going to vote against it. Let it be recorded, because my right is being violated, Mr Deputy Speaker, Sir.

(Interruptions)

Depression is on your side. Here we know how to manage our depression. Mr Deputy Speaker, Sir,...

(Interruptions)

The Deputy Speaker: Order!

Dr. Sorefan: When we talk about reserved list, Mr Deputy Speaker, Sir, there is one where we have the...

(Interruptions)

The Deputy Speaker: Hon. Assirvaden, if you feel a bit tired, you can just take some air.

(Interruptions)

Dr. Sorefan: Mr Deputy Speaker, Sir, if an independent member is elected and becomes a councillor, in the present Bill mention is made that in case something happens to him, be it resignation, death or whatever, do you know who will proceed with nomination? The independent member does not have a group; he is a one man show if you want. The answer is out of a hundred. It is the Minister of Local Government. He will nominate a member. What list are we talking about? Is it a group? Automatically, the Minister has to nominate, as per his Bill, one member, and anyone can guess that it will obviously be one of his friends or somebody he knows!

The Deputy Speaker: No, please, the hon. Member cannot say so.

(Interruptions)

You made your point about an independent member, but, again, please don't impute motives.

Dr. Sorefan: It is not motives. That is automatic, Mr Deputy Speaker, Sir.

The Deputy Speaker: No, you have made your point.

Dr. Sorefan: Mr Deputy Speaker, Sir, there is one issue regarding finance and the cadastral value, the general rates. Presently, the general rates are collected by the Financial Controller of the local authority, and it is still going to be collected as such. If this Bill goes through, this year the rate will be on the annual value of the property. What annual value is it? We know that the annual value is the rental value and the local authorities charge a certain percentage on certain values...

(Interruptions)

The Deputy Speaker: Hon. Aimée, please! It is your Bill. You have to listen and then give whatever clarification if need be.

Dr. Sorefan: In the law, Mr Deputy Speaker, Sir, the Financial Controller has to consult the central cadastral value to get the value of the property, the market value as at to date. The big question is what is the percentage the person is going to pay? It is not clear, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, like I said, a lot of things has to be said on this Bill but I will leave it to my colleagues; there are so many who are going to intervene. For my part, I talked on the finance aspect. I say 'thank you' to those who have listened and just too bad for those who did not care to listen.

Thank you very much.

(Interruptions)

(00.15 hrs)

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Deputy Speaker, Sir, allow me, first of all, to congratulate my colleague, the hon. Minister of Local Government, for bringing this brilliant piece of legislation, which is the Local Government Bill.

In the Explanatory Memorandum, the first line of the first paragraph of such a big Bill with no less than 167 clauses and, at least, 12 Schedules attached to it, it is stated -

“The object of this Bill is to repeal and replace the Local Government Act - that is of 1989 - and the Local Government Act 2003 so as to reform the law relating to local government.”

What does that mean, Mr Deputy Speaker, Sir? It means that we are coming with legislation, with a new Bill, which is being debated in this august Assembly, which is going to be voted, which is going to be sent to the President. Then, it will be proclaimed and will become the law of the land which will govern everything having to do with local Government. Therefore, it means that we will no more have those two Bills of 1989 and 2003. This is clear. Mr Deputy Speaker, Sir, I intend...

(Interruptions)

The Deputy Speaker: Please, let the hon. Minister make his point. There is no need to debate among you.

Mr Faugoo: This is the procedure; I am talking about the procedure. I intend to address the House on the only issue which, according to me, deserves a reply so far. I have listened to so many orators on the other side of the House, but the only thing which has marked me or, at least, calls for rebuttal so far, is the supposedly illegal provision of the Bill relating to the setting out of the ward boundaries in the First Schedule to the present Bill. I must say that the argument made by the hon. Leader of the Opposition in this regard sounded very attractive but, maybe, more to those who do not have a legal background. It was quite tempting to say that what he is saying is correct, because he is quoting a law of the land which is valid up to tonight, until and unless we vote this particular Bill, especially when he hammers more than 10 times the same point. In fact, when he was talking, I was telling my colleagues that he is wrong. I have come to the conclusion that it is grossly untenable and simply unfounded. I will explain why, Mr Deputy Speaker, Sir.

The Leader of the Opposition raised a legal point, which he said was his most important point. I did not listen to him in the beginning but, when I came, I listened to most of the intervention. I recall him saying that now we will come to the most important point, the most valid point, and he stressed a lot on that particular point. As I said, he kept on hammering on the same point time and again, so that it comes across, it clears the mind of every Member of this House. Finally, upon doing so, he requested the hon. Prime Minister to reconsider the Bill, to reconsider the position of Government on this particular Bill, to reflect again, to stop the Bill at the stage and come back after reflecting and correcting the Bill as it is, in view of what he had said in this august Assembly tonight.

Mr Deputy Speaker, Sir, you yourself, as a legal person, I am sure that you are going to appreciate what I am going to say. His contention is that the setting of the boundaries and wards of the Municipal Councils and Village Councils in the present Bill is illegal inasmuch as section 4(1) of the Local Government Act, meaning the law of the land today, has not been adhered to. We have not complied to section 4(1) of the Local Government Act of 2003. Mr Deputy Speaker, Sir, as at today there are two sets of laws, which govern the Local Government in Mauritius. The first one is the 1989 Local Government Act and the second one is the 2003 Act. There is a particular section in both Acts of Parliament, which deals with division of towns and electoral wards.

Now, section 7 of the Local Government Act 1989, which I must point out, has not been repealed when the Local Government Act 2003 was passed. So, it is still there and valid. What is the provision there under the Local Government Act 1989 under section 7, in regard, to definition of ward or redefinition of ward, it says, if I may quote, Mr Deputy Speaker, Sir, section 7(1) of the Local Government Act of 1989 provides as follows -

“Division of towns into electoral wards

The President may – it is not shall – by order and on receipt of proposals from any urban authority”

Meaning either on proposals from any urban authorities or upon the recommendation of the Minister. The Minister here means the hon. Minister of Local Government.

“Or,

Provides for a division of a town into a specified number of electoral wards and fixing the number of councillors for each ward;”

This is section 7 of the Local Government Act.

Section 4 of the Local Government Act 2003, which is also valid as at tonight, provides as follows -

“Division of towns and districts into electoral wards”.

This is the section, which has been quoted by the hon. Leader of the Opposition -

“The President shall after consultation with the electoral boundaries commission and such other person as he thinks fit by order, provide for the division of a town or district into a specified number of electoral wards ...”

(Interruptions)

The Deputy Speaker: Hon. Ameer Meea! Hon. Mohamed! Please!

Mr Faugoo:

“... subject to the provision of section 8, fix the number of councillors of each ward.”

Now, Mr Deputy Speaker, Sir, let it go on record that both sections are in operations today.

(Interruptions)

The Deputy Speaker: Please, hon. Mohamed and hon. Baloomoody, if you have a very important point, you can please confer and discuss, but don't disturb the hon. Minister.

(Interruptions)

I see that both of you are on the lists. You will be able to make your points later on - early tomorrow morning.

Mr Faugoo: The first question, which I asked myself, Mr Deputy Speaker, Sir, we have two sets of law: 1989 and 2003. We have two different sections under each of the Act of Parliament, Local Government Act. Why does the hon. Leader of the Opposition tonight choose section 4 of the 2003 Act? Why not section 7 of the Local Government Act? Why?

(Interruptions)

I am saying so because this has not been repealed. This is the first issue. Had the section 7 of 1989 Act been repealed in 2003, then we will be left with only the relevant provision of 2003 Act, but today we have two different sections of the law.

The second question that I am asking: Is it on purpose, by design or is it *un simple oublie?*

The Deputy Speaker: The Minister cannot impute motive.

Mr Faugoo: I am not imputing motive, but I am asking myself ...

The Deputy Speaker: No, if it is on purpose then it is not proper.

Mr Faugoo: He goes on to say that this present Bill is in contravention of section 4 of the 2003 Act. Mr Deputy Speaker, Sir, the Bill, which is the law now of 2003 and 1989 were voted by a simple majority. None of these provisions are entrenched in the Constitution. The first object of this Bill is to repeal, to do away with those two Acts, which means both sections of the law. How can we today, when we are ourselves saying that we are doing away with those two Acts of Parliament, which are 1989 and 2003 Acts. If at all, we were minded to act under the 2003 Act, if we are minded to go for election, for example; or if we are minded to amend the wards, then we should have complied with the provisions of that particular law. Then we should have complied with section 4(1) of the Local Government Act 2003, meaning to go the President, the power lies with the President, after consultation with the electoral boundaries commission, Mr Deputy Speaker, Sir.

When we are coming up with a new Bill, when we are redefining the whole concept of local democracy, local Government elections, we have amended section 16 of Constitution, Mr Deputy Speaker, Sir. So, where is the need to comply with the old law? We are doing away; we are washing our hands with the old law. The old law is going to die tonight when this one will come in.

(Interruptions)

Mr Deputy Speaker, Sir, we are not acting today on this law. Are we acting on this law? Where is the wrong? If we were acting on the other law without going to the President that could have been wrong; but this is not law. This is a Bill which is before the House for debate.

(Interruptions)

The Deputy Speaker: Please, let the hon. Minister make his point. You will have the opportunity to respond to it.

Mr Faugoo: This is a Bill which is before the House for debate from both sides of the House. We are going to vote ...

(Interruptions)

The Deputy Speaker: Hon. Ms Deerpalsing, please! You also are on the list.

Mr Faugoo: What better forum, Mr Deputy Speaker, Sir, where do we go if we want to amend or repeal a law ...

(Interruptions)

The Deputy Speaker: Hon. Mohamed, once again!

Mr Faugoo: Yes, Mr Deputy Speaker, Sir. So, we have come to the House. Now, we are saying that the law which was there in 2003 and 1989, we are doing away with it.

The Deputy Speaker: The hon. Member can move forward with his argument now. He made that point.

Mr Faugoo: No, I am not going to repeat 10 times, I will repeat only twice so that it becomes clear in the mind of all the Members of the House. We have come with a Bill, the Bill is not law yet, we are proposing provisions in this Bill which are going to be debated, voted and when we look at the provisions in the present Bill, Mr Deputy Speaker, Sir, the Local Government Act of 1989, section 7, Division of Towns; the Local Government Act of 2003, Division of Towns, section 4 (1), now there is clause 9 which is equivalent. We are reintroducing another clause, another provision in the present Bill under clause 9 which says: Changes in Local Authority or Electoral ward - the President may – why should we attach ourselves to the old law to which we do not subscribe anymore, we do not agree. This is why we are changing; now this will become the law of the land. Tonight, when it is passed, that will be the law of the land which was yesterday; today we are in Government, we are allowed to bring in amendments, we are allowed to bring in changes and have debate, parliamentary sovereignty, this is the only forum where we can debate, you can agree, you can disagree, but this is what we are bringing in. This is a proposal in the form of a clause in a Bill which is legal. Is the Bill illegal, Mr Deputy Speaker, Sir? How can it be? It can contain anything. This is Parliament, we can propose, the House will vote. If this is wrong, it is going to be run down by the Supreme Court, by the Judiciary. It is so simple. I don't know how people are getting confused. This is a Bill which is being proposed with new provisions which are different from those which were there in the previous Acts of Parliament. And here we are providing, Mr Deputy Speaker, Sir; we are saying that 'the President may, after consultation with the Electoral Commission.'

(Interruptions)

The Deputy Speaker: Hon. Mohamed, I am calling you to order for the last time and I mean last!

Mr Faugoo: I will just give you an example. We could have done away with those two sections and not come back in the present Bill with a section which looks like the previous section. We could have chosen to do this. We are not doing this, we are doing away with those provisions, and we are coming in with a new provision under clause 9 which says –

“The President may, after consultation with the Electoral Commissioner.”

The first, in 1989, it was upon proposals from any urban authority, upon recommendation of the Minister; the second, in 2003, was: “The President shall, after consultation with the Electoral Boundaries Commission”. Today, the new Bill, it is not the law; it is the Bill we are proposing to the House. We are proposing to amend the previous provisions and we are making provision for the President to amend whenever the need is felt after consultation with the Electoral Commissioner, the local authority concerned and such other persons as he thinks fit by proclamation after the boundaries of a local authority or an electoral ward. So, what is happening, in this Bill, we are going to vote for ward which has been defined by the Minister not under the old law, he is coming with a modern piece of legislation. He is coming with a new provision; he is coming to reinforce local democracy. So, he is coming with new provisions, he is proposing clause 9.

When the hon. Leader of the Opposition said that we have not complied with section 4 of the Local Government Act 2003, this is contempt of the President. This does not stand, Mr Deputy Speaker, Sir. We don't need to comply. We need to comply when we are applying the law in practice to go for election or to change wards, we are not doing that. We are bringing in a new legislation. I am saying it time and again.

(Interruptions)

He says that he will go to the Supreme Court and the Privy Council to contest. He has to pass this test here first before going to the Supreme Court and to the Privy Council.

(Interruptions)

The Deputy Speaker: May I request hon. Ameer Meea to resume his seat, please?

Mr Faugoo: He further stated, Mr Deputy Speaker, Sir, that the Minister and his adviser have devised the wards, whether this is justifiable in a democratic society. As I said, we could have chosen to do away with those provisions. We could have chosen to do away with giving the power to the President. We can define the words ‘again’, ‘anew’; come to Parliament, get the Bill voted, get the President to agree, proclaim the Bill, it becomes a statute and then apply. And then if we don’t comply with the new provisions of the law, then it will be in contravention of the law, but today coming with a Bill in Parliament, it is far away, Mr Deputy Speaker, Sir.

Now, another thing which is very crucial and important which the hon. Leader of the Opposition said. He did not take it upon himself. He said the Minister has said that he has consulted the Electoral Commissioner. Again, if he is not acting under that particular law of 89 or 2003, he is free to consult anybody who can advise him, anybody who is knowledgeable in this field and if he has chosen to consult the Electoral Commissioner, there is no better person than him with his experience as Electoral Commissioner for the past ten or twelve years. I have known him. I have pleaded before him when he was a Magistrate. He was my brother at the Judiciary; we sat together at the Intermediate Court. I know his integrity. Would the Electoral Commissioner venture in doing a dubious exercise or getting in a dubious enterprise, Mr Deputy Speaker, Sir? What the Minister has done is legitimate, what the Electoral Commissioner has done is legitimate, it is legal and constitutional. There is nothing in the law which stops him from doing that, Mr Deputy Speaker, Sir.

So, I have answered to one legal point. As I said, this is the only point which I found that we have to clear it before the confusion persists, because the way the hon. Leader of the Opposition has put it, *pourtant c’est simple!* It is so simple; this is a Bill; it’s not a law. When we are coming with a Bill, we are coming with new proposals. This is why we are repealing those Acts. So, it is clear, Mr Deputy Speaker, Sir. This is a new piece of legislation; it’s giving a chance, once again, for local democracy to function. Today, we debated the amendment of the Constitution Bill. Once again, it is bringing better representation, more equitable representation of women; there are so many novel things. I will leave the rest for my other friends maybe to

dwell on but as far as I am concerned, I think I have made this point clear, once and for all, that it is legal, there is nothing in this Bill, as it stands today, which is in contravention of the 1989 or the 2003 Act, Mr Deputy Speaker, Sir.

I thank you.

(00.40 a.m.)

Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes): M. le président, la démocratie régionale a toujours fait l'objet de débats que je qualifierai de passionnés à travers le monde.

Je souhaite, avec votre permission, M. le président, faire un petit rappel par rapport avec le point qui a été soulevé par l'honorable ministre Faugoo. Selon mon humble avis, il convient de souligner que quand il y a un conflit de loi, selon l'*Interpretation and General Clauses Act*, c'est la loi qui est *proclaimed* après qui *supercede* l'ancienne loi. C'est mon humble avis

La section 4 de la loi de 2003 a été *proclaimed* par la proclamation No. 34 de 2003 et je considère que c'est bien en vertu de cette section 4 que le ministre a proposé une modification des *wards* de 2003 que nous considérons être un outrage à la Présidence.

Il convient aussi de préciser qu'à ce jour la seule provision légale qui existe, qui permet une modification des *wards*, est prévue par la section 4...

(Interruptions)

The Deputy Speaker: Hon. Lesjongard!

Mr Ramano: ...du *Local Government Act* de 2003. Donc, pour moi c'est clair que c'est la section 4 de 2003 qui s'applique et qui permet toute modification de *wards*. Voilà!

M. le président, la démocratie régionale...

(Interruptions)

The Deputy Speaker: I don't want hon. Members to start again!

Mr Ramano: M. le président, la démocratie régionale donne lieu à une administration qui assure une décentralisation des pouvoirs du gouvernement vers les collectivités locales. La démocratie a toujours été un ennemi juré d'un gouvernement centralisateur. Le niveau démocratique d'un état se mesure bien sûr par la protection des droits fondamentaux, du renouvellement des instances décisionnelles à travers le processus électoral mais aussi, et surtout, pour une réelle volonté d'un gouvernement à déléguer des pouvoirs à des instances indépendantes du gouvernement ou de ses satellites que sont les fonctionnaires ou autre *parastatal* ou *Government-owned companies*. L'existence des collectivités locales date de l'ère coloniale. Bien des choses ont été dites quant au caractère inhumain de cette époque, mais c'est un fait historique que la nécessité d'une collectivité locale fut amplement reconnue.

A l'île Maurice, comme dans bon nombre de pays démocratiques, cette décentralisation a une certaine légitimité car les membres des collectivités locales sont des membres démocratiquement élus avec un mandat précis de citoyens.

Le *Local Government Bill* qui est présentement devant l'Assemblée fait mention explicitement dans son *Explanatory Note* de, je cite -

- (i) the establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area;
- (ii) the accountability of local authorities.

M. le président, le ministre l'a archi répété par des déclarations fracassantes au niveau de la presse et on est en droit à s'attendre, à juste titre, que le présent projet de loi vienne renforcer les dispositions existantes quant à la décentralisation des pouvoirs, mais aussi vienne de l'avant avec des pouvoirs additionnels aux conseils des collectivités locales afin d'une part de renforcer la démocratie, mais aussi de diminuer cette lourdeur bureaucratique qui gangrène les procédures ministérielles et assurer une certaine célérité, une certaine réactivité quant aux attentes de la population.

M. le président, ce projet de loi, dans sa forme actuelle, est en nette contradiction avec les déclarations du ministre. Pire, M. le président, ce projet de loi, à part de restreindre le pouvoir des conseils, place le ministre comme le grand manitou pour gérer les affaires des collectivités locales.

M. le président, j'ai dénombré pas moins de 45 cas où il y a une intervention directe du ministre aux dépens des conseils de districts ou des mairies. Venir parler de décentralisation ou d'autonomie relève d'une fiction inventée de toute pièce pour justifier tout simplement le renvoi encore une fois des élections municipales.

De ces 45 cas, avec votre permission, M. le président, je souhaite faire des commentaires des cas d'ingérence des plus flagrants sans diminuer d'importance les autres cas, bien sûr.

La section 25 du *Bill* fait mention de l'élaboration d'un *code of conduct for councillors by the Minister*. Bien que mention est faite '*after consultation with local authorities*', on ne peut s'empêcher de faire un parallèle avec la presse. Imaginons un moment - un seul moment - qu'on puisse élaborer un *code of conduct* pour la presse par le ministre de l'intérieur ou de l'information sans la participation des membres de la presse; imaginons un code de conduite pour les parlementaires par le *Speaker* ou le *Leader of the House*. La question qui se pose, M. le président : pourquoi dévaloriser le pouvoir de décision et de responsabilité des conseillers ? A la rigueur, on pouvait imaginer à la place de *consultation* mentionné *with the concurrence of councillors*.

Mais le *commitment* n'y est pas pour donner le plein pouvoir aux conseillers, M. le président,

Le *Local Government Bill* fait mention expressément de l'existence d'une *Association of Urban Authorities* et d'une *Association of District Councils*. Pourquoi ne pas conférer cette responsabilité de l'élaboration de ce *code of conduct* à cette association ? Le comportement honteux des conseillers de l'Alliance de l'Avenir ne doit pas servir d'excuse à ce manque d'égards. La reconnaissance de l'*Association of Urban Authorities* est aujourd'hui reléguée à un rang honorifique seulement, mais toujours sous le contrôle absolu du ministre. La section 78 relative à l'*Association of Urban Authorities* stipule -

« The objects of the Association shall be to deal in such activities relating to Local Government as may be approved by the Minister. »

Le grand Manitou! Le rôle honorifique et consultatif de l'Association est confirmé. Le ministre maintient sa suprématie dans cette politique d'autonomie. La terminologie confirme ce manque d'égard et de volonté de collaboration et ce manque d'autonomie.

Ainsi, à la section 78(6), il est mentionné –

“The Minister, may, where he considers appropriate, consult the Associations referred to in subsection (1) for specific matters pertaining to Local Government.”

Le rôle centralisateur du ministre est sans équivoque, M. le président. Pourquoi ne pas rendre *mandatory* cette collaboration du ministre avec l'*Association of Urban Authorities* ?

M. le président, autre point qui confirme une érosion graduelle des pouvoirs des conseils au profit de l'Exécutif est bien l'élaboration des *Standing Orders*. C'est un fait que chaque collectivité locale a le droit d'élaborer ses propres *Standing Orders* aussi longtemps qu'ils ne soient pas en contradiction avec la loi cadre. M. le président, au lieu de renforcer cette autonomie, réaffirmer ce pouvoir de décision des conseils, le ministre maintient son rôle même dans les affaires internes des conseils. Ainsi la section 45(1) et 45(2) stipule -

“*The meetings and proceedings of a Municipal City Council, Municipal Town Council, District Council or any of its committees, shall be conducted in the manner specified in Part A et B of the Seventh Schedule.*”

La possibilité de rédiger des *Standing Orders* à la section 45(4) est un non-sens au vu des dispositions existantes. A la sous-section (5), le ministre revient à la charge pour rappeler son pouvoir d'amender le *Seventh Schedule* par voie de *regulations*. Pourquoi reléguer à un rôle secondaire des représentants du peuple dûment élu ? Pourquoi ne pas donner toute cette lassitude à un conseil pour rédiger ses propres *Standing Orders* alors qu'une loi cadre existe déjà. L'incompétence des administrateurs de l'Alliance sociale ne doit pas servir d'excuse pour bafouer l'autonomie des collectivités locales.

M. le président, cette tendance, à tout contrôler par le ministre, se reflète dans les sections 34 et 36 du projet de loi sous les items *Election Procedure* et *Revocation of Lord Mayor, Mayor or Chairperson of District Council or Village Council*. Bien que la procédure de *drawing of lots* en cas d'égalité de voix soit prévue pour l'élection du maire, l'honorable ministre s'ingère

encore une fois pour recommander au Président une désignation unilatérale si aucune nomination n'est reçue. Autre cas, M. le président, c'est la révocation du maire en cas d'une *motion of no confidence*. Un conseil souverain avec des dispositions légales précises doit pouvoir appliquer une décision de ce même conseil. Une disposition légale à cet effet aurait été suffisante pour que le maire puisse perdre sa place en cas de *motion of no confidence*. Il n'y a pas lieu d'avoir l'intervention du ministre, M. le président. L'honorable ministre doit pouvoir respecter ce concept sacré de l'autonomie en tant que démocrate ; cela doit se traduire dans ses intentions, mais surtout dans ses actes.

On ne gère pas une collectivité locale par télécommande. M. le président, j'ai fait cette remarque parce que l'appétit vient toujours en mangeant. Cette tentative dictatoriale se révèle d'une façon plus pernicieuse et flagrante et qui constitue, à bien des égards, une violation de la démocratie. L'honorable ministre est permis de se substituer aux conseillers et au conseil, mais il y a plus grave, M. le président. On se croirait dans ces républiques bananières de triste mémoire. La fameuse section 42 – *vacancy in office of Municipal City Councillor, Municipal Town Councillor or Village Councillor*.

Alors qu'en 1982, le gouvernement MMM nouvellement élu, dans un souci de renforcer la démocratie, a amendé la constitution pour assurer la tenue des élections partielles et rendre quasi impossible le renvoi des élections après les épisodes travaillistes de triste mémoire de 1972, le ministre actuel du *Local Government* fait mieux et surprend même ses propres troupes et son *Leader*. L'honorable ministre vient abolir l'élection partielle dans les collectivités locales - une véritable violation de la démocratie. Dans les pires dictatures, on entend toujours cet éternel prétexte qu'on renvoie les élections ou qu'on remplace un siège vacant pour un ministre ou un roi par décret dans un souci financier pour permettre au pays d'économiser des sous.

M. le président, la démocratie n'a pas de prix. On est en train de remplacer la célèbre *vox populi vox déi* par *la vox Aimé vox déi*. L'État, c'est moi.

(Interruptions)

Mr Ramano : Que nous dit la section 42, M. le président ?

“The vacant seats shall be filled from a group reserve list in order of precedence after notice given to the hon. Minister. The Electoral Commissioner shall, after consultation with the Electoral Supervisory Commission, notify to the Minister

the name of the person to fill the vacancy. A person whose name is notified shall be treated as a Member of the local authority on the day on which notification of his name is received by the hon. Minister.”

Il est un fait, M. le président, que le ministre est quelqu'un de très important. On ne le nie pas, bien au contraire, on le dit toujours – « Bonjour, M. le ministre; au revoir, M. le ministre. » Mais on lui confère aujourd'hui un pouvoir qui va à l'encontre des fondamentaux même de notre constitution et cela constitue une violation inacceptable de notre démocratie. *Where no remaining person is available on a group's reserve list or where the groups do not submit a reserve list, the hon. Minister may appoint any person to fill the vacancy.* L'appétit vient toujours en mangeant, M. le président. *Where a vacancy occurs in the office of a councillor who is not a member of a group, the hon. Minister may appoint any person to fill the vacancy. Any person,* même non élu, n'importe quelle personne, M. le président!

Pourquoi faire des élections municipales alors si l'honorable ministre a un tel pouvoir ? *Any person,* M. le président ! Cela peut être Dick, Tom and Harry du Parti Travailleiste comme on entend trop souvent. On est en train de mélanger les serviettes et les torchons qu'on a nommés à la tête des corps paraétatiques et autre *Board*. Dans le même ordre d'idée, la section 38 prévoit que le conseiller qui ne fait plus partie d'un groupe ou est en désaccord perd son siège - comme l'ont si bien souligné mes collègues avant moi - quand le groupe informe le *Chief Executive* pour faire perdre son siège au conseiller.

M. le président, comment peut-on permettre une telle violation de la démocratie ? M. le président, après le deuxième renvoi des élections municipales, tout démocrate qui se respecte aurait dû songer sérieusement à amender la constitution pour garantir la tenue des élections municipales et décourager son renvoi par la nécessité d'avoir une majorité qualifiée de trois quart ou de deux tiers. C'est un jour triste pour la démocratie, M. le président. Au lieu de cela, on se permet, aujourd'hui de se substituer aux urnes et la volonté de l'électorat par le seul bon vouloir du ministre. Nous nous trouvons aujourd'hui dans une situation où avec une majorité relative de 5 sièges seulement, ce gouvernement se permet d'abolir les élections partielles pour les collectivités locales et de renvoyer pour une deuxième fois les élections municipales. C'est de la dictature, M. le président !

M. le président, permettez-moi d'aborder un autre aspect de la loi, la section 47 ; *Establishment of Executive Committee*. La loi prévoit – « *every local authority shall have an Executive Committee* composé de 7 membres et dirigé par le maire. *L'Executive Committee shall be responsible for the determination of applications for outline planning permissions and Building and Land Use Permits and for the approval of the procurement of the goods and services.*

M. le président, bien qu'il soit nécessaire que les conseillers aient leurs mots à dire dans les *permits and licences* délivrés par les mairies et aux demandes d'applications dans un souci de *business facilitation*, il convient de s'assurer que ce comité ne soit pas détourné de sa responsabilité *d'accountability to the Council*.

Le récent épisode à la mairie de Beau Bassin/Rose Hill lors de l'adoption du budget où le *Council* a été contourné pour être approuvé en réunion restreinte, en catimini, doit être dénoncé. Le manque de quorum en conseil est une preuve de désaveu. Il faut veiller que l'*Executive Committee* ne soit pas utilisé comme moyen pour contourner le conseil quand le maire se trouve en minorité ou en manque de quorum pour la tenue des réunions.

Il faut bien le préciser, M. le président, que la section 48 (5) prévoit que – *every decision by an Executive Committee shall be reported at the next council meeting*. Le mot '*reported*' est utilisé au lieu de '*ratified*'. Il faut bien assurer cette suprématie du conseil, M. le président. Cette nuance est très importante car ce comité, il faut bien le rappeler, a aussi le pouvoir *for the procurement of goods and services* sans aucune mention quant au plafond de dépenses à ne pas dépasser.

M. le président, la section 46 du *Local Government Bill* a été à la base de l'arrestation de pas moins de 5 conseillers de la mairie de Quatres Bornes lors du scandale de la table *bazaar* et l'épisode *kaba*. M. le président, il convient de le souligner que la section 46 mérite considération. Il convient de le rappeler qu'une accusation de conflit d'intérêts pèse sur ces conseillers qui n'ont supposément pas dévoilé leur lien de parenté avec ceux qui ont fait une application pour un étal. M. le président, il convient de souligner que la section 13 du *Prevention of Corruption Act*, sous laquelle loi ces conseillers sont poursuivis, donne une définition plus large de conflit d'intérêts et stipule a *public official or his relative having a direct or indirect interest*. Aucune mention n'est faite de *pecuniary interest*. Alors que la section 19,

de ce même *Local Government Bill* stipule – ‘*where any councillor having any direct or indirect pecuniary interest in any contract or other matter he shall disclose his interest.*’ L’appel que je fais au ministre c’est de s’assurer que cette provision soit rédigée de telle sorte que les conseillers ne soient pas *mised* et soient en conformité avec la section 13 du *Prevention of Corruption Act*. Il faut bien le souligner, M. le président que l’ICAC a le pouvoir de poursuivre sous le PoCA pour les cas de conflit d’intérêt même pour les *non pecuniary interests*.

M. le président, il convient de dresser les paramètres nécessaires pour assurer l’autonomie des collectivités locales. Quand on parle d’indépendance, cela est valable par rapport au ministre, au *Permanent Secretary* ou encore le *Chief Executive* dont le *scheme of duty* est prévu par la section 70 du *Local Government Bill*. Il convient de le rappeler, M. le président, que le *Permanent Secretary* qui est *answerable to the Minister* est lui-même considéré *for the purpose of the Local Government Service Commission Act be the responsible officer of every Chief Executive*.

Cette tentative de s’immiscer dans les affaires internes des collectivités locales est bien présente à tous les niveaux. Quand le ministre ne s’ingère pas, c’est au tour du *Permanent Secretary* de se mettre en besogne pour le ministre.

La section 160 - *Procurement of Goods and Services* stipule –

“*The procurement of goods and services shall be effected by a local authority in accordance with the provisions of the Public Procurement Act*”.

Un *Procurement Committee* est institué à cet effet - *so far so good* - M. le président, mais le ministre, à travers son *Permanent Secretary*, revient toujours au galop. *The Permanent Secretary may where bulk purchasing would be more economical procure goods and services on behalf of a local authority*.

Mais pourquoi prévoir une disposition du *Procurement Act* à être respecté par le *Chief Executive* et par le conseil? Pourquoi cette mainmise insistante du ministre dans les affaires des collectivités locales ? Est-ce une autonomie nouvelle version?

Avec les sections 47 et 48 consacrées à la constitution d’un *Executive Committee* - au niveau de la mairie - présidé par le maire, on pensait que l’autonomie est garantie, du moins pour

les *outline planning permissions and building and land use permits*. Les conseillers ont intérêt à ne pas crier victoire trop vite car à la section 117(9), il est préconisé « *except with the Minister's approval, no outline planning permission or building and land use permit shall be issued for any development of land, construction of any building or extensive alteration, additions and repairs to existing building along mountain reserve or motorways*. Alors la question qui se pose, M. le président, il suffisait tout simplement de prévoir des *guidelines* par le ministère concerné à être respecté par les collectivités locales et non pas donner ce plein pouvoir au ministre concerné.

Et je continue dans ce même aspect, M. le président, c'est prévu toujours sous la section 117 et il y a toujours l'interférence du ministre qui s'immisce toujours dans l'émission des permis pour les *night clubs*, les *private clubs*, *place of public worship*, *for any activity licensed under the Gaming Regulatory Authority Act*. La question qui se pose, M. le président, est : en quoi les conseillers sont inférieurs ou incompetents à prendre une telle décision ? Il y a pire, M. le président en terme d'ingérence dans cette loi.

Je cite la section 117(12):

“*In the event a decision or recommendation made by the Permits and Business Monitoring Committee is rejected by the Executive Committee* présidé par le maire, *the Minister shall* - avec toute cette connotation obligatoire - *have a droit de regard on any decision or recommendation made by the Permits and Business Monitoring Committee* ou encore *may direct a local authority to refer a particular application made to it for determination by him*, par le ministre, M. le président et c'est lui comme chef suprême des collectivités locales qui va décider ce qui est dans l'intérêt public ou pas. C'est cela l'autonomie, M. le président.

Alors que le *Permits and Business Monitoring Committee* a un délai de 14 jours pour considérer les applications, aucun délai n'est imposé au ministre grand garant du *public interest*. On parle de *business facilitation*, rien n'est prévu à cet effet, en ce qui concerne le ministre, M. le président.

La question qui se pose encore, M. le président est de savoir pourquoi. Ceux qui n'acceptent pas les décisions des comités n'ont pas le droit directement au *Town and Country Planning Board*. Pourquoi cela ? Pourquoi favoriser une interférence politique directe du

ministre ? Dans le même ordre d'idées afin d'assurer une réactivité plus poussée dans la considération des applications pour la tenue des *trade fairs and exhibitions*, il est recommandé que des *guidelines* soient soumis par *the Minister of Consumer Protection* au lieu d'alourdir les procédures bureaucratiques. Pourquoi ne pas prévoir des *guidelines* qui seront toujours appliqués par les collectivités locales et non pas soumettre ces applications aux lourdeurs bureaucratiques?

La liste est longue, M. le président, il suffit de voir les dispositions relatives au *renewal of renting of spaces* ou encore le *disposal of land and waste management* qui ont été élaborés par mes collègues conseillers.

M. le président, il est à souligner que le ministre s'est adjugé des pouvoirs qui initialement étaient conférés au Président de la République. Là je cite le cas de *partnership* ou des donations du privé aux collectivités locales que ce soit des individus ou des opérateurs économiques privés. C'est un cas très sérieux, M. le président quand nous savons que les cas de *unsolicited bids* sont sanctionnés par la loi. Il convient d'avoir des paramètres établis sous le contrôle d'une autorité indépendante, toute interférence politique doit être découragée au vu des allégations de malversation au niveau des différentes collectivités locales.

Pour terminer, M. le président, je souhaite attirer l'attention de cette auguste assemblée sur l'introduction de l'*Unified Local Government Service Board*. Il faut bien le souligner, M. le président, la section 4(2) du *Local Service Commission Act* préconise - je cite -

“The Commission shall not, in the exercise of its functions, be subject to the direction or control of any other person or authority.”

L'indépendance du *Local Government Service Commission* est garantie par la loi. Il est regrettable de constater, M. le président, qu'un tel *safeguard* n'existe pas pour les *Permanent Secretaries* qui sont appelés à présider le *Unified Local Government Service Board*. Il est regrettable de constater un effritement continu des pouvoirs disciplinaires ou de la gestion des ressources humaines alors que les collectivités locales ont toujours déploré le fait qu'ils ont peu de contrôle sur les membres du personnel qui très souvent se prévalent de leur contact avec certains politiques pour échapper à leurs responsabilités.

M. le président, permettez-moi de conclure pour dire que la réforme de l'administration régionale dépasse de loin la partisanerie politique. Il convient toutefois de traduire la force de sa conviction dans ces actes en s'attaquant au mal profond qui ronge la démocratie régionale à Maurice qu'est la bureaucratie imposée par l'ingérence du gouvernement central. Il est dommage de constater aujourd'hui que la majorité favorise un opportunisme politique à outrance au détriment de la démocratie.

Je vous remercie, M. le président.

Mrs S. Hanoomanjee (Second Member for Savanne & Black River) M. le président, l'histoire se répète. A chaque fois qu'il y a eu renvoi des élections, que ce soit les élections générales ou les élections municipales, c'est le parti travailliste - en alliance ou en coalition avec le PMSD - qui est au pouvoir.

Mr Speaker, Sir, I have gone through Hansard to take cognizance of what was said at the time amendments were brought to the respective pieces of legislation for postponement of elections and I saw an amusing anecdote, but which reflected the state of mind of hon. Gaëtan Duval then. In fact, in 1969, more precisely 18 November 1969, when an amendment to the Constitution was presented for prolonging the life of Parliament by five years, and debates ensued, the then hon. Bissoondoyal, who was Leader of the Opposition, in his intervention, said, I quote -

'More than 21 years I have been in this House...'

Mr Deputy Speaker, Sir, he could not complete his sentence as he was interrupted by the then hon. Duval, who proudly and very hastily said, I quote -

'It will be 27 now.'

Six years more without elections. Hon. Duval was so enthusiastic to get six more years without elections, Mr Deputy Speaker, Sir. Aujourd'hui, encore, M. le président, nous voyons le PMSD aux côtés du Parti Travailliste pour soutenir cette fois-ci le renvoi des élections municipales.

It is worth mentioning that, at one point in time, après la grande coalition du Parti Travailliste et du Parti Mauricien, the then Parti Mauricien was in control of all municipalities, but was revoked by the then Prime Minister, Sir Seewoosagur Ramgoolam, in 1974 sur fond de

scandale, de népotisme, de déboires, de cartons de vins périmés dans les caves de la municipalité de Beau Bassin/Rose-Hill. Après la coalition PMSD/Parti travailliste de 1976, il y a eu le retour du PMSD aux administrations régionales avec un ministre PMSD aux administrations régionales en dépit des scandales deux années auparavant. *The municipal elections were then held in 1977* et les résultats, nous le savons tous, le MMM avait raflé toutes les municipalités. Quand, encore une fois, le gouvernement de coalition Parti Travailliste/PMSD décida de renvoyer les élections municipales en 1980, les conseillers MMM avaient démissionné en bloc par respect pour la démocratie, M. le président, sur une question de principe aussi.

Mr Deputy Speaker, Sir, on 06 July 1982, the then Prime Minister, hon. Sir Anerood Jugnauth, brought to the National Assembly an amendment to the Constitution to, I quote -

‘render the abolition of elections...’

meaning general elections and municipal elections.

‘or their postponement more difficult by requiring that the appropriate legislation should be approved by referendum by a majority of three-quarters of the electorate of Mauritius and by all the Members of the Assembly.’

That is, he restored the general elections and the municipal elections. *C’est cela qu’on appelle la démocratie, M. le président. En parlant de démocratie*, when I look at clause 15, which stipulates, I quote -

‘15. Qualifications for election as Councillor

Subject to section 16, a person shall be qualified to be elected as a Municipal City Councillor, Municipal Town Councillor or Village Councillor where he is -

- (a) registered as an elector in, any ward of that city or town or, that village, as the case may be (...)

I cannot understand the logic behind.

M. le président, je considère cette clause comme étant une atteinte à la liberté de l’individu. Nous tous ici, dans cette auguste Assemblée, avons été élus démocratiquement. Je me pose la question : combien parmi nous ici ont été candidats dans la circonscription où nous

habitons? Quelques uns peut-être. Nous avons une Constitution, la loi suprême de notre pays qui nous donne la liberté d'être candidat dans n'importe quelle circonscription. Cette Constitution, tout le monde le sait, a été discutée avec plusieurs membres ou ex-membres de cette auguste Assemblée, et porte l'empreinte de personnalités telles que Sir Seewoosagur Ramgoolam, Sir Gaëtan Duval et Sir Anerood Jugnauth.

Je prends mon cas, par exemple, M. le président. J'habite Curepipe, mais j'ai été candidate à deux reprises à Savanne/Rivière Noire. Ce n'est pas pour autant que je ne m'occupe pas de ma circonscription. Alors, est-ce que nous, en tant qu'élus de cette auguste Assemblée, avons le droit de dire à quelqu'un qui habite disons à Vacoas qu'il ne peut pas être candidat à Curepipe s'il n'est pas enregistré comme électeur à Curepipe? Aujourd'hui, le ministre Aimée nous demande de faire ce que nous n'avons pas fait. Il impose sur les autres, et nous demande d'imposer sur les autres ce que nous n'avons pas fait. Est-ce qu'on veut que demain on nous accuse? Est-ce qu'on veut entrer dans l'histoire comme un fossoyeur de la démocratie? Nous, de ce côté de la Chambre, disons non.

In that same clause 15 - Qualifications for election as Councillor, I believe there is contradiction in the Government policy. Clause 15(b) stipulates that -

'(...) a person shall be qualified to be elected as a Municipal City Councillor, Municipal Town Councillor or Village Councillor where he is -

(b) able to speak and, unless incapacitated by blindness or other physical cause, to read the English and French languages (...)

Mr Deputy Speaker, Sir, we know fully well the efforts made for the promotion of the Creole or Bhojpuri language. We also know that several persons who wish to serve the towns and villages can read and understand English and French, but it happens also that they cannot fluently speak these languages. Should we debar *ces personnes de bonne volonté, M. le président*, from standing as candidates? I don't think so.

On this same chapter of democracy, Mr Deputy Speaker, Sir, the Minister wishes to give the impression that he is giving more powers to Councillors. On the contrary, Mr Deputy Speaker, Sir, he is giving himself more power to control the Municipalities and District Councils.

As hon. Nagalingum mentioned, would you believe it, the word ‘Minister’ itself appears, at least, 80 times in this Bill.

Mr Deputy Speaker, Sir, in the same line of thought, I wish to refer to clause 68, whereby a Unified Local Government Service Board is being created.

When we look at the composition of the Board at section 68(2), we see that it would be presided by the Permanent Secretary and would comprise five other representatives of the respective Ministries. Section 68 subsection 2 states –

“The Board shall be presided by the Permanent Secretary or his representative and shall comprise –

- (a) a representative of the Prime Minister’s Office;
- (b) a representative of the Ministry responsible for the subject of finance;
- (c) a representative of the Ministry responsible for the subject of civil service affairs;
- (d) a representative of the Ministry responsible for the subject of labour and industrial relations, and
- (e) a representative of the Ministry responsible for the subject of Local Government.”

So, Local Government has got two representatives and we do not see even one representative from either district council or village council.

Furthermore, when we analyse the functions, if we look at the functions - or rather should I say, not the functions, but the powers because the word ‘function’ is not mentioned here. At section 68 subsection (1), it says –

“There shall be for the purposes of this Act a Unified Local Government Service Board, which shall have the power to –”

When we look at the powers it concerns: approve the establishment of any office, change of posting of an officer, redeploy officers, approve loans, determine applications for leave without pay, decide on a temporary vacancy, we see that it will be, finally and ultimately, the

Government who will manage and control the human resources of municipalities, district councils and village councils.

M. le président, est-ce que c'est ça la démocratie ? Doesn't that tantamount to taking the power away from the local authorities and transferring it to the Central Government on purpose, so that the Minister of Local Government can have a grip on the day-to-day running of these institutions? Where is the independence of the local authorities? Why was this clause important? C'est l'indécence à son comble, M. le président ! Ce qui est plus révoltant, ce sont les sections qui suivent.

When I look at page 57 of the Bill, section 69 (3)(a), I see even the salary structure, the conditions of service, the schemes of service applicable to every officer which shall be those which the Board will approve. I quote -

“The salary structure and conditions of service applicable to posts of any authority shall be those approved by the Board (...)”

M. le président, c'est révoltant de voir que tous ces pouvoirs ont été retirés des collectivités locales pour les mettre entre les mains du gouvernement central. Ce qui est plus choquant, quand je vois la *subsection 5 of section 69* qui est contradictoire. Après tout cela, il dit -

“Every Chief Executive - of any district council - shall have overall responsibility for the administration of the appropriate local authority (...)”

Mais où est la responsabilité des *Chief Executives* ? On a enlevé toutes les responsabilités des *Chief Executives* pour emmener avec un *Board* qui a six ou sept représentants des ministères et maintenant on vient dire ici, *that* -

“Every Chief Executive shall have overall responsibility for the administration of the appropriate local authority (...)”

C'est une grande contradiction, M. le président.

We should also not forget that when the Business Facilitation Act was passed, the responsibility to grant permits was not only withdrawn from Councillors, but the right to even question a decision was withdrawn. The Councillors did not even have the right to question a decision which has been taken.

The Business Facilitation Act was introduced to give more powers to Chief Executives of district councils and municipalities. Mais le hic, M. le président, c'est qu'on accorde toutes sortes de permis, parfois pas conforme aux lois existantes, mais quand il y a un bâtiment qui n'a pas respecté les normes, quand il y a mort d'homme, la première personne à être blâmée, c'est le conseiller qui a été élu dans l'arrondissement. Comme le *Leader* de l'opposition a fait ressortir, c'est un recul de la démocratie, c'est prendre le pouvoir des collectivités locales pour les mettre carrément entre les mains du ministre.

M. le président, pour prendre un autre volet de ce projet de loi, je ne peux m'empêcher de parler sur l'état des bâtiments municipaux, des bâtiments délabrés.

On est en train de parler de 'Maurice Ile Durable'. Je me pose la question : est-ce que personne n'a remarqué que ces bâtiments qui sont supposés être la fierté de nos villes et de nos villages, méritent au minimum une couche de peinture ? Le Plaza, par exemple ! Le Plaza qui a été la fierté non seulement des Rosehilliens, mais de toute la population ; le Plaza qui, autrefois, accueillait toutes sortes d'artistes. Le Plaza, M. le président, est mort ! Plus d'activités !

La première phase de rénovation a coûté la bagatelle la somme de R 80 millions. Et savez-vous, M. le président, quand il pleut, à l'intérieur du Plaza, il y a de l'eau partout. Investir R 80 millions dans un bâtiment pour ensuite fermer ces portes, ne pas pouvoir l'utiliser, et maintenant parler d'une deuxième phase de rénovation ! Est-ce qu'on ne peut pas parler de gaspillage des fonds publics ?

Aujourd'hui, M. le président, les salons mairaux sont transformés en *ring*, des règlements de compte se font dans les salons mairaux, à coups de pieds. Nous avons aujourd'hui certains conseillers et des maires qui ont oublié leur sens du devoir, et la gestion des municipalités est caractérisée par des scandales.

A Beau Bassin/Rose Hill, un conseiller qui est connu comme le sobriquet "Missié Chemise Rouge", bénéficie d'un *sponsorship* de la compagnie Gamma pour assister à une conférence à Paris. D'après le *Local Government Act* de 1989, toute donation doit avoir l'aval du Président de la République. Dans ce cas, apparemment une demande dans ce sens n'a jamais été faite auprès de la présidence. Ensuite, sur une question de principe, fallait-il demander ou accepter un *sponsorship* d'une firme privée pour aller à une mission officielle ? Qu'aurait fait ce conseiller s'il avait à trancher pour l'allocation d'un contrat ? Autant que je sache, l'affaire a été

référé à l'ICAC depuis bientôt trois/quatre ans, M. le président. Depuis, on en a jamais entendu parler !

Autre cas, à Beau Bassin/Rose Hill toujours, le fameux *sponsorship* de la fédération de cyclisme – je pense que quelqu'un a dû en parler – dont l'épouse du maire est la secrétaire. Le budget de la municipalité a été augmenté significativement, le maire ayant lui-même participé aux délibérations sans qu'il informe le conseil de l'intérêt de son épouse dans la fédération. C'est grave, M. le président ; c'est très grave. Un cas de trafic d'influence et de conflit d'intérêts qui a été référé, encore une fois, à l'ICAC depuis belle lurette. Jusqu'à ce jour, rien, M. le président !

A la municipalité de Quatre Bornes, l'affaire des étaux – R 200,000 par étal réclamé par un groupe de conseillers, l'affaire est en cour intermédiaire. M. le président, j'ai cité que quelques cas ; il y en a plusieurs.

Pour terminer, I appeal to all Members of this august Assembly to go beyond party politics and to look at this Bill with objectivity. *Cette loi est anti-démocratique* and I make an appeal so that appropriate amendments be made in the interest of the population.

Thank you, Mr Deputy Speaker, Sir.

(1.30 a.m.)

Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, due to this late or early hours, I am going to restrict myself to just the clause about the possibility for women standing as candidates. I would like to start - *je dois le dire parce que je me souviens très clairement que juste avant que notre ami, le Dr. James Burty David, a disparu - c'était juste avant, il est décédé en Décembre mais c'était à peu près en Novembre - on était dans une session late night et on était dans le lunch room. Je me souviens très bien qu'il y avait d'autres personnes et on parlait à la table et il était très excité with the idea that he was going to come with this kind of amendment pour avoir plus de femmes dans les collectivités locales et je suis vraiment heureuse, je félicite le ministre et le Premier ministre, le Cabinet pour emmener ce projet de loi qui est vraiment un momentous step towards the participation of women in local authorities. It really is, and I think there is consensus about this.*

(Interruptions)

Yes, true, we can go further and we will go further as the Prime Minister has said and he has said very clearly that he agrees with the line of thinking that the Leader of Opposition has said earlier on, on the other Bill. And the report from the eminent group led by Professor Carcassonne will come in less than two weeks.

(Interruptions)

The Deputy Speaker: This is over now.

Ms Deerpalsing: I just mentioned it *en passant*. Mr Deputy Speaker, Sir, at clause 11(6) it says –

“Any group presenting more than 2 candidates in an electoral ward shall ensure that the candidates are not all of the same sex.”

This is what we are talking about concerning this revolutionary step.

The hon. Leader of the Opposition has mentioned one thing about “group”. He asked about what “group” and what is the sanction? Well, in the First Schedule of the Constitution, for the general elections, it is said that –

“Provided that two or more political parties may be registered as an alliance party. For those purposes it shall be regarded as a single party.”

And if you look at the definition of ‘group’ in this Bill, it sends you to clause 18. And if you look at clause 18(b) on page 23 of this Bill, it tells you very clearly that –

“Any 2 or more groups may be registered as an alliance for the purpose of paragraph (2), in which case they shall be regarded as a single group.”

Here, we are talking about group; here, we are talking about a single party. The essence is the same. This is what it is meant. And the hon. Leader of the Opposition has asked about the sanction. But, again, as for the Constitution, for example, when the Constitution ask candidates to declare their communities and so on, it does not say here what the sanction is. The sanction is always by regulations. It is the same. When you go, for example, to validate the candidacy, it

does not spell out in the Constitution where it says: you have to declare your community, that if you don't declare it, this is a sanction. That's what I am saying. The sanction comes as a validity when the Electoral Commissioner is going to validate the registration. Therefore, to answer to that point, the fact is that when we are talking about the group, we are talking about what is going to be considered as a single group and what is going to be considered as a single party.

Mr Deputy Speaker, Sir, when we are talking about having more women in Local Authorities or politics, as I said, it is a momentous step and it is so befitting that it is happening when the Labour party is celebrating its 75th anniversary and our theme is '75 years of progressive politics' precisely to further the role of women in the society. And we are not the only country in the world. Mr Deputy Speaker, Sir, when we think about it, *que ce soit à l'île Maurice, que ce soit ailleurs, et je vais référer aux honorables membres à un dossier complet que* 'The Economist' has this week on closing the gender gap. In fact, the World Economic Forum which is a Geneva-based think tank has earlier this month released its latest Annual Global Gender Gap Report comparing countries. I think it is amazing, *on doit le dire, M. le président, que ce soit à l'île Maurice ou dans d'autres pays, on est encore en train de parler, de donner la place qu'il faut aux femmes.* Why is this so, Mr Deputy Speaker, Sir? Just for the sake of argument, there is a feminist historian who has done a wonderful job and I would really recommend the book to hon. Members who are interested. The name of the author is Gerda Lerner. She wrote a book a long time ago called 'the Creation of Patriarchy'. She says that the patriarchal edifice of knowledge is but the product of a historical development begun in the second millennium B.C. in the ancient Near East. She says and it is quite befitting *qu'aujourd'hui on est en train de parler de cela, pas seulement à l'île Maurice, la place de la femme, que ce soit dans la politique, que ce soit sur les Boards des compagnies.* As she says, patriarchy as a system of organising society was established historically, it can also be ended by a historical process. *C'est pour cela que je dis aujourd'hui,* this historical process *que l'honorable ministre emmène ce Bill, on est en train d'avoir encore une étape* in this historical process to end this system of patriarchy as a way of organising society. It is also very interesting also what this feminist historian says. 'But what can account for women's exclusion from the historical process? What could explain the long delay, more than 3,500 years in women coming to consciousness of their own subordinate position?' And she offers - for argument sake, I think,

it is interesting to know – a very provocative and challenging interpretation of the historical subordination of women. I think, we, politicians, we hesitate, we are a bit scared because of our multicultural society to talk about it. But I want to mention it because it is something that one day or the other, I hope will be taken in this country. She talks about the sexist interpretation of organised religion with respect to the place of women in society. In every civilisation, Western or Eastern, there is no difference. If you read her book, it is very insightful. She gives precise examples from 3000 years ago to 2000 years ago, to 100 years ago, to 25 years ago. The pattern is the same. This is why you see today, Mr Deputy Speaker, Sir, in Parliament, across the world, women on average hold just 20% of the seats. In Africa, in the SADC countries, they are doing very well. Their countries are doing very well, but when you look at the OECD, in Sweden it is less than 50%, Finland and Sweden are just above 40%. Then we go down the list and we have Britain which is just on the 20% mark and Italy also; the United States is about 17%; Russia, India, Brazil and so on.

Donc, M. le président, je dois dire encore une fois que c'est un momentous step ahead and I think that the point raised by the hon. Leader of the Opposition about what the sanction will be, I think that I have also answered. The hon. Prime Minister and hon. Mrs Bappoo earlier on have mentioned the contribution of the Labour Party. To answer to what hon. Obeegadoo said, we never said that we were the only ones. But we have been here for 75 years....

The Deputy Speaker: Hon. Obeegadoo has not yet talked on this Bill. I told the hon. Member right now that we should not mix debates.

Ms Deerpalsing: Alright! In general I am saying that when we say that the Labour Party has done so much, we do not say we are the only ones, everybody has contributed. But the history of the Labour Party is such that this Party has existed for 75 years and from the very day it started to exist, it has fought for the dignity of women and today with this Bill, Mr Deputy Speaker, Sir, the hon. Minister is continuing in this line of progressive politics to bring more women in local authorities and this is going to be followed by the legal framework for bringing more women to National Parliament later on. I say 'thank you' and 'congratulations' for this major momentous step ahead. I commend also the Bill.

Thank you, Sir.

(01.42 a.m.)

Mr F. Quirin (Third Member for Beau Bassin and Petite Rivière): M. le président, le *Local Government Act* est considéré comme la bible des collectivités locales. Cela nous donne une idée de l'importance du sujet qui est devant nous ce matin. En tant qu'ancien conseiller municipal et maire, j'accorde une attention particulière à ce projet de loi afin de pouvoir y apporter mon humble contribution. La démocratie se définit habituellement comme le gouvernement du peuple, par le peuple, pour le peuple et avec le peuple. C'est donc une administration de proximité. Elle comprend le rapprochement du citoyen à la prise des décisions d'où l'élaboration d'une politique de décentralisation. Il s'agit à la fois de redistribuer l'exercice du pouvoir et d'adapter les structures politiques et administratives aux exigences de l'efficacité économique. Par contre, la centralisation peut faire de l'appareil gouvernemental un monstre sclérosé et déséquilibré, comme le disait si bien, François Mitterrand.

M. le président, la décentralisation prévoit un double transfert, celui des compétences et celui des ressources. Pour que les collectivités locales soient en mesure d'accomplir les tâches qui leur sont attribuées, leurs ressources doivent être naturellement accrues d'année en année, proportionnellement aux besoins du budget. En France, par exemple, l'État a transféré vers les collectivités locales le produit de certains impôts comme la vignette automobile ou la taxe sur les permis de conduire. Ayant ainsi défini la démocratie locale et la décentralisation, nous pouvons maintenant analyser sans complaisance le contenu de ce projet de loi pour voir s'il répond aux attentes du peuple.

M. le président, *l'Explanatory Memorandum* nous dit et je cite –

“The Bill makes further and better provision for –

(a) the establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area.”

Cela peut raisonner harmonieusement dans les oreilles d'un bien pensant. Mais, ce n'est que le commencement. Poursuivons donc, notre parcours ! A la page 16, section 9 « *Changes in local authority or electoral ward* », M. le président, il y a eu un redécoupage électoral en ce qui concerne les *wards* de fond en comble, sans la moindre consultation avec l'opposition. D'autres

l'ont dit avant moi, ni même une indication comme le veut la tradition et cela commence bien. Je poursuis à la page 20, section 13 « *Election of Councillors to District Council* », sub section (4) –

« *The Permanent Secretary or his representative shall preside over the meeting of the Village Councillors so convened, but he shall have no right to vote.* »

Au fait, c'était le *Chief Executive* du *District Council* qui présidait cette réunion. Ce n'est que le premier d'une série de cas où le ministre et son ministère usurpent les pouvoirs des collectivités locales.

M. le président, en voici d'autres exemples, à la page 26, section 25 «*Code of Conduct for Councillors*» -

«*The Minister shall, after consultation with local authorities, and such other persons as he thinks fit, issue a Code of Conduct for Councillors, which he shall cause to be published in the Gazette.*»

A mon avis, M. le président, c'est aux associations des conseils municipaux et des conseils de district de rédiger ce code de conduite. Bien sûr, les commentaires de l'honorable ministre seront les bienvenus. Cela donne une indication de ce concept malsain qui veut considérer les collectivités locales comme des succursales du ministère des collectivités locales et le ministre lui-même comme un super maire. Je poursuis à la page 47, section 57, M. le président,

« *Occupation of stalls and shops inside markets, fairs or other premises* », sous la section 3 –

« *Except with the approval of the Minister, a local authority shall not –*

(a) *suspend, revoke, or fail to renew an authorisation granted under subsection (1);*

(b) *where it has the option not to renew a contract entered under subsection (1), exercise that option; or*

(c) *vary the terms and conditions of an authorisation granted under subsection (1)*».

Encore une fois, c'est le super maire qui parle, guidé par l'obsession succursale. On ne doit rien faire, *except with the approval of the Minister*. C'est sa façon à lui, M. le président, d'appliquer *a sufficient autonomy*. A la page 87, section 117 (12)

“(a) *Application for building and land use permit -*

In the extent that a decision or recommendation made by the Permits and Business Monitoring Committee is rejected by the Executive Committee, the matter shall be referred to the Minister for determination, and

(b) the Minister shall have a droit de regard on any decision of recommendation made of the Permit and Business Monitoring Committee.”

M. le président, hélas c'est le comble; l'honorable ministre ne se contente pas d'agir comme un super maire; il veut maintenant remplacer le *Town and Country Planning Board*. C'est un cas flagrant de cette obsession de recentralisation au lieu du décentralisation des pouvoirs des collectivités locales qui est avant tout le fil conducteur de ce projet de loi contrairement à l'effet d'annonce de *sufficient autonomy* promis dans *l'Explanatory Memorandum*.

Autre exemple à la page 49, section 60 (5) –

« *All waste collected by, or on behalf of, a local authority shall be the property of the State.* »

Voici une occasion, M. le président, pour les collectivités locales d'augmenter leurs revenus à un moment où elles en ont ardemment besoin de ressources financières additionnelles. Mais cette occasion leur est volée par l'État lui-même. M. le président, au lieu de procéder à un transfert de ressources financières de l'État vers les collectivités locales, c'est le contraire qui leur est imposé. C'est non seulement un vol, mais un viol de la démocratie.

Mr Deputy Speaker, Sir, there is another glowing contradiction in this Bill. MPs are now being threatened of being deprived of their right to stand as candidates for Local Government elections. This is again another discriminating decision. The history of Mauritius is so abundantly shown with proud examples of MPs cumulating with excellence the office of mayor and municipal councillor. It would be extremely regrettable to have that right removed,

especially at a time when the hon. Prime Minister himself is constantly talking of the need to develop a modern Mauritius. If we look at the situation in countries like in India, South Africa and our neighbour Réunion Island, we shall see that the constraints in the new Local Government Bill do not exist there. Why should these constraints be imposed upon us? The one constraint that could be considered as acceptable is the MPs been allowed to stand as candidates for Local Government elections provided that they do not benefit from any allocation whatsoever as councillors.

Another argument, Mr Deputy Speaker, Sir, which has been recently put forward is that cumulation of offices of MP and local government councillor could give rise to conflicts of interest. This is, in fact, a purely negative approach and does not stand any logic. On the contrary, when a local government councillor, who is naturally close to the needs and expectations of the inhabitants of his local authority, is also an MP, he is in an ideal situation to prevent conflicts of interest by helping Government to harmonise development at the national level with the local level. Think nationally, act locally.

Local Government administration is above all a question of team spirit. Experience is one of the best qualifications. If Local Government is deprived of such an asset, it will not flourish, it will perish. We can compare Local Government Council with a successful football team. There are, of course, many bright youngsters, but they are guided by a few experienced players among which the captain is chosen. Let us, therefore, apply the right law, to choose the right team.

M. le président, après avoir démasqué ces dispositions négatives, permettez moi de soumettre quelques propositions positives. A la page 42, section 50 2 (m) -

“the promotion of sports development and the organisation of sports activities, including the sponsorship of any club capable of representing the city, town or district at local, regional and international levels.”

Je propose, M. le président, que cette clause soit amendée et qu'on y ajoute les mots '*or athlete*' après le mot '*club*' et devrait ainsi se lire comme suit -

“The promotion of sports development and the organisation of sports activities, including the sponsorship of any club or athlete capable of representing the city, town or district at local, regional and international levels.”

Je propose aussi, M. le président, que cette nouvelle loi, et que cette clause, en particulier, fasse provision sur l'engagement des collectivités locales de mener à bien la régionalisation du sport et, qu'à cet effet, une attention spéciale, y compris les ressources matérielles et financières soient accordées non seulement aux équipes de l'élite, mais aussi à la pratique du sport dans chaque quartier de la collectivité locale en question.

Je poursuis donc, à la page 50, section 51(9) - *Sanitation and abatement of nuisance, bareland or abandoned premises (...)*”-

Je propose, M. le président, que, de concert avec les ministères de la santé, de l'environnement et du développement durable, ainsi que de la Police, les lois appropriées soient consolidées, pour faire obligation à chaque propriétaire, principalement ceux absents du pays, de déléguer un mandataire pour assumer les responsabilités de leurs terrains vagues ou maisons abandonnées, qui sont non seulement des *eyesores*, et des risques sanitaires, mais aussi des repères pour malfaiteurs.

M. le président, il me semble que l'honorable ministre, courbé sous le pesant fardeau qui lui a été imposé, essaye de faire preuve d'un certain héroïsme, mais en vain. Le ministre s'est finalement englué dans un cercle vicieux de confusion, de contradiction et d'incohérence à tel point qu'il n'arrive, mais alors pas du tout, à accomplir cette mission impossible. Le sort en a décidé ainsi. C'est triste de constater que même certains de ses collègues se sentent mal à l'aise pour l'aider, car il semble que l'honorable ministre a été désigné comme le bouc émissaire. Comment voulez-vous défendre l'indéfendable quand les membres de votre propre parti vous traitent de 'ministre pomme d'amour' et de 'ministre des administrations régionales qui ne connaît rien aux administrations régionales.' Le ministre qui désoriente ses camarades parce qu'il est lui-même désorienté car il ne tient pas ses promesses ...

The Deputy Speaker: No, even if you are quoting, you can't quote something, which is not going ...

Mr Quirin: Je ne vois pas où est le ...

The Deputy Speaker: Vous pouvez utiliser le mot 'désorienté', mais il y a eu d'autres adjectifs qui, je crois, n'est pas correct.

Mr Quirin: De quel mot, parlez-vous, M. le président ? Je ne vous ai pas suivi là.

The Deputy Speaker: Withdraw '*le ministre pomme d'amour.*'

Mr Quirin: Ce n'est pas moi qui l'ai dit.

The Deputy Speaker: No, you can't use another person's words to make unparliamentarily comment on a Minister.

Mr Quirin: Mais d'autres l'ont fait avant moi, vous n'êtes pas intervenu, M. le président.

The Deputy Speaker: I am giving you my ruling.

Mr Quirin: C'est bon, je retire le mot de '*ministre pomme d'amour.*' Je poursuis, M. le président, un conseiller municipal récemment démissionnaire, membre fidèle du parti travailliste, a dénoncé en ces termes et je cite -

«Ce n'est pas normal de tripoter ainsi la démocratie régionale, tout en ne dévoilant pas la date des élections pour la deuxième fois. On finira par croire que l'Alliance gouvernementale a effectivement peur d'affronter l'électorat.»

Je me demande qui du ministre ou moi est le plus désorienté. C'est le conseiller démissionnaire qui le dit.

(Interruptions)

The Deputy Speaker: Please, don't disturb!

Mr Quirin: C'est lui qui revient à chaque fois sur sa parole. Le conseiller démissionnaire parle de vous, M. le ministre. «J'aurais été très malheureux à sa place. Il n'est pas maître de la situation et des décisions. Il est dans une situation où c'est lui qui essuie les critiques. Qui est Aimée pour venir dire aux conseillers qu'ils ne sont pas dans l'illégalité. Il ne peut pas se substituer à une cour de justice et juger de la légalité ou de l'illégalité de cette situation. »

(Interruptions)

M. le président, je laisse braire les ânes. Deux cas flagrants qui nous poussent à croire que l'honorable ministre a été piégé et subit aujourd'hui le triste rôle du bouc émissaire. Primo, il y a le *Rodrigues Town Council and Village Committee of Rodrigues* et secundo, la *Tenant Tax*. L'honorable ministre se vante d'avoir consulté pratiquement tous les représentants du peuple Rodriguais avant la rédaction de son projet de loi. Or, aussitôt ce projet de loi rendu public, un véritable *tollé* se soulève à Rodrigues et se propage à Maurice. Lorsque le *Leader* de

L'opposition ici même dans cette chambre a soulevé la question, le Premier ministre s'est empressé de répondre que suite aux plaintes des Rodriguais, cette clause pourrait être enlevée du texte de loi si nécessaire et ce fût fait. La *Tenant Tax* figurait en bonne place dans la première version du projet de loi et couvrait pas moins de quatre sections entières. Or, M. le président, voilà que quelques jours plus tard, l'honorable ministre des finances accorde une section de son budget à la *Tenant Tax* pour la faire disparaître complètement tout en promettant qu'une compensation appropriée sera offerte aux collectivités locales.

Ce qui nous amène à demander quel rôle a joué l'honorable ministre des collectivités locales dans ces deux cas. Pourquoi lui a-t-on permis d'inclure ces deux clauses pour l'humilier ensuite en lui faisant enlever sans aucune forme de procès. Sommes-nous dans la cour du roi Pétaud où chacun commande et où règne le désordre ? Est-ce la raison pour laquelle le ministre baigne dans la confusion totale et crée un bouleversement général ? Est-ce cela, M. le président, un projet de loi révolutionnaire et spectaculaire que nous sommes appelés à voter. Après tout ce n'est pas une loi soi-disant révolutionnaire ou spectaculaire qui va mettre de l'ordre dans les collectivités locales.

M. le président, nous pouvons avoir la meilleure des lois qui soit, mais si nous n'avons pas les hommes et les femmes capables de mener à bien cette mission qu'est d'administrer les collectivités locales avec sincérité, compétence et bien sûr dans la transparence la plus totale, rien ne sera fait de manière efficace et efficiente. Nos villes ne peuvent plus être administrées par ses pseudos conseillers de l'alliance sans avenir qui pensent avant tout à leurs intérêts personnels au lieu de ceux des citoyens. Il est grand temps que le MMM reprenne contrôle des cinq villes avant qu'il ne soit trop tard.

(Interruptions)

L'honorable ministre a eu la maladresse de déclarer publiquement que *élection pas rempli ventre*. Les élections sont un droit légitime qu'on ne peut tripoter à sa guise. Priver le peuple de ce droit fondamental équivaudrait à un viol de la démocratie. Je conclurai, M. le président, en disant que la montagne a accouché d'une souris, pire même une souris mal aimée, pourrai-je dire. Aux grands maux les grands remèdes. La seule solution c'est l'organisation des élections, « *ran nu nu vote ène batté condiré pé atan zot* ».

Je vous remercie, M. le président.

(02.03 a.m.)

Mr R. Issack (Third Member Stanley & Rose Hill): M. le président, je voudrais tout d'abord m'associer à ceux qui ont rendu un hommage bien mérité à un ancien ministre décédé, M. Régis Finette. Il fut un homme exemplaire, on se souviendra toujours de son sourire sempiternel, un homme affable, un ministre qui savait discuter, dialoguer, harmoniser ses relations avec tout le monde. Il était un exemple. Et, aujourd'hui, pour revenir à la loi qui est présentement devant nous, nous ne pouvons ne pas non plus penser à l'honorable Dr. James Burty David, car cette loi qui est devant nous, aujourd'hui, c'est lui qui en était un peu l'initiateur, et le ministre Hervé Aimée en a pris le relais.

Nous avons eu l'occasion d'écouter nombre de parlementaires intervenir sur le new *Local Government Bill*. Il est navrant de constater une dés-intellectualisation du débat. Certains ont préféré ramener le débat à un niveau que je qualifierai d'exécration. Il faut débattre d'une loi. On peut être pour, on peut être contre, mais il y a quand même le langage, il y a l'engagement. Il ne faut pas s'attaquer à la personne, il ne faut pas ...

(Interruptions)

Je reviendrai sur la pomme d'amour et aussi bien la sauce de la pomme d'amour. Je n'ai qu'une langue et un visage, honorable Quirin !

The Deputy Speaker: Adressez-vous à moi!

(Interruptions)

The Deputy Speaker: Hon. Henry! I call both Members to order. Hon. Henry, if you have not been here, I have been here for the last 14 hours and also hon. Quirin !

Mr Issack: Oui, M. le président les honorable membres, particulièrement l'honorable Quirin aura l'occasion de me juger à la fin du discours.

The Deputy Speaker : Adressez-vous à moi !

Mr Issack : Je m'adresse à vous, M. le président, je sais que vous êtes fatigué et je vous demande votre indulgence. On a entendu aujourd'hui plus d'une fois le mot 'démocratie', 'une loi anti-démocratique'. La véritable démocratie existe au sein du parti travailliste. Nous sommes libres de nous exprimer, de dire ce que nous pensons, nous avons la liberté de ne pas être d'accord entre nous. Nous avons la liberté de dire ce que nous pensons tout en respectant nos amis, nos collègues, nos frères et nos sœurs. M. le président, au parti travailliste, il y a une véritable expression de liberté.

(Interruptions)

Nous nous exprimons et nos amis savent, surtout nos amis qui se trouvent aujourd'hui dans l'opposition savent, par exemple, que nous avons la liberté de poser autant de questions que nous voulions. Nous avons la liberté d'interroger tous les ministres que nous voulions et que nous voulons toujours.

Nous avons et avons toujours la liberté de poser n'importe quelle question au Premier ministre, lui-même, il ne nous refuse pas cette expression de liberté. Donc, aujourd'hui, venir dire que nous sommes anti-démocratiques, c'est très injuste. Nous étions régis par deux lois et cela a causé pas mal de confusion. Aujourd'hui même nous avons eu un exemple en écoutant l'honorable ministre Faugoo. Nous avons compris combien ces deux lois parfois causaient une certaine confusion, il y a aussi certaines clauses qui sont contradictoires. Donc, le gouvernement a décidé de venir avec une loi pour qu'il n'y ait plus de confusion, une loi travaillée par le ministre Hervé Aimée. Mais aujourd'hui que constatons nous ? On veut crucifier le ministre, on l'anathématise. Il y en a même qui le ridiculise, qui essaye de pervertir son nom, de l'utiliser à mauvais escient. Cela ne fait pas honneur. En certaines circonstances, c'est vrai je me suis exprimé dans les medias, j'ai dit ce que je pensais, mais sans jamais attaquer l'honneur et l'intégrité du ministre Hervé Aimée.

(Interruptions)

Je ne suis pas d'accord, M. le président. Tous les membres de l'opposition doivent le reconnaître; je n'ai jamais insulté un adversaire. Est-ce que maintenant je vais insulter ceux qui sont mes amis, qui sont membres de notre équipe? J'ai fait des déclarations et aujourd'hui je deviens une référence. Il fallait prendre ce que j'ai dit dans le sens littéraire également.

(*Interruptions*)

The Deputy Speaker: Order!

Mr Issack: A aucun moment, je n'ai traité le ministre Hervé Aimée de ministre pomme d'amour. Jamais! C'était une expression d'appréhension. Si demain il nous arrive d'avoir un ministre qui se mêle de toutes les sauces, ce serait un ministre pomme d'amour. Mais, à aucun moment, je n'ai mis à l'index, pointé du doigt le ministre. Mais, évidemment, l'opposition doit profiter de tout ce qui lui tombe sous la main. L'opposition en profite, en détourne l'attention ; la démagogie, manipulation de l'opinion publique. Je me souviens qu'en intervenant sur le budget, l'honorable *Leader* de l'opposition avait voulu décerner le prix Nobel de zigzags au Premier ministre. Mais, au fait, il faudrait décerner le prix Nobel de la démagogie à l'opposition.

Il y avait deux lois. Il faut nous poser une question aussi: pourquoi, en 2005, l'opposition du jour avait été balayée aux élections municipales? Il faut se poser la question. Aujourd'hui, on essaye de nous prouver que la direction du MMM, du MSM, cette équipe-là était la meilleure. Et pourtant, les meilleurs éléments ont été balayés aux dernières élections par même des novices. Donc, en 2005, c'était déjà dans notre programme gouvernemental, c'était déjà dans notre manifeste électoral: une refonte des collectivités locales. On a travaillé, on a planché sur cette refonte, sur cette loi.

Je me souviens encore de mes amis conseillers municipaux dans des *brainstorming sessions* avec le ministre, Dr. James Burty David; il y avait un expert britannique en la matière qui était venu à Maurice pour discuter des collectivités locales. Donc, il fallait certainement à cette époque voir comment venir de l'avant avec une loi dans l'intérêt supérieur du pays. Oui, c'est vrai qu'on a pris du temps. C'est vrai! Et c'est vrai également, qu'en plusieurs occasions, moi-même j'ai été très réactif. Je me suis montré dubitatif dans certaines circonstances, et aussi appréhensif. C'est vrai qu'en prenant connaissance de certaines clauses de cette loi, j'ai réagi. Par exemple, je n'étais pas d'accord, et je l'ai dit. Je pense qu'un député a le droit d'être candidat, parce que moi-même j'ai été député et lord-maire. Donc, je ne pouvais pas moi, qui fus à la fois député et maire, venir dire aujourd'hui que je suis contre.

Je ne dis pas que j'ai bénéficié, que j'ai joui de ce privilège. Mais j'aurais été en contradiction absolu avec moi-même si j'étais venu de l'avant pour dire que c'est bon. Voilà pour quelle raison je me suis exprimé sur ce point.

Deuxièmement, j'ai dit que je ne suis pas d'accord que l'éventuel candidat doive habiter dans la ville ou dans le village s'il veut être candidat aux élections municipales ou villageoises. Encore une fois, la raison c'est parce que moi-même, qui suis Curepipien, je passe toute ma journée à Port Louis où je travaille comme enseignant, et je rencontre beaucoup d'élèves et de gens de Port Louis. Donc, je ne pouvais pas, encore une fois, être en contradiction avec moi-même en disant 'oui, il faut que vous soyez Curepipien pour pouvoir être candidat à Curepipe et Port Louisien pour pouvoir être candidat à Port Louis.'

Donc, c'était une logique. Ce n'est pas que j'avais quelque chose contre le ministre Aimée. C'était ma façon de penser et c'était également ma liberté de penser, et cette liberté-là est une chose acquise au sein de cette alliance du gouvernement.

(Interruptions)

Nous avons le droit de penser, et nous avons le droit de dire notre pensée. Mais nous avons aussi le droit d'être solidaires. Nous avons aussi le droit d'être nous. Nous avons aussi le droit de ne pas subir le dictat de qui que ce soit de l'opposition.

(Interruptions)

M. le président, nous avons des réserves, mais nous sommes solidaires. Nous sommes une équipe. Nous avons des divergences, nous avons des opinions différentes, mais nous restons un arbre avec différentes branches, avec différents fruits. Mais nous sommes tous des fruits juteux.

(Interruptions)

Il faut que l'opposition comprenne cela. On est d'accord ou on n'est pas d'accord, mais quand le moment arrive de prendre une décision, la décision au sein du Parti travailliste et du PMSD est collective. La responsabilité est partagée. Je peux ne pas être d'accord, ou je peux être d'accord sur certains points avec l'opposition. Mais je ne dois pas oublier que je ne suis pas dans l'opposition. M. le président. Oui, nous avons des réserves. Moi-même je me suis exprimé. Nous avons eu la liberté de nous exprimer. Pas plus tard qu'hier, j'ai dit ce que je pensais, et j'ai écouté le ministre. Mais je dois souligner une chose. Laissez-moi vous raconter en deux lignes une petite anecdote. Un jour un grand sage est mort. Il y avait une réunion quelques jours après. Un des disciples de ce sage a fait irruption dans la réunion, et a dit :

« Qui est celui parmi vous qui est le plus intelligent que moi ? »

(Interruptions)

Le sage a posé une question : qui est celui d'entre vous qui est le plus intelligent que moi ? Et vous savez ce que tout le monde s'est dit : mais c'est un arrogant !

Il a répondu :

« Non, j'ai voulu savoir qui est celui qui est le plus intelligent que moi pour que je puisse apprendre de lui. »

J'ai appris à écouter. Je n'avais pas totalement entendu l'honorable ministre Aimée. Mais je l'ai écouté. Mais sur certains points il a raison. Il a expliqué parce que cette loi ...

(Interruptions)

Oui, c'est une loi 'Aimée', mais soutenue par tout le monde collectivement. Il y a l'apport de chacun, du Premier ministre, des ministres, de ses collaborateurs, d'autres gens et anciens ministres. Si vous avez des propositions concrètes, de très bonnes propositions, certainement on va les accepter. Mais si se sont des propositions démagogiques...

(Interruptions)

Comme je vous le dis, il y a certaines choses que moi-même je n'épouse pas. Certaines choses ! Mais ce n'est pas parce que votre matelas a quelques punaises que vous brûlez la maison!

(Interruptions)

Je peux ne pas être d'accord avec certains points ...

(Interruptions)

Mais je suis d'accord avec beaucoup de points. Disons également, que nous avons à mettre de l'ordre dans les municipalités.

(Interruptions)

Par exemple, j'ai mon opinion sur le transfugisme. Mais quand même je comprends les points avancés par l'honorable ministre. En pensant au sage, je me suis dit que je ne peux pas tout le temps avoir raison. Ils sont nombreux et majoritaires. Je les ai écouté et je me suis dit que j'ai peut-être ou certainement tort moi aussi. Je ne peux pas tout le temps avoir raison dans tout ce

que je dis et dans ce que je pense. Et écoutant la version et les explications de l'honorable ministre je me suis dit qu'il n'a pas aussi tort que je le pensais sur certains points. Mais il faut savoir aussi accepter ses faiblesses.

(Interruptions)

Je vois que vous changez de langage maintenant.

M. le président, cette loi contient du bon. Même s'il y a certaines choses avec lesquelles je ne suis pas d'accord, je dois accepter que dans l'ensemble c'est une remise en ordre. Dans l'ensemble on veut rehausser le niveau, mais, en même temps, je pense qu'il va falloir valoriser les collectivités locales par la qualité des gens. Il faudrait une pédagogie ; je ne dis pas ces cinq dernières années mais, depuis quelques décennies, les mairies, par exemple, ont perdu de leur éclat. Laissez-moi m'expliquer. Nous avons eu des candidats, mais est-ce que nous réalisons – je prends le cas de Port Louis – que certaines personnes ne connaissent même pas leur ville, ne connaissent pas l'histoire de leur ville, ne savent pas quand Kwan Tee, par exemple, s'est installé au Caudan ; ne savent pas pourquoi Caudan s'appelle Caudan?

(Interruptions)

Même les deux côtés de la Chambre, avouons le. Vous savez, Robert Edward Hart, son cœur se trouve à la mairie de Port Louis. Beaucoup de gens ne le savent pas. Nous ne connaissons pas assez notre histoire, et aussi il y des villes qui peuvent devenir des centres de culture. Mais nous avons à apprendre aux nôtres, à tout le monde, à ne pas faire de la culture un prétexte pour des abus. C'est ça l'administration municipale. C'est ça le contrôle. Je me suis dit moi aussi, je me suis demandé et j'ai discuté, pourquoi l'honorable ministre doit avoir un droit de regard sur certaines activités. Avec le temps peut-être ça disparaîtra le jour où on aura de vrais gestionnaires, des visionnaires. Mais il faut rééduquer les municipalités. Il faut rééduquer les conseillers municipaux et villageois. Il y a toute une réforme mais aussi toute une éducation qui va avec.

(Interruptions)

Oui, six ans ! Au contraire, c'est bien qu'aujourd'hui nous ayons une loi qui nous permettra d'avoir des élections municipales et villageoises chaque six ans parce que pour l'élection d'un Maire, un an ne suffit pas. Même les deux ans je me demande si ce n'est pas trop court ; peut-

être on pourrait renouveler. Mais quand même, je dois féliciter le gouvernement, en particulier l'honorable ministre, parce qu'au moins, aujourd'hui, la Cité de Port Louis sera reconnue comme une cité. Au moins aujourd'hui un Lord Maire sera reconnu comme un Lord Maire. Car dans le passé le Lord Maire, les Maires, tout le monde étaient sur un même pied d'égalité mais Port Louis c'est la capitale de l'île Maurice et Port Louis c'est une cité.

(Interruptions)

The Deputy Speaker: Hon. Aimée, please!

Mr Issack: M. le président, tout le monde a compris aujourd'hui et tout le monde est d'accord. Auparavant, il y avait une certaine discrimination contre les éléments féminins. Mais aujourd'hui nous avons rendu hommage aux femmes. Nous les avons invités à devenir des gestionnaires de leurs villes, de leurs localités et de leurs villages. C'est un grand pas en avant. On n'est pas misogyne. On croit que les femmes ont un rôle important à jouer et, aujourd'hui, il faut le dire, tout le monde était d'accord et tout le monde accepte qu'un grand pas a été franchi. Nous n'allons pas tirer le drapeau vers nous pour dire que nous l'avons fait. Tout le monde l'a fait et tout le monde l'a fait ensemble.

Il y a dans cette loi une clause pour un code de conduite et c'est peut-être la base de tout changement parmi les conseillers. Il faut qu'il y ait ce code de conduite, chaque conseiller, chaque conseillère aura à être un modèle de la gestion. Il faudrait que nous ayons des maires, des présidents de villages, des lords-maires qui sont des parangons de vertu et avec cette loi, il y a plusieurs possibilités pour que nous puissions aller dans la bonne direction. Nos amis de l'opposition ne doivent pas critiquer tout ce qui bouge, dire que tout ce que vient du gouvernement n'est pas bon.

A écouter ces chers amis, on croirait qu'il n'y aurait qu'une chose qui est bonne dans cette loi : la chance donnée aux femmes. Mais il y a plusieurs aspects de cette loi qu'on n'a pas vu, revu, sur lesquels on n'a pas cogité. Alors, venir dire ce n'est pas bon, parce que vous êtes dans l'opposition, il faut dire que tout ce qui est ici n'est pas correct. Ça ce n'est pas correct, et tout ce que vous dites nous ne pouvons pas nous dire que ce n'est pas correct, ça aussi ce n'est pas correct. Il faut savoir reconnaître les valeurs, les qualités et, moi, je peux vous dire

aujourd'hui que vous faites un faux procès au ministre Hervé Aimée et je tiens, peut-être quelque part, à me racheter. Si vous aviez notre honnêteté, on aurait fait un meilleur...

(Interruptions)

Non. Mais je dois dire pourquoi je le dis...

(Interruptions)

The Deputy Speaker: Order!

Mr Issack: Parce que j'ai écouté le ministre plusieurs fois. Il s'est exprimé en plusieurs occasions, mais j'ai vu l'importance qu'il attachait à cette loi. C'était son bébé; espérons qu'il saura grandir ce bébé parce que maintenant ce sera la loi Aimée.

Merci M. le président.

(2.33 a.m.)

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): M. le président, je tâcherais d'être le plus court possible étant donné l'heure tardive mais je voudrais tout d'abord rappeler à mon ami, l'honorable Reza Issack qui vient de parler avant moi que quand il parle du droit de regard que c'est lui-même en tant que Lord-maire qui a dû prendre l'autobus au lieu de voyager par la voiture mairale à cause du regard du ministre. L'allocation de l'essence à l'époque était contrôlée pour l'usage de la voiture du maire, mais pas pour les camions d'ordures. Quel droit de regard ! Et si on a toujours des ministres de cette attitude, on va bientôt s'attirer au plus bas dans l'administration régionale.

M. le président, mon ami, l'honorable Reza Issack nous parle aussi de son gouvernement qui est l'arbre avec plusieurs branches, de toutes dimensions et de toutes les couleurs de feuilles, mais il oublie de nous dire que l'arbre tient droit parce qu'il y a deux transfuges qui arrivent à le tenir droit. Mais c'est pourri de l'intérieur et bientôt, au prochain cyclone, vous allez voir que l'arbre va tomber d'un seul coup et vous n'y pourrez rien.

M. le président, concernant l'ancien lord-maire, l'honorable Issack - j'avais lu un article où il avait donné une interview à l'époque au 'Défi Quotidien', du lundi 11 juillet, laissez-moi vous rappeler ce qu'il disait, je cite -

« Reza Issack est connu pour son franc-parler. Il connaît bien le rouage des collectivités locales et analyse le prochain amendement proposé par Hervé Aimée. Pour lui un ministre de tutelle ne doit pas être la pomme d'amour qui est utilisée à toutes les sauces ».

Je ne vais pas qualifier le ministre de ministre pomme d'amour mais le titre - une mairie n'a pas besoin d'un ministre pomme d'amour. Je ne sais pas à qui l'honorable membre faisait allusion lorsqu'il disait cela.

Laissez-moi vous rappeler encore une fois que dans le même article répondant à la question suivante: 'On peut apporter les amendements mais le dernier mot reste au ministre de tutelle, à quoi bon ?' Alors, l'honorable membre répondait: 'Cela dépend aussi qui vous avez comme ministre, un débile ou un fin gestionnaire, une bourrique ou un visionnaire.

(Interruptions)

The Deputy Speaker: Je pense que si l'honorable membre se réfère au ministre, là ce n'est pas correct.

(Interruptions)

Mr Barbier: I am not referring to anybody but I am putting the question: to whom the hon. Member was referring to when he was saying so in this article, Mr Deputy Speaker, Sir.

Et je cite encore : Alors une mairie où un conseil de village a besoin d'une autonomie absolue et non d'un ministre pomme d'amour qui se mêle impudemment à toutes les sauces. Il faut faire confiance à un maire et à ses conseillers. Il faut leur accorder une latitude. Laissez-les libre de gérer, de décider si un ministre doit à chaque fois intervenir, qu'il prenne alors lui-même la place du maire. Ne traitons pas les élus comme des incapables ! Alors, je me demande à qui faisait référence dans cette article l'honorable Reza Issack, M. le président.

D'autre part, il nous dit qu'il ne s'attaque jamais à l'intégrité des gens. Chacun tirera sa propre conclusion. Je dois aussi lui rappeler qu'il a parlé des lois de 1989 et de 2003 comme-ci il

y avait conflit entre ces deux lois. La loi de 2003 fut votée alors que certaines clauses de la loi de 1989 restaient encore en vigueur. Cela a été fait exprès. Parce qu'au fur et à mesure que la loi de 2003 fut promulguée, les clauses en relation avec ces mêmes partis de la loi sont tombées automatiquement. *It was repealed.* Et c'est dans la loi. Donc, si vous parcourez bien la loi de 2003, vous verrez que provision a été faite ainsi pour que toutes les clauses qui rentrent en vigueur dans la loi de 2003, automatiquement celles correspondant dans l'autre texte de loi tombent automatiquement.

(Interruptions)

On va voir si c'est voté en fin de débat.

Donc, je voudrais rappeler à l'honorable ministre de l'éducation, qui, dans son intervention avait cité le *Local Government Act* voté en 2003. Il disait que quand nous étions là nous aussi nous avons renvoyé les élections villageoises, mais ce que le ministre a oublié de dire c'est que le texte de loi de 2003 abolit les villages et les *District Councils*. Donc, s'il n'y a pas d'élection villageoise, il n'y a pas de renvoi d'élection villageoise, M. le président.

Donc, en 2003 lorsque la loi fut votée, automatiquement les villages, les *District Councils* n'existaient plus, alors il n'y a pas d'élections villageoises parce que les villages et les *District Councils* n'existaient plus sous la loi de 2003.

Donc, laissez-moi vous rappeler quand même, M. le président, que l'élection municipale qui fut organisée en 2001 était dûe en 2006. Alors le fait qu'il n'y avait plus de villages et qu'on allait avoir des élections municipales *across the island*, c'est pour cela que les élections allaient être organisées en même temps sur toute l'île en 2006.

(Interruptions)

Mr Deputy Speaker: N'interrompez pas l'honorable membre ! Laissez-le faire son discours !

Mr Barbier: Je voulais répondre à ce point là parce que le ministre avait oublié de nous dire que les élections municipales furent organisées en 2001 ; qu'elles étaient dûes en 2006 et que son gouvernement avait écourté d'un an le mandat des conseillers municipaux MMM à l'époque. Alors les élections qui devaient être organisées en 2006 le furent en 2005. Ecourter le

mandat des militants, mais prolonger le mandat des travaillistes, le peuple en tirera ses propres conclusions, M. le président !

M. le président, pour moi, ce projet de loi est l'éclatement, la parcellisation même de la société mauricienne. A travers ce projet de loi, M. le président, à Port Louis – je parlais de Port Louis – la délimitation des *wards* et des arrondissements telle que c'est fait nous indique carrément que le ministre et ses conseillers ou son conseiller ont fait exprès de parcelliser la société mauricienne et la société urbaine à Port Louis. Je suppose que tel est le cas aussi pour les autres villes, sinon expliquez-moi, M. le président, la rationalité derrière de séparer Cité Vallijee de Camp Chapelon. Expliquez-moi, M. le président, la rationalité derrière pourquoi séparer Roches Bois de Camp Yolloff et de Saint François. Expliquez-moi, M. le président, quelle est la rationalité derrière de séparer Ste Croix de Vallée des Prêtres. Comment appelez-vous cela si ce n'est pas de la parcellisation de cette société mauricienne déjà fragilisée par l'existence de multiples sociétés socioculturelles dans toutes les communautés respectives ? C'est comme-ci encourager davantage ces parasites qui se collent au pouvoir pour leur propre intérêt, de leurs dirigeants respectifs, même pas de leurs membres. C'est comme-ci on est en train d'encourager encore ces parasites à se multiplier dans les villes à travers ce projet de loi. C'est une législation de la honte, M. le président. En plus, on vient, de par ce projet de loi, empêcher les députés d'être candidats aux élections municipales.

M. le président, nous sommes encore un pays en voie de développement; notre pays n'est pas encore développé. Dans les pays européens, on a déjà des députés maires, des maires conseillers entre autres. Je ne vois pas pourquoi à Maurice on devrait s'arrêter à avoir des députés maires au niveau des villes mauriciennes. Il n'y a aucune rationalité derrière si ce n'est d'empêcher les députés MMM de participer à ces élections. Le gouvernement sait très bien que si mes camarades et moi participons aux élections municipales dans les différentes villes, le poids que nous allons y emmener dans ces élections donnera plus de tonus, de confiance à nos citoyens étant donné les expériences néfastes vécues sous l'administration travailliste dans les différentes municipalités de Maurice.

M. le président, je pense que là on touche quand même à des droits fondamentaux – c'est mon droit de citoyen, c'est mon droit fondamental de pouvoir participer aux élections municipales. Je ne comprends pas la démarche du gouvernement de m'enlever ce droit. De

quelle démocratie parle-t-on ici, M. le président? Ça me rappelle que ce même parti travailliste avait aboli dans le passé - ce n'est pas le même *team, but playing the same game. It was the old team, but the new team is playing the same old game.* Je ne comprends pas pourquoi. Ce même parti qui dans les années soixante-dix avait aboli les élections municipales, aboli les élections partielles, renvoyé les élections générales et ce même parti aujourd'hui nous empêche de participer en tant que député, en tant que candidat aux élections municipales. M. le président, j'en suis tout révolté. Je croyais que la nouvelle génération travailliste allait corriger les erreurs du passé, mais hélas ils persistent et signent. Tantôt démocrates, tantôt pseudo-démocrates, tantôt réactionnaires, tantôt dictateurs, allez comprendre vous-même comment ils peuvent tergiverser autant dans leur direction. Moi, je ne reconnais plus ce parti qui a été quand même, je dirais, à la base de la lutte des travailleurs de ce pays. Les Anquetil, les Curé et les Seeneevassen devraient retourner dans leur tombe en ce moment de par cette législation qu'on est en train d'emmener aujourd'hui au parlement.

Si le Premier ministre mesurait bien les conséquences d'une telle loi, il ferait mieux de la retirer tout de suite, M. le président. Ce projet de loi devrait être retiré au plus vite possible, M. le président. Les élections municipales devraient être organisées selon moi au plus vite possible sous la loi existante et mettre en place aussi un comité de sages, de techniciens pour pouvoir préparer et produire un projet de loi beaucoup plus à la hauteur d'une société mauricienne développée, évoluée; une société qui demande à être prise au sérieux dans les droits fondamentaux et démocratiques.

M. le président, le Premier ministre l'a ouvertement dit en répondant aux questions pendant l'examen du budget en comité que le Parti Travailliste n'a pas été consulté par rapport à la délimitation des *wards* et des arrondissements et le Premier ministre avait même ajouté que *others* vont être consultés et entre autres les partis politiques. C'est le Premier ministre qui l'avait dit pendant l'examen du budget en comité. Donc, M. le président, rien ne peut justifier la position qu'a pris l'honorable Faugoo tout à l'heure car le Premier ministre lui-même avait pris une autre direction en répondant aux questions pendant l'examen du budget en comité.

Donc, M. le président, pour moi, le Premier ministre ne devrait pas se baigner dans cette saleté infecte. Il devrait user son pouvoir pour arrêter ce projet de loi cuisiné dans son dos par certains. M. le président, il ne doit pas être complice, au contraire, il devrait se démarquer de

ces gens qui sont en train de tuer l'administration régionale. Il ne devrait pas être complice du démantèlement de l'administration régionale, être complice des criminels de la démocratie. Alors si l'honorable Aimée veut tomber dans la bassesse, pourquoi est-ce que le parti travailliste devrait le suivre dans sa besogne ? C'est pourquoi je fais un pressant appel au Premier ministre pour qu'il agisse très vite. Ne tombez pas dans le ridicule, restez à la hauteur d'un homme d'État digne de ce nom...

The Deputy Speaker : Je crois que l'honorable membre devrait retirer les mots 'bassesse' et 'ridicule'. Ce n'est pas nécessaire d'utiliser ces mots.

Mr Barbier : La bassesse pour moi, il tombe dans....

The Deputy Speaker : Non ! L'honorable membre devrait retirer les mots 'bassesse' et 'ridicule'.

Mr Barbier : Alright! I abide to your ruling, Mr Deputy Speaker, Sir. L'île Maurice aurait compris mes propos.

Je viens humblement demander de tout mettre en œuvre pour ne pas aller de l'avant avec ce projet de loi et d'organiser les élections municipales sous l'ancienne loi et, mettre en place, comme Je l'avais dit auparavant, un comité d'experts, de sages, pour finaliser un projet de loi répondant aux exigences de l'île Maurice d'aujourd'hui.

J'espère, M. le président, que le Premier ministre fera en sorte que le bon sens puisse prévaloir au sein de cet hémicycle et que l'île Maurice puisse en sortir gagnante et que l'administration régionale puisse y régner, je dirais, en toute plénitude dans ce pays.

Merci, M. le président.

(2.50 a.m.)

Mrs L. Ribot (Third Member for Stanley and Rose Hill): Mr Deputy Speaker, Sir, I would like to express myself on clause 16 as to the disqualification of a Member of the National Assembly for election as councillor.

Mr Deputy Speaker, Sir, I just cannot see the incompatibility of the status of Member of National Assembly with that of councillor. As MP, my responsibility is not only to see to the welfare of my constituents, but also to address national issues. As councillor, one has the

responsibility to see to the welfare of the inhabitants and advancement and development of the town at large. So, I do not see the incompatibility between the two.

The more so, Mr Deputy Speaker, Sir, since as MP, I do raise questions pertaining to my constituency and to the problems my constituents have to face. As MP, I will go on along the same line, whether I am a councillor or not. Thus, Mr Deputy Speaker, Sir, I do not quite see the rationale behind this disqualification. I do not understand why and how the fact of being an MP can deprive me of my freedom and my right as a citizen to stand for election as councillor, just as the fact of being an MP cannot deprive anyone of the freedom and right of being a teacher, doctor, engineer, lawyer, businessman, etc.

Mr Deputy Speaker, Sir, in the past, there have been and there are, on both sides of this House, MPs who were also councillors and even mayors. As far as we know, there have been no problems of interference of any sort. On the other hand, their contributions as MPs, councillors and mayors have been most valuable.

Mr Deputy Speaker, Sir, as the Leader of the Opposition rightly pointed out earlier, *'c'est un recul honteux de la démocratie' n'en déplaise à l'honorable Reza Issack*. C'est plutôt qu'il y a d'autres raisons derrière cette décision, comme la peur de nous affronter aux élections municipales ou pour employer le terme employé par l'honorable Issack *"d'être balayés aux élections municipales"*.

M. le président, en tant que député pour la première fois dans cette Chambre, je suis déçue et blessée. J'ai toujours eu la ferme conviction que ce que j'avais et j'ai de plus précieux et ce dont personne ne pouvait m'enlever, c'était bien ma liberté. *"Liberty has no price", goes the saying*. Mais voilà, qu'aujourd'hui, M. le président, cette liberté qui m'est si chère m'est tristement enlevée. Et pire ! Voilà que la liberté de choix est aussi enlevée à la population !

Ce n'est pas, comme l'honorable Dr. Bunwaree a dit tout à l'heure, une question de laisser la place à d'autres professionnels et à d'autres compétences.

Today, Mr Deputy Speaker, Sir, we are in front of a Bill which proposes the postponement of the municipal elections. My colleague, hon. Nagalingum, and myself have raised many questions about problems in the town of Beau Bassin/Rose Hill.

A part des scandales au sein de la municipalité, allant des dépenses outrancières et des conflits d'intérêts, à la femme mariée venant assommer la maîtresse du conseiller à coups de savates pendant une réunion du conseil, où le conseiller, tellement ivre lors d'une fonction, se souillant avant d'atteindre les toilettes, comptes approuvés en catimini nous avons soulevé beaucoup de problèmes auxquels font face nos mandants. Entre autres, marché vétuste et infesté de rats, ville paralysée par des bouchons de la circulation, une place Margéot largement dépassée, manque d'eau et manque de coordination, surtout entre les différentes compagnies de travaux, ville où prostituées, travestis et proxénètes troublent la paix des habitants ; le manque accru d'activités sociales, culturelles et sportives ; poubelles achetées à partir d'un don du gouvernement Chinois et pas installées complètement dans la ville, certaines poubelles dorment dans le store ; non-ramassage d'ordures par manque de camion et de personnel, sans compter le *eyesore* de la ville qui nous a coûté à nous, contribuables, une fortune ; j'ai nommé le Plaza.

Mr Deputy Speaker, Sir, in front of such a chaotic situation, we can but deplore the postponement of the elections as the inhabitants are crying out for the replacement of those councillors who have succeeded in making of our town nothing more than *une poubelle honteuse*.

To conclude, Mr Deputy Speaker, Sir, I'll say that, as much as I welcome the step towards the representation of women at the level of Local Government, I can but deplore that our proposition regarding the extension of the amendment of the Constitution to extend the representation of women at the level of National Assembly, has not been accepted. I can but hope that this amendment will be presented and voted in this House in the very near future.

Thank you.

(2.58 p.m.)

The Minister of Gender Equality, Child Development and Family Welfare (Mrs M. Martin): M. le président, il est tard, il est tôt, je ne sais plus, mais en tout cas, l'heure est très avancée et je vais m'efforcer de passer assez rapidement sur les clauses que je me propose d'évoquer. Mais, je m'attarderais un tout petit peu sur la clause 11(6) en fin de discours pour vous démontrer à quel point ce gouvernement se préoccupe de la promotion, de légalité du genre et comment, aujourd'hui, dans cette Chambre, nous avons fait deux pas dans l'histoire.

Après huit ans, M. le président, l'honorable ministre, Hervé Aimée, présente aujourd'hui, dans cette Chambre, un nouveau *Local Government Bill*. Il nous faut reconnaître que les deux lois existantes ont fait leur temps et c'est le moment maintenant d'opérer une réorganisation totale de la façon dont les autorités locales sont gérées.

De ce côté de la Chambre, M. le président, nous pouvons et nous croyons sincèrement que ces lois, les *Local Government Acts* de 1989 et de 2003 ont servi leur temps. A travers ce nouveau projet de loi qui est présenté par l'honorable Hervé Aimée, nous croyons fermement qu'il y aura une nouvelle façon de voir et une nouvelle direction qui sera donnée dans la manière dont les autorités locales sont gérées.

Mr Deputy Speaker, Sir, this legislation encapsulates a number of innovative measures regarding *inter alia* the setting up of village committees in Agalega, the requirement of, at least, one third of candidates in a Local Authority elections must be of a different sex, the extension of the term of office to six years to allow for a three two-year terms for heads of council, the redefinition of boundaries of wards for towns and villages and also provides that no Member of Parliament should stand for election to any local authority.

Toutes ces mesures ont été évoquées par les membres de l'opposition, bien sûr, sous un aspect défavorable mais, M. le président, j'ai bien écouté tout ce qui a été dit dans cette Chambre, surtout de l'autre côté. Et cela me fait un peu l'effet – vous savez quand dans les immeubles il y a une sonnerie qui retentit pour dire qu'il y a un attentat à la bombe et que tout le monde sort paniqué, mais en fait, ce n'était qu'une fausse alerte, ce n'était qu'un exercice. Or, l'opposition, aujourd'hui, est en train d'essayer de montrer au peuple qu'il y a feu en la demeure, mais en fait quand on écoute les contre arguments de ce côté de la Chambre, on peut comprendre, M. le président, que cette loi a été une loi bien pensée et que ce projet de loi est aussi soutenu par tous les membres de la Chambre, peu importe leurs opinions premières. Nous sommes fiers, comme gouvernement, to have placed on the Parliamentary agenda a comprehensive approach for the improvements of local governance and sustainable development.

During the debates on the Constitution (Amendment) Bill, *je vais aller brièvement dessus, j'ai entendu l'honorable Obeegadoo mentionner qu'il y avait ...*

(Interruptions)

The Deputy Speaker: Non, vous n'allez pas débattre un autre projet de loi ?

Mrs Martin : Non, pas un autre projet de loi, M. le président, je mentionne tout juste pour aller sur la clause 11(6).

The Deputy Speaker: L'honorable Obeegadoo n'est même pas encore intervenu sur ce projet de loi.

Mrs Martin : Dans ce cas là, même si je ne mentionne pas l'honorable Obeegadoo, je peux aller sur la clause 11(6) ?

The Deputy Speaker: Sur la clause 11(6), c'est d'accord, mais pas sur l'autre projet de loi.

Mrs Martin : *Bien sûr, M. le président, I rely on your ruling. Mais je peux dire que in the Government-Programme 2010/2011, nous avons déjà dit que a major review of Local Government Legislation will be undertaken in order to meet better the aspirations of the population. A cette époque nous avons encore dit que a new formula will be devised to better respond to the requirements of Local Authorities. C'était pour clarifier ce qu'avait dit l'honorable membre, mais cet extrait en lui-même encapsulate the idea that we would do whatever needs to be done to ensure that there is satisfactory delivery of local services as well as meet the aspirations of local communities. Today, it has become evident, Mr Speaker, Sir, that local governance would not be balanced if we do not include adequate representation of each gender on every local authority.*

Through this Bill, Mr Deputy Speaker, Sir, Government seeks to promote local developments and sustainable communities. And it is our belief that all the measures proposed therein contain a long awaited catalyst for major societal reforms especially as regards gender equality. As we continue our journey to reform our institutions in order to achieve our objectives for an all inclusive society, our main concern is to ensure that the interest of the Mauritian population is safeguarded.

Mr Deputy Speaker, Sir, as Minister for Gender Equality, I consider that one of the major changes introduced in this Bill is at section 11(6) and this clause states that –

“Any group representing more than two candidates in an electoral ward shall ensure that the candidates are not all of the same sex.”

Mr Deputy Speaker, Sir, we are living in a new era where the whole world is urging for a greater inclusion of women at level of decision-making for the transformation of society into one which responds to the need of both men and women. At the Beijing platform for action, more than 180 Governments, including Mauritius, agreed that achieving the goal of equal participation of men and women in decision-making will provide a balance that is needed to strengthen democracy and promote its proper functioning.

Mauritius is also party to the committee on the elimination of all forms of discrimination against women to the millennium development goal and to SADC protocol on gender and development. And as such, we, as a Government are focused on finding avenues for the progress of women in all spheres of society, including politics.

Mr Deputy Speaker, Sir, over and above this Government’s commitment to promoting gender equality, in Mauritius various NGOs, non-state actors, as well as the civil society have recognised and are pushing forward the women agenda.

Mr Deputy Speaker, Sir, women in Mauritius, play an important societal and cultural role in maintaining stability in the household and community. Increasingly, they contribute to the economic development of our country notwithstanding this progress there is still a long way to go, especially, in the political field. The major impediment is the structure of some political parties which renders this mobility difficult and this is why we needed forceful action to push forward the gender equality agenda.

One of my concerns is how to boost the participation of women and the recognition of their achievements at all levels of society. Today, we are proposing two Bills in this assembly, but as regards promotion of women in politics, locally a platform for women in politics has been set up by my hon. friend, Mrs Bappoo in the wake of the regional platform for women in politics with the objective to increase the participation of women in active politics.

Since this platform falls under the aegis of my Ministry, soon I will be coming forward with discussion on this platform and will invite women of all parties to share ideas so as to materialise measures that will push forward an accrued participation of women in politics. And I hope that in each and every major party women will make their voices heard as regards sensitisation of their male counterparts to the necessity of including more and more women into active politics. In this, we have to work together in such a way that the implementation of the specific measure contained in this Bill will be more effective. We have to work with the same objective that is, to bring about a change in attitude towards women and acknowledged that they are fully apt to bring their contribution in the political landscape of Mauritius. Already, I have heard the leaders of different political parties present in this House say that they are conscious that women are equally capable as men to take up the challenge. It is now up to all of us, men and women, to create a conducive environment which allows women to demonstrate their full potential and serve their country.

Coming back to this clause, Mr Deputy Speaker, Sir, section 11(6) will erode discriminative barriers that impede the access of women to the higher rung of political field. I have always said that putting women as candidates for an election is not a favour done to us. It is giving us our due and it shows the maturity and open-mindedness of the allocator of tickets, the leader of the party concerned. The transformation of a society requires more people wearing gender lenses in decision-making.

Mr Deputy Speaker, Sir, women's increased participation at the local authorities' level is one step towards their empowerment to accede to national level politics. Mr Deputy Speaker, Sir, local government is one of the ports of entry into active politics and decision making instances. Let us not listen to those who say that we are hesitant in opening access to women to legislative elections. I would remind them that it is Dr. Navinchandra Ramgoolam and no one else who has had the vision to align three women candidates in Constituency No.4 during the last general elections and, this, despite the fact that our opponents were saying that it was a lost battle. I still recall, Mr Deputy Speaker, Sir, how the same people described us, women candidates, as being led to the slaughter house. They were proved wrong, as all three of us are now in Parliament. It was Dr. Navinchandra Ramgoolam who has demonstrated once again his flair and acumen, and

more importantly his trust in women. He has shown that he is not a prisoner of prejudices, and has achieved something hitherto unthinkable.

Mr Deputy Speaker, Sir, this is what is called affirmative action. We translate our words into action. We are not afraid, and we forge ahead to transform the society for the betterment of the people of Mauritius. This is why the people of this country should trust the words of our Prime Minister when he says that come the next general elections, the democratic space will be further widened for women to stand as candidates. Again, on this side of the House, we shall be there at the forefront because we have the trust of the people. We are the ones who walk the talk, Mr Deputy Speaker, Sir.

This Government believes that gender equality and social inclusion must go hand in hand with local democracy. It is the future of this country that we are shaping with this Bill and, for that, I heartily thank hon. Aimée. It is the acknowledgement of the implicit power of 52% of the population. At the same time, we are confident that women of this country will recognise the historical importance of this change.

Mr Deputy Speaker, Sir, successive governments have taken measures to reduce discrimination against women, and the turning point for this Government since May 2010 was the renaming of my Ministry from Ministry of Women's Rights, Child Development and Family Welfare to that of Ministry of Gender Equality, Child Development and Family Welfare. This decisive step again was taken by Dr. the hon. Navinchandra Ramgoolam, and is aligned with international trends pertaining to the paradigm shift from women in development to a gender and development approach.

The Deputy Speaker: The hon. Minister is still with us on the Bill?

Mrs Martin: Yes.

The Deputy Speaker: Do not sidetrack please.

Mrs Martin: No. I am explaining as to the reasons...

The Deputy Speaker: No, I am telling the hon. Minister that she is with us on the Bill. She should not sidetrack and try to go on her Ministry.

Mrs Martin: Yes. One year later, Mr Deputy Speaker, Sir, my Ministry and everyone on this side of the House are now advocating for the promotion of women's rights in the field of

politics. Mr Deputy Speaker, Sir, women's rights are human rights, and this is why all the women in Mauritius recognise that this Government, under the leadership of Dr. Navinchandra Ramgoolam, has jostled all established norms to open new avenues for greater access for women to participate actively in politics.

Mr Deputy Speaker, Sir, Mr Kofi Annan, former UN Secretary-General, stated, and rightly so, that, if development is not engendered, it will be endangered. This is so very true. Today, all women associations in the country, be it Gender Links, WIN, women of the NWC are agreeable to the provisions contained at clause 11 (6) of the Bill. It was long awaited. When women, side-by-side with men, have a platform such as politics to express their views and effect reforms, gender concerns can be addressed in a holistic manner, and measures taken in connection therewith are more effective.

Women want and need to be able to influence the decision that affects them, their families and their country, and this clause is going to help them doing that. It is believed that a critical mass of women enters the structures of local government and then they can change these structures to reflect more closely the concerns of women and bridge gender gaps. Women's equal political participation plays a pivotal role in the general process of the advancement of humanity.

Mr Deputy Speaker, Sir, I will end on a quote from Aung San Suu Kyi, well-known Burmese politician and Nobel Prize winner. She said -

“Don’t think of yourselves as being unfortunate because of having to live through these times. Think of it as fortunate because you have an opportunity to work for justice and the welfare of other people. This sort of opportunity does not come to everybody all the time.”

We have today an opportunity to make a significant change, and we are seizing it.

Thank you for your attention.

(3.16 a.m.)

Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East): M. le président, j’essayerai de ne pas répéter ce que les précédents orateurs ont déjà dit. Je vais être direct et essayer de venir avec des propositions en même temps. La majeure partie de mon

intervention va être axée sur la municipalité de Port Louis, vu que je suis député de la circonscription de la capitale. La capitale, riche de son histoire, reflète la société mauricienne dans sa pluralité de races et de cultures. Elle est le théâtre des grandes manifestations culturelles et religieuses, et c'est à partir d'ici que devrait se construire le concept d'une société inclusive. La mairie de Port Louis a un rôle extraordinaire à jouer pour créer cette cohésion, cette synergie, ce resserrement des liens au lieu d'agir en officine douteuse pour des calculs partisans.

M. le président, nous avons été témoins de beaucoup de choses qui se sont passées durant ces cinq à six dernières années à la municipalité de Port Louis ; même des farces de mauvais goût. Alors que les priorités des gens sont allégrement ignorées, on procède à des *naming* et *renaming* des rues, des places publiques et des bâtiments. Certainement, nous n'avons rien contre ces personnages, mais quand ces décisions sont prises en prenant compte essentiellement le profil des habitants, on ne peut ne pas penser que ce sont des caresses dans le sens du poil. Il faut que cesse tout cela, et que des noms soient donnés à la faveur des pétitions adressées à un comité où siègent des historiens. Idem pour le décernement des médailles et décorations.

Les rues du centre de la capitale sont sous l'administration de la mairie. Leur entretien, notamment l'asphaltage, l'éclairage et le nettoyage sont assurés par ce même corps, mais le parking payant lui échappe. C'est un manque d'entrée de recettes qui lui revient de droit. Il faut bien faire la part des choses, afin que les citoyens en profitent.

Que se passe-t-il au niveau de la *Local Government Service Commission* ? C'est la politique de l'opacité. Le recrutement...

The Deputy Speaker: Non. Vous ne pouvez pas débattre sur le *Local Service Commission*.

Mr Ameer Meea: J'accepte *votre ruling*, M. le président. Il est quand même grand temps qu'un vent de changement souffle sur les municipalités et les conseils de district pour tout dynamiser, revaloriser, afin de leur donner leurs lettres de noblesse. Qu'ils retrouvent leur dignité avec plus d'autonomie, surtout dans un contexte avec de graves allégations formulées par certains conseillers, et même portées devant l'ICAC.

Si on est arrivé là, c'est qu'au fil des années la façon de fonctionner des conseils régionaux, dans une certaine mesure est pervertie avec une érosion certaine du pouvoir des

décisions, disaient-ils, pourtant démocratiquement élus, pour mener à bien les attentes et les aspirations des citoyens.

Dans certains cas, la situation est devenue telle qu'on peut difficilement parler d'autonomie sans se couvrir de ridicule. Je ne parle pas de l'incompétence, de l'absence d'imagination et d'initiative, cela est autre chose. Puisqu'il est question d'autonomie ici, je me permets de prendre pour exemple, sous le mandat de mon ami et collègue, l'honorable Reza Issack, à la mairie de Port Louis. Je sais qu'il ne me tiendra pas rigueur. Sans doute animé de bonnes intentions dans sa quête de venir en aide aux gens en situation financière difficile, il a voulu lancer un microcrédit.

M. le président, annoncé en fanfare, ce louable projet a été torpillé d'en haut. Idem pour le projet de police municipale. Les projets n'ont même pas été présentés au conseil municipal pour des débats, c'est pour vous dire, M. le président, que le mot 'autonomie' a été utilisé dans son expression la plus limitative. Il faut une fois pour toutes que cette mascarade cesse et cette simagrée et cette perversion pour redonner à la démocratie régionale ses lettres de noblesse.

Changeons de registre. La compétence est un autre aspect de l'administration régionale qui demande à être considérée dans le cadre de ces amendements. Des exemples d'incompétences largement décriées dans la presse indépendante. Nous avons eu à la mairie de Port Louis un lord maire, qui voulait s'octroyer le droit de signer des chèques en cas d'urgence, sans passer par les procédures nécessaires. Je ne vais le nommer, mais quand même cela a provoqué une guerre de tranchée avec un alignement presque communal parmi les conseillers, avec le risque des répercussions dans les rues. Cela s'est produit à la municipalité de Port Louis, heureusement on avait mis cela sur le compte d'un faux pas d'un homme sans envergure.

Autres exemples, je ne sais pas au juste à qui revenait l'idée de mettre en terre et à même le trottoir près des bâtiments publics comme le *Registrar Building* ou le *Renganaden Seeneevassen Building* et sur des rondpoints comme à la rue Large des palmiers. Des palmiers se trouvant à la Place d'Armes et au Champ de Mars peuvent atteindre 25 mètres d'ici quelques décennies. Ils représentent donc un danger, même si dans l'immédiat on ne s'en rend pas compte.

(Interruptions)

The Deputy Speaker: Order!

Mr Ameer Meea: Y a-t-il eu *clearance* du *CEB* ou de la *Mauritius Telecom* ? Combien tout cela coûte-t-il aux contribuables ? Pour le *Foodcourt* du Pont de Paris, l'ouverture a été faite dans la douleur, faute de dialogue entre les partis concernés. Il y a eu de vilaines scènes qui se sont produites et idem pour l'allocation des étaux à la foire Cité Martial. Sans doute il n'y a pas eu de transparence ...

The Deputy Speaker: Hon. Ameer Meea, on parle du *Bill* ici. Vous prenez comme exemple la municipalité de Port Louis, c'est okay, mais faites référence au *Bill*. Je vois que vous débattiez la municipalité de Port Louis.

Mr Ameer Meea: M. le président, j'accepte votre *ruling*. Mais il y a eu d'autres orateurs qui ont parlé en long et en large sur le *Bill*.

The Deputy Speaker: Ce que je voudrais dire, c'est que vous avez le droit de faire référence à la municipalité de Port Louis comme argument, mais vous devez débattre sur le *Bill*.

Mr Ameer Meea: M. le président, je vais débattre sur la mauvaise administration et l'absence d'autonomie. Permettez-moi de vous dire, avec tout le respect que je vous dois, que l'honorable Reza Issack a eu le temps d'expliquer son histoire de pommes d'amour, etc.

The Deputy Speaker: Je vais attirer l'attention du membre que l'honorable Issack a répondu aux argumentations de l'honorable Nagalingum et de l'honorable Quirin. Vous avez eu la latitude de parler sur l'administration de Port Louis, mais vous faites référence au *Bill* en question. Je ne dis que vous n'avez pas le droit de parler de la municipalité de Port Louis, vous avez le droit en tant qu'exemple, définitivement.

Mr Ameer Meea: M. le président, ce *Bill* enlève le droit aux députés de se présenter comme candidats aux élections municipales. Il faut bien voir les choses. Il y a une forte perception, même c'est une vérité que c'est une tentative visant certaines têtes, ou exclusivement celles des bancs de l'opposition parlementaire. Le conseil municipal est avant tout une instance de proximité par excellence. Les quelques députés qui y siègent, servent de courroie de transmission pour faire entendre les pulsations des citoyens. C'est poussé un peu plus loin la démocratie. Cela aide également à éliminer les clivages entre les intérêts régionaux et nationaux, comme quoi les uns n'excluent pas les autres, selon cette sordide logique d'enlever aux députés le droit de se porter candidats, empêcher les conseillers municipaux de se présenter candidats

aux élections générales. Si on se sert de cette logique que les députés ne peuvent pas être candidats aux élections municipales...

(Interruptions)

The Deputy Speaker: Hon. Obeegadoo, please!

Mr Ameer Meea: Autrement, ils doivent démissionner pour éviter les élections partielles à chaque grande élection. Donc, M. le président, on peut dire quelle pagaille en perspective.

M. le président, permettez-moi quand même de revenir sur ce qui s'est passé - sur la mauvaise gestion, puisqu'on parle d'autonomie, on parle d'une nouvelle loi qui va assainir l'administration et la gestion de la municipalité, mais quand même je suis obligé de dire ce qui s'est passé pendant ces six dernières années à la municipalité de Port Louis. Quand on regarde la façon que le budget alloué aux *Welfare Department* est utilisé sans aucun *planning*, à tel point que les conseillers ont même réclamé un audit complet ; les demandes pour parrainages ont par ailleurs été rejetées.

Puisqu'on parle d'une meilleure loi avec plus d'autonomie - on a beaucoup parlé sur la corruption, mais laissez-moi rappeler quand même que l'adjoint au lord maire a été condamné par la cour intermédiaire pour tentative de corruption sur un officier de police. Il a dû soumettre sa démission en tant qu'adjoint au lord maire et l'affaire est en cour d'appel.

The Deputy Speaker: Adressez-vous à moi!

Mr Ameer Meea: Cela s'est passé à la municipalité de Port Louis : des dénonciations à l'*ICAC* sur l'allocation des étaux au marché central. La gestion du *Lord Mayor's Fund*, qui a été débattue, ici même, et sévèrement critiquée par les conseillers eux-mêmes, les demandes de parrainage sont approuvées sans l'approbation des comités appropriés. L'adjoint au lord maire s'est permis d'utiliser une voiture municipale comme sa voiture de fonction ...

The Deputy Speaker: Je vous suis, mais le problème c'est soit vous êtes d'accord avec le *Bill* ou vous n'êtes pas accord. Vous devez dire si vous êtes d'accord. Je comprends que vous donnez des exemples, mais revenez au *Bill*.

Mr Ameer Meea: M. le président, je vous donne ces exemples par rapport à la mauvaise administration de la municipalité de Port Louis. Puisque le *Bill* ...

The Deputy Speaker: Vous n'êtes pas d'accord avec le *Bill*, vous voulez qu'il y ait plus d'autonomie, c'est cela que vous devez dire ?

(Interruptions)

Hon. Assirvaden, please! Yes, hon. Ameer Meea!

Mr Ameer Meea: M. le président, le mandat de ces conseillers a été prolongé d'une année et tout ce que je vous dis s'est produit pendant ces périodes-là. Donc, c'est en relation avec le *Bill*.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Ameer Meea: Donc, je vous dis que les étaux de la foire Ibrahim Abdullah à Cité Martial ont été alloués aux résidents qui ne sont pas de Port Louis et là-dessus encore il y a eu beaucoup d'allégations graves et même portées devant l'*ICAC*, idem pour le scandale autour de la fourniture des bois pour la rénovation du théâtre municipal. Ce même conseiller impliqué était le président du comité pour la rénovation du théâtre. Donc, il est clair que la Municipalité de Port Louis est arrivée à un niveau de pourrissement jamais atteint et que donc nous demandons à ce que les élections municipales se tiennent dans le plus bref délai pour qu'un nettoyage soit fait. Mais ce n'est pas fini; la liste est exhaustive.

(Interruptions)

J'ai encore une demi-heure à ce que je comprends. Donc, il est clair qu'il n'y a eu aucune volonté politique pour essayer de redresser la barre par rapport à cela. Et là je dois aussi faire mention d'une farce, il y a eu la pose de la première pierre pour la reconstruction du marché municipal à l'Idina.

(Interruptions)

M. le président, c'est toujours '*Anne, ma sœur Anne, ne vois-tu rien venir ?*' Les gens ont fini par oublier. Voilà un autre projet à l'eau ! Et dire que certains ministres avaient parlé d'utiliser trois à sept étages pour lancer un institut pour l'*IT* avec le concours du gouvernement Pakistanais. Un autre projet qui a été annoncé en grande pompe mais finalement rien n'a été fait.

Dans le Ward 5 qui se trouve principalement dans la circonscription No. 3, aucun projet n'a été concrétisé. Il y a un lopin de terre qui a été acquis par le gouvernement MSM/MMM à la rue St. Martin et Cocoterie, rien n'a été fait.

The Deputy Speaker: Je dois, encore une fois, vous arrêter pour vous dire que vous devez parler sur le *Bill*. Je suis d'accord que vous faites référence à des problèmes, mais je n'arrive pas à suivre. Vous étalez des problèmes sans venir avec votre argumentation sur le *Bill*. Vous avez latitude de débattre mais quand même ...

(Interruptions)

Hon. Ameer Meea !

Mr Ameer Meea: Merci, M. le président. On a entendu l'honorable ministre dire que pour éviter les députés d'être candidats, cela a été fait pour donner la chance aux jeunes d'être candidats aux élections municipales. M. le président, permettez-moi de vous dire que c'est la plus pire des conneries.

(Interruptions)

Parce que en rien

(Interruptions)

The Deputy Speaker: Vous allez pouvoir faire votre point sans dire ce mot. Retirez ce mot, s'il vous plaît!

(Interruptions)

Mr Ameer Meea: M. le président, 'la pire des conneries' ce n'est pas *unparliamentary*.

The Deputy Speaker: Non, je vous demande de retirer ce mot.

Mr Ameer Meea: Est-ce que c'est *unparliamentary*?

The Deputy Speaker: Oui, vous retirez ce mot 'connerie', s'il vous plaît.

(Interruptions)

Mr Ameer Meea: Ok, *I'll rephrase it*, je retire mes mots. C'est la pire des bêtises, M. le président.

The Deputy Speaker: Voilà!

Mr Ameer Meea : Donc, je disais que cette argumentation d'empêcher les députés d'être candidats aux élections municipales juste pour faire que les jeunes soient candidats, M. le président, je ne vois aucune logique dedans parce que ici même dans cette Chambre, nous avons beaucoup de jeunes qui sont déjà des députés et je ne comprends pas de quelle façon ces députés là...

The Deputy Speaker: Vous adressez à moi.

Mr Ameer Meea : ... vont empêcher d'autres jeunes d'être candidats aux élections municipales. Et d'ailleurs si jamais les députés de l'opposition allaient être candidats aux élections municipales - il y a une trentaine - le nombre de conseillers en poste...

(Interruptions)

The Deputy Speaker: Hon. Aimée, please! Let the hon. Member make his point!

Mr Ameer Meea: ... aurait été plus de centaines. Donc, de quelle façon les députés vont empêcher d'autres personnes à être candidats, M. le président? Moi, je suis vraiment déçu de ne pas pouvoir être candidat aux élections municipales parce que, sans avoir la grosse tête, je sais quel aurait été le score.

(Interruptions)

The Deputy Speaker: Please, order ! Hon. Bundhoo ! Hon. Assirvaden, please !

Mr Ameer Meea : Mais quand même, pour moi, je trouve cela un recul de la démocratie. Et aussi dans le *Bill*, M. le président, il y a beaucoup de mesures qui, comme l'a si bien dit le *Leader* de l'opposition, ont été prises. Mais quand on regarde cela, on voit qu'on est en train de violer la démocratie ; la démocratie a été pervertie et moi je trouve que ce *Bill* c'est vraiment un recul et cela ne fait pas honneur à notre pays ; cela ne fait pas honneur à notre Parlement.

Voilà, M. le président, principalement ce que j'avais à dire. Il y avait tant à dire sur la municipalité de Port Louis mais visiblement c'est en train de faire beaucoup de mal à certains gens ici. Donc, M. le président, je ne vais pas leur donner tout ce mal à cette heure de la soirée.

Je vous remercie, M. le président.

Mr Bodha: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mr Jugnauth rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Wednesday 07 December 2011 at 11.30 a.m.

Dr. Kasenally rose and seconded.

The Deputy Speaker: The House stands adjourned.

At 3.37 a.m. the Assembly was, on its rising, adjourned to Wednesday 07 December 2011 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

RIAMBEL – FEROCIOUS DOG - ATTACKS

(No. B/916) 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 attacks by a ferocious dog, which occurred at the public beach of Riambel on Saturday 26 November 2011, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto, and, if so, indicate the outcome thereof.

Reply: I am informed by the Commissioner of Police that, on 26 November 2011, at around 1800 hours, a dog attacked and injured an eight-year-old child on the public beach of Riambel.

Police instituted an enquiry into the matter and the owner of the dog, one Mr B.E.O.T., was arrested on the same day and was detained at the Souillac Police Station.

He appeared before the District Court of Grand Port on Monday 28 November 2011 and a provisional charge of “Involuntary Wounds and Blows by Imprudence” was lodged against

him. He was released on bail upon furnishing a surety of Rs5,000 and entering into a recognisance of Rs15,000.

The enquiry into the case is under progress.

The Ministry of Agro-Industry and Food Security is presently finalising the Dangerous Dogs Bill which will, *inter-alia*, regulate the manner in which dangerous dogs are kept by their owner.

MEDICAL COUNCIL ACT – AMENDMENTS

(No. B/935) Dr S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to the Medical Council Act, he will state if Government proposes to introduce amendments thereto with a view to providing derogations to the conditions for the registration of foreign medical practitioners with the Medical Council of Mauritius and, if so, the reasons therefor.

Reply: There are no derogations being made to the provisions of the Medical Council Act. However, amendments are being proposed because it has been noted that unnecessary delays occur in the process of registration of medical practitioners with the Medical Council of Mauritius. In order to expedite the registration process, it is proposed to amend Section 21, and section 26 of the Medical Council Act 1999 which provides for the registration of citizens of Mauritius and the temporary registration of non-citizens respectively.

At present, the process for registration is as follows -

- the Registrar causes the name of the applicant to be entered in the appropriate register and informs the Council accordingly;
- in case the Registrar is not satisfied with the application he refers the case to the Council for its decision;
- in case the council refuses an application, the Registrar notifies the applicant accordingly, stating the reasons for the refusal.

However, there is no time limit specified for the applicant to be made aware of the decision of the Registrar or of the Council.

For this reason, Sections 21 and 26 are being amended to provide a deadline of 21 days for a decision be communicated to the applicant.

Furthermore, amendments would be made at Section 26 of the Medical Council Act 1999, to make the criteria of registration laid down at Section 21 of the Medical Council Act 1999, applicable to non-citizens, including compulsory submission of either the original or certified copy of diploma obtained by the applicant.

MIDDLE CLASS GROUP - CONSTRUCTION SCHEME

(No. B/936) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the introduction of the construction scheme for the middle class group, he will state if consideration will be given for the –

- (a) re-alignment of the first time buyer exemption to Rs 2,500,000 for built-up houses and apartments and Rs 1,500,000 for bare land, and
- (b) increase of the proposed exemption of registration duty on registration of deed of loans for the financing of the middle class housing projects.

Reply: The legal framework regarding the scheme for construction of housing estates targeting the middle income group has been laid down in the Finance (Miscellaneous Provisions) Bill which has now been introduced in the House.

As I announced in the Budget Speech, any first-time buyer will be fully exempted from registration duty of 5% on the purchase price when purchasing a house or apartment constructed under the Scheme. Being given that the maximum price of a qualifying residential unit has now been raised to Rs2.5 m. each eligible first-time buyer can benefit from duty exemption of up to Rs125,000, that is, an additional Rs50,000.

Members of the House may note that any other first-time buyer who is buying a house or an apartment constructed outside the scheme will still benefit from the standard registration duty exemption of up to Rs75,000, corresponding to a property value of Rs1.5 m.

In order to make construction of a housing estate under the Scheme more attractive and affordable and thus reduce the selling price, promoters will benefit from the following tax incentives –

- exemption from registration duty and land transfer tax on the purchase of freehold land for the project during the period from 01 January 2012 to 31 December 2013, and
- exemption from land transfer tax on the sale of a residential unit on or before 31 December 2015.

As regards part (b) of the question, anybody taking a secured loan of up to Rs1 m. will benefit from full duty exemption on registration of the deed of loan, including a first-time buyer, that is, a tax benefit of Rs10,000.

FOREIGN NATIONALS - PERMANENT RESIDENCE PERMIT

(No. B/937) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the foreign nationals, he will, for the benefit of the House, obtain from the Board of Investment, information as to the number thereof who have been issued with a permanent residence permit, since 2005 to-date, on a yearly basis, indicating the number thereof who –

- (a) were holders of an occupational permit, and
- (b) are presently owners of immovable properties.

(Vide reply PQ No. B/934)

SMALL PLANTERS - EUROPEAN UNION – ACCOMPANYING FUNDS

(No. B/938) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security whether, in regard to the sugar sector reform, he will, for the benefit of the House, obtain from the Mauritius Sugar Authority, information as to the number of small planters who have benefitted from the European Union accompanying funds, as at September 2011, under the –

- (a) derocking scheme;
- (b) irrigation projects scheme, and

(c) land preparation scheme, indicating in each case, the amount of money disbursed as at to-date.

Reply: The project of regrouping small and medium sugar cane planters' fields, specifically referred to as the Field Operation, Regrouping and Irrigation Project, the FORIP, is an important component of the sugar sector reform under the Multi Annual Adaptation Strategy (MAAS).

The basic objective of the FORIP is to reduce cost of production of the small and medium sugar cane planters and increase productivity to enhance their competitiveness. The main rationale is to enable the planter to withstand the EU price cut of 36% as a result of the reforms of the EU Sugar Regime and also the phasing out of the Sugar Protocol. Furthermore, it is also important to keep the small and medium planters in the main stream of production so as to enable the sugar industry to have the critical mass in terms of cane production. Otherwise, the viability of the whole industry is at stake.

The FORIP in the first instance involves the canvassing of planters to regroup them into larger block in order to benefit from economies of scale. Subsequently, the derocking (where appropriate), land preparation and plantation of fields are undertaken.

The irrigation component under FORIP is being considered only in water deficit regions and where water supply is available.

As regard to parts (a) and (c) of the question, I wish to inform the House that both derocking and land preparation schemes are linked. As at 30 September 2011, there were some 4,177 planters covering a total extent of some 4,799ha who have benefitted from derocking, land preparation and plantation. An amount of Rs1,070 m. has so far been disbursed for that purpose under these schemes, as at September 2011.

As regards to part (b) of the question, I am informed that out of the 4,799ha, the area covered under irrigation to date is 187ha involving 52 planters and some Rs115 m. has already been disbursed for the implementation of irrigation projects under FORIP.

PIG BREEDERS - PIGLETS

(No. B/939) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Agro-Industry and Food Security whether, in regard to the piglets imported since 2006 to 2010, he will state the number thereof, indicating the number of pig breeders who have benefitted therefrom and the number of piglets given to each of them.

(Withdrawn)

SAVANNE AND BLACK RIVER DISTRICT - NATIONAL COLLEGE

(No. B/940) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Education and Human Resources whether, in regard to the Savanne and Black River District, he will state if consideration will be given for the construction of a National College in the region thereof.

(Withdrawn)

GOODLANDS - FIRE STATION

(No. B/941) Mr A. Gungah (First Member for Grand' Baie & Poudre D'or) asked the Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a new fire station in Goodlands, he will, for the benefit of the House, obtain from the Government Fire Services, information as to where matters stand, indicating if land has already been identified therefor and, if so, the location and extent thereof.

Reply: I am informed by the Fire Services Department that a plot of land of an extent of 4221 m² located behind the football stadium of Goodlands has already been vested in my Ministry for the construction of a fire station thereat. In this context, a project proposal for the construction of a fire station at Goodlands was submitted on 11 August 2011 to the Project Plan Committee for its consideration.

I am informed that the project has been recommended and included in the Public Sector Investment Programme 2012-2016, scheduled for implementation in financial years 2015 and 2016.

PUBLIC PLACES & PUBLIC BEACHES – CLEANING & SCAVENGING SERVICES

(No. B/942) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the public places and the public beaches, he will, for the benefit of the House, obtain from Municipal and District Councils, information as to the additional steps that will be taken for the timely cleaning thereof and for the provision of scavenging services thereat, during the upcoming festive season.

Reply: I am informed that as in previous years, the local authorities have taken necessary measures to ensure a timely and proper collection of waste in public places during the forthcoming festive period including public holidays. These include among others, increase of

frequency of scavenging services to cope with the situation and organisation of bulky waste collection campaigns by some local authorities for collection of additional waste generated during that period.

As regards the cleaning and maintenance of public beaches part of which are carried out by the Field Services Unit of my Ministry and partly through contractors, I do not foresee any major problem during the festive period. However, in case of any shortcoming, my Ministry may consider measures such as extension of hours of operation by the contractors.

I wish to assure the House that the situation will be closely monitored at the level of my Ministry.

GLOBAL ENVIRONMENT FACILITY PROJECT

(No. B/943) Mr A. Ganoo (First Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Global Environment Facility Project on the Removal of the Barriers to the Solar PV Power Generation undertaken by his Ministry, he will state where matters stand, indicating how the project will contribute to Mauritius achieving the targets agreed to by all the countries which participated in the last Conference of the Parties of the Kyoto Protocol, held in Denmark.

Reply: The Removal of Barriers to Solar PV Power Generation in Mauritius, Rodrigues and the Outer Islands project was endorsed by the Global Environment Facility in July 2011 and will be of four year duration.

The main objective of the project is to set up a conducive environment for investment thereby facilitating private sector participation in supplying the CEB grid with PV-generated electricity. To make this happen, the various barriers that are hampering further integration of PV systems in the CEB network will be addressed under the project. Ultimately the project is expected to enable Mauritius to achieve at least 2% of grid-connected electricity generation from PV by 2025 as outlined in the Long Term Energy Strategy 2009-2025. This will be equivalent to some 80GWh of PV-generated electricity.

It is expected that by the end of the project some 3MW of PV systems, over and above the 3MW ongoing Small Scale Distributed Generation project, would be installed thereby

reducing green house gas emissions by some 13,295 tons and thereafter by some 5,318 tons every year.

Arrangements are underway for the setting up of a project management team for the implementation of the project which is expected to start early 2011.

As a small island developing state, Mauritius does not have any emission reduction obligation target neither under the Copenhagen Accord, nor under the Kyoto Protocol.

Nevertheless, with a view to reducing the country's dependency on fossil fuels, and contributing to the global effort of reducing greenhouse gas emissions, several renewable energy and energy conservation projects are being implemented.

CLEAN DEVELOPMENT MECHANISM - CARBON CREDIT

(No. B/944) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Environment and Sustainable Development whether, in regard to carbon credit, he will state if any Mauritian project has benefited from the Clean Development Mechanism, indicating -

- (a) if the Clean Development Mechanism is still open to Mauritian project, and
- (b) the stand of Mauritius concerning the future of the Clean Development Mechanism.

Reply: I would like to inform the House that two Mauritian projects have been submitted to the Clean Development Mechanism Executive Board for validation and registration. These two projects are -

- (i) the Mare Chicose Landfill Gas-to-Energy project, which is expected to reduce greenhouse gas emissions by some 95,000 tonnes of carbon dioxide-equivalent per year, and
- (ii) the Plaine des Roches 18 Mega-watt wind-farm project, which is expected to decrease emission of greenhouse gases by some 30,000 tonnes of carbon dioxide-equivalent annually.

My Ministry, as the Designated National Authority under the Clean Development Mechanism, has issued Host Country "Letters of Approval", as required under the Kyoto Protocol, to the landfill and windfarm projects in June 2010 and March 2011 respectively.

I would like to inform the House that carbon credits are issued only when the Clean Development Mechanism activity is operational, and emission reductions have been verified and certified by international independent third party auditors.

The Clean Development Mechanism is still open to all developing countries, including Mauritius, that are party to the Kyoto Protocol.

With regard to part (b) of the question, Mauritius fully supports the Clean Development Mechanism under the Kyoto Protocol and is echoing its voice through the Alliance of Small Island States (AOSIS), the Africa Group and the Group of 77 and China for the continuation of the Clean Development Mechanism under the second commitment period of the Kyoto Protocol (2013 to 2017) and to make it more accessible to Small Island Developing States by simplifying and streamlining its procedures.

SUNIDHI CHAUHAN - INDIAN SINGER - DIVALI NIGHT - CONTRACT

(No. B/945) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Arts and Culture whether, in regard to the Indian singer Sunidhi Chauhan, he will state the date on which the approval of Government/and/or of the Ministry was given for her to perform for a special divali night, indicating the -

- (a) number of performances effected, indicating the dates and cost thereof, and
- (b) conditions of the contract in relation thereto, indicating -
 - (i) the date the contract was signed, and
 - (ii) if advance payment was effected and, if so, when.

(Withdrawn)

EDC HOUSES - ASBESTOS

(No. B/946) Mrs J. Radeconde (Fourth Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to the EDC houses in which asbestos is present, he will state if consideration will be given for the pulling down thereof and the building of new houses free of charge.

Reply: I wish to make it clear at the very outset of the possible circumstances where asbestos can be dangerous. As long as the asbestos panel's integrity is not disturbed or damaged by drilling, there is no danger to health. The only danger is when the integrity of the panel is disturbed and when a person inhales the particles.

I also wish to inform the House that all the residents of the ex-CHA housing estates are owners of their housing unit. With a view to assess the condition of asbestos in EDC houses, my Ministry has recently completed a survey of 3113 such housing units found on 59 housing estates across the country.

The outcome of the survey has revealed that -

- i. 633 housing units have been completely demolished and reconstructed in concrete by the owners themselves;
- ii. concrete extensions have been carried out to 2137 housing units;
- iii. 343 housing units are still in their original state, and
- iv. in most cases the area of the 633 reconstructed houses and the extensions made to 2137 housing units are well above the 400 square feet of the initial asbestos housing units.

This survey clearly indicates that the residents of the concerned EDC housing units are taking advantage of the mechanism put in place for the reconstruction or upgrading of their housing unit.

As regards the remaining 343 housing units, my Ministry will target its sensitization campaign towards those owners to assist them in acceding the prevailing facilities such as -

- a) housing loan scheme provided by the MHC Ltd at low interest rate;
- b) casting of Roof Slab Grants and/or purchase of building materials scheme at the NHDC;
- c) assistance and subsidies from Government, through the National Empowerment Foundation, under the aegis of the Ministry of Social Integration and Economic Empowerment, and
- d) assistance is also provided by the local authority for the removal and carting away of asbestos wastes.

In these circumstances, the question of pulling down the houses and building new ones free of charge does not arise.

OCCUPATIONAL HEALTH AND SAFETY

(No. B/947) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to occupational health and safety, he will state if consideration will be given for the setting up of a Professional Safety and Health Council to be composed of health and safety officers to -

- (a) advise Government, and
- (b) regulate the profession, in relation thereto.

Reply: As regards part (a), I wish to inform the House that the Occupational Safety and Health Act 2005 already provides for the Minister to appoint an Advisory Council for Occupational Safety and Health for the purpose of giving advice and assistance to the Minister in respect of matters affecting the safety, health and welfare of employees at their places of work or lodging accommodation, or any other persons whose safety, health and welfare may be affected by work activities.

Similar provision existed in the defunct Occupational Safety, Health and Welfare Act 1988. The Advisory Council for Occupational Safety and Health was set up and is functioning since 1989. The Council has met on seven occasions in the course of this year.

As regards part (b) provisions already exist in the Occupational Safety and Health Act 2005 to regulate the profession and practice of Safety and Health Officers.

I therefore do not consider that there is a need to set up a Professional Safety and Health Council at this stage.

WOMEN'S ASSOCIATIONS - GRANT

(No. B/948) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the grant of Rs 2000 to Women's Associations from the National Women Council, she will, for the benefit of the House, obtain from the Council, information as to -

- (a) eligibility criteria to benefit from same;
- (b) if women co-operative societies duly registered with the Ministry of Co-operatives are entitled thereto and, if not, the reasons therefor.

(Withdrawn)

MTPA OFFICE, LONDON - MRS B. - APPOINTMENT

(No. B/949) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Tourism and Leisure whether he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to if one Mrs B. has been offered employment at the MTPA office in London and, if so, indicate -

- (a) the date, and
- (b) terms and conditions of her appointment.

(Withdrawn)

POINTE DES LASCARS - BARACHOIS - POLLUTION

(No. B/950) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Environment & Sustainable Development whether, in regard to the barachois at Pointe des Lascars, he will state if he has been informed of cases of pollution by leachate thereat, emanating from animal breeding in the vicinity thereof and, if so, indicate the remedial steps that have been or will be taken.

(Withdrawn)

SEVEN WATERFALLS PROJECT – HENRIETTA

(No. B/951) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Seven Waterfalls project at Henrietta, he will, for the benefit of the House, obtain from the State Investment Corporation, information as to if it has received any request for financial investment thereinto and, if so, where matters stand.

Reply: I am informed that State Investment Corporation (SIC) received in August 2008 a request for finance in Seven Waterfalls project. SIC has initiated a due diligence process and the project which relates to the setting up of an integrated resort and leisure project is still under consideration.

MUNICIPAL COUNCILS - HAWKERS AND STREET VENDORS – ACTIVITIES

(No. B/952) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government and Outer Islands whether, in regard to hawkers and street vendors, he will, for the benefit of the House, obtain from each of the Municipal Councils, information as to if any arrangements have been made for them to carry out their activities during the end of year festivities and, if so, give details thereof.

Reply: As the House maybe aware, the problem of hawkers is a very long and complicated issue for which no workable solution has been found yet. Nevertheless, the Municipal Councils are sparing no effort to exercise better control on these activities and to ensure that same are carried out in an organised manner during the end of the year festivities without causing any hindrance to pedestrians and vehicles.

I am informed that the following arrangements have been made by the Municipal Councils -

- The Municipal Council of Quatre Bones will provide as in previous years around 75 additional stalls on the space at the back of the Quatre Bornes fair to the hawkers during the period 22 December 2011 to 05 January 2012 against payment of appropriate fees;
- The Municipal Council of Vacoas-Phoenix will organise as usual the end of year hawking activities at the Vacoas fair on non-fair days from 12 December 2011 to 08 January 2012 against payment of the appropriates fees;
- The Muncipal Council of Beau Bassin-Rose Hill on the other hand is restrained by way of a Court Order not to allow hawking activities in the town;
- The Municipal Council of Curepipe has decided to shift the 80 street vendors operating in the town to square Bruce during the end of year festivities and until 15 January 2012.
- The Municipal Council of Port Louis has made necessary arrangements to house the hawkers operating along SSR Street at Pont de Paris and those operating at Poudrière street and its vicinity at the Ruisseau du Pouce.

I am, however, informed that there are 967 hawkers who have paid the trade fees to operate within the City of Port Louis, but the number is expected to increase during the end of year festivities.

VESSELS MOSTRAL AND SYRNA II - SECURITY SERVICES

(No. A/387) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Fisheries and Rodrigues whether, in regard to the vessels Mostral and Syrna II, he will state the name of the company, if any, which provides security services therefor, indicating the

amount paid therefor, since January to October 2011 and, if not, how the security thereof is being ensured.

Reply: Vessels Maustral and Sphyrna II are berthed at Trou Fanfaron in the Port area. At present, security services for both vessels are being provided by the staff of the Ministry.

In the past, the security service was provided by private contractors. The last contract was for the period from 1 January 2010 to 31 March 2011.

Following a tender exercise in March 2011 for security services to be provided to both vessels, the successful bidder informed that with the coming into operation of new regulations, no access pass could be issued in the harbour area to any security company in the absence of a licence for the individual watch guards from the Commissioner of Police and the processing of the necessary clearances would require six to seven months.

In view of these circumstances, staff of my Ministry in the grade of Deckhand Fisherman, Artificer, Nurseryman who work on these vessels have been entrusted the task of watchmanship on a roster basis.

The sums paid as overtime to employees of the Ministry for watch-keeping of the vessels amount to-

March 2011 - Rs51, 067.72

April 2011 - Rs32, 544.59

May 2011 - Rs53, 373.83

Overtime for period June to September 2011 is being processed to be included in payroll of December 2011.

PRIVATE EQUITY FUNDS – SET-UP

(No. A/388) 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 private equity funds and sub-funds, he will, for the benefit of the House, obtain a list thereof that have been set up, since 2005 to-date, indicating in each case the –

- (a) date of the setting up thereof;
- (b) composition of the Board thereof ;
- (c) share capital structure thereof, and

- (d) amount of funds mobilized and disbursed as at date, indicating the-
- (i) names of the beneficiaries thereof;
 - (ii) nature of the funding, and
 - (iii) economic sector supported.

Reply: Since 2005 only one private Equity Fund has been set up, namely the SME Partnership Fund Limited.

With regard to part (a) of the question, the SME Partnership Fund Ltd (Ex-Empowerment Fund Ltd) was set up on 26 May 2006.

As far as part (b) of the question is concerned, the composition of the Board is as follows

-

Mr R. Ringadoo (Chairman)

Mr. M. I. Mallam-Hasham

Mr H. Bissessur

Mr C. Appadoo

Concerning part (c) of the question, the share Capital Structure is 15,100,000 ordinary shares of no par value.

Regarding part (d) of the question, the amount of funds mobilised is Rs151 m. and the amount disbursed/committed is Rs85.5 m.. However, by virtue of the Confidential Clause contained in the agreement signed between the SMEs and the Fund the name of the beneficiaries cannot be disclosed. The nature of funding and the economic sector supported by the Fund are indicated below –

Sector	No.	Amt Rs M.
Manufacturing	13	15.3
Agro-Industry	10	12.3
Tourism	8	11.4
ICT	1	0.6
Others	26	45.9
<u>Total</u>	<u>58</u>	<u>85.5</u>

Nature	No.	Amt Rs M.
Start Up	20	25.5

Expansion	37	57.0
Restructuring	1	3.0
<u>Total</u>	<u>58</u>	<u>85.5</u>

IMF & WORLD BANK - CONSULTANCIES AND STUDIES

(No. A/389) 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 consultancies and studies funded by the International Monetary Fund and by the World Bank, he will give a list thereof, indicating in each case who carried out and benefitted therefrom, since January 2006 to-date, indicating the –

- (a) cost thereof
- (b) duration thereof
- (c) selection criteria therefor; and
- (d) composition of the panel for the selection thereof.

Reply: The International Monetary Fund (IMF) has, from January 2006 to-date, financed consultancies/studies either from its own resources or from donors, as detailed in the document being laid in the Library.

Regarding part (c) of the question, once a technical assistance request is made to the IMF, it is evaluated by that institution according to the availability of resources (funding and manpower) of its respective department, the department's technical assistance priorities, the country's perceived need for the assistance (for which the views of the area department are sought), and the country's track record for implementation as the main elements for the decision.

Concerning part (d) of the question, the composition of the panel for the selection, the specific requests are evaluated by the responsible technical assistance department at the IMF with inputs from its area department to see how and when they fit into that departments overall technical assistance agenda and resource constraint.

As far as the World Bank is concerned, it has not funded any consultancy/study from January 2006 to January 2008. However, since February 2008 to- date 11 consultancies/studies have been received from the World Bank. Information with regard to part (a) and (b) of the question are at Annex. However, the duration for consultancies /studies varies from project to

project. Concerning parts (c) and (d) of the question, these were carried out by the World Bank strictly in accordance its own procedures.

ELECTRICITY SUPPLY - HOUSEHOLDS – DISCONNECTION

(No. A/390) Mr R. Uteem (Second Member for Port Louis South and Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to electricity, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the number of households whose supply thereof has been disconnected, since 2010 to-date, giving a breakdown thereof, region-wise and indicating the total amount of arrears due in relation thereto.

Reply: I am informed by the Central Electricity Board that for the period January 2010 to date, a total of 32,789 consumers had been disconnected from the electricity network. However, 26,298 customers have been reconnected as at 24 November 2011.

The total arrears due for period January 2010 to 24 November 2011 stand at Rs34,611,473.

A breakdown of the arrears, region-wise, is also tabled.

NATIONAL PENSIONS FUND - MAURITIUS TELECOM - SHARES

(No. A/391) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Mauritius Telecom, he will, for the benefit of the House, obtain from the National Pensions Fund, information as to if the Fund is proposing to sell part of its shares therein.

Reply: I am informed by the NPF/NSF Investment Committee that there is no proposal to dispose of the shares, or part thereof, held by the National Pension Fund in Mauritius Telecom.

RODRIGUES – VALUE ADDED TAX - REVENUE

(No. A/392) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Value Added Tax, he will, for the benefit of the House, obtain from the

Mauritius Revenue Authority, information as to the amount of money received from Rodrigues, since 2005 to 2011.

Reply: I am informed that the amount of Value Added Tax received from Rodrigues for the period 2005 to end October 2011 is as follows –

Year	Rs million
2005	27.5
2006	30.8
2007	32.0
2008	32.3
2009	32.2
2010	27.1
2011	24.1

(01 January to 31 October)

CITÉ LA CURE - AREA HEALTH CENTRE

(No. A/393) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Health and Quality of Life whether, in regard to the area health centre at Cité La Cure, he will state the -

- (a) cost thereof;
- (b) start and completion dates thereof, and
- (c) name of the contractor.

Reply: The contract value of the renovation/extension of the Dr. A. Malher Community Health Centre at Cité La Cure is Rs 6.4 M, inclusive of VAT.

With regard to part (b) of the question, the start date was January 2010 and the completion date was June 2011. Tender procedures for the procurement of furniture/surgical items are being completed. The Community Health Centre (CHC) is expected to be operational by January/February 2012.

The name of the contractor is Mecatronics Ltd.

BAGATELLE MALL OF MAURITIUS - WASTE WATER

(No. A/394) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Environment and Sustainable Development whether, in regard to the Bagatelle Mall of Mauritius, he will state if he has been informed of the bad smells emanating from the waste water thereat, in the vicinity of the present bus stop thereby causing inconveniences to the visitors thereof and, if so, indicate if urgent remedial steps will be taken.

Reply: Following complaint received on 2 November 2011 concerning bad smell emanating from Bagatelle Mall of Mauritius, an urgent site visit was effected on the same day by officers of my Ministry.

During the site visit, a foul odour was detected in the vicinity of the present bus stop, at the parking and along the motorway facing the shopping mall.

Subsequently, the Ministry of Health and Quality of Life which is the Enforcing Agency for odour nuisance as per the Environment Protection Act 2002, was requested to investigate into the matter and initiate appropriate remedial action at their end.

I am informed that the Enforcing Agency has already issued a sanitary notice to ENL Property Limited (Owner of Bagatelle Mall) on 28 October 2011 to stop foul odour emanating from its premises within a delay of five days.

A follow up site visit effected by officers of Ministry of Health and Quality of life observed that the Notice has not been complied with. A contravention was established on the same day against ENL Property Limited.

During site visits effected on 28th November and 2nd December 2011 by officers of my Ministry no odour nuisance was discerned in the vicinity of the present bus stop, at the parking and along the motorway facing the shopping mall. However, a mild odour (inherent to wastewater treatment) was discerned only in the close vicinity of the treatment plant.

CITÉ MARTIAL - IBRAHIM ABDOOLLAH MARKET FAIR

(No. A/395) 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 Ibrahim Abdoollah Market Fair at Cité Martial, Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the present -

- (a) number of stalls which are;
- (i) occupied;
 - (ii) unoccupied, and
- (b) amount of rent payable by the stall holders, indicating;
- (i) the mode of payment thereof;
 - (ii) if he has been informed that stall holders are encountering difficulties for the settling of the arrears of rent, and
 - (iii) if consideration will be given for a reduction of the rent payable and, if so, when and, if not, why not.

Reply: I am informed by the Municipal Council of Port Louis that there are 696 stalls which are occupied and 33 which are unoccupied and vacant at the Ibrahim Abdoollah Market Fair.

With regard to part (b), I am informed that the amount of rent payable by the stallholders is in accordance with the Ibrahim Abdoollah Market/Fair Regulations 2007 are as follows –

Section	Monthly Rental Per Stall (Rs)
Beef, Chicken, Fish, Food Court & Kisok	1,200.00
Vegetables	500.00
Fancy Goods	800.00

- (i) the mode of payment is stipulated in the contract agreement of each stallholder and is payable in advance and not later than the 10th of each current month;
- (ii) the Council is aware of the difficulties encountered by some stallholders and grants payment facilities on a case to case basis to those stallholders to settle their monthly payment and arrears due, and
- (iii) the Council has decided to reduce the rent payable to a standard rate of Rs400 per month for all stallholders and which is expected to become effective as from January 2012 subject to the relevant amendments to be made to the existing regulations and the approval of the Ministry of Finance and Economic Development being obtained thereon.

PLAINE VERTE GARDEN - UPGRADING

(No. A/396) 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 level of the swimming pool, he will state if he has been informed of the bad state thereof and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for the –

- (a) completion of the fencing and gate works thereat;
- (b) installation of;
 - (i) additional entrances;
 - (ii) benches;
 - (iii) lighting points;
 - (iv) dustbins, and
- (c) planting of grass and decorative plants.

Reply: I am informed by the Municipal Council of Port Louis that the stretch of the Plaine Verte Garden from the swimming pool to Paul & Virginie Street is not in a bad state and cleaning is carried out on a daily basis by it.

I am informed that the following works are being undertaken at this stretch of the garden

-

- construction of alleys, laying of paving tiles and block wall fencing along Paul & Virginie Street are ongoing;
- installation of antique wooden benches and two sit around trees already completed;
- fixing of ten luminous and dustbins are in the pipeline, and
- planting of grass and decorative plants will be carried out after completion of all civil works.

I am further informed that there is no provision for a gate and any additional entrance.

**RESIDENCE PÈRE LAVAL - PRE-PRIMARY SCHOOL & NURSERY - BUDGET
EARMARKED**

(No. A/397) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the pre-primary school and of the nursery operated by the Municipal Council of Quatre Bornes, at the Residence Père

Laval, he will, for the benefit of the House, obtain from the Council, information as to the budget earmarked therefor, in each case, since 2005 to-date, on a yearly basis, indicating the –

- (a) running expenses thereof, and
- (b) total intake of children therefor.

Reply: I am informed by the Municipal Council of Quatre Bornes that the pre-primary school and the nursery at Residence Père Laval were managed by the Roman Catholic Diocese of Port Louis from 2004 to 2009 following an agreement.

With regard to part (a) of the question, the running expenses from 2005 to-date are as follows -

Financial Year	Running Expenses (Rs)
2005-2006	372,724
2006-2007	423,953
2007-2008	435,952
2008-2009	469,554
July 2009-December 2009	206,572
January 2010-December 2010 (Pre-Primary School only)	468,250
January 2011 to date	415,200

As far as part (b) of the question is concerned, the enrolled population from year 2006 to date is as follows -

Year	Nursery	Pre-Primary School
2006	9	26
2007	22	18
2008	11	27
2009	11	30
2010	-	34
2011	-	38

**COLLABORATIVE PROGRAMME FOR SUPPORT TO WOMEN AND CHILDREN IN
DISTRESS – NGOS - PROJECTS**

(No. A/398) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Collaborative Programme for Support to Women and Children in Distress, she will state the –

- (a) women and children in distress targeted thereunder, and
- (b) Non-Governmental Organisations and/or actors and the respective projects approved thereunder, indicating, in each case, the
 - (i) amount of funding allocated thereto, and
 - (ii) number of direct beneficiaries thereof.

Reply: I am informed that the Special Collaborative Programme for Support to Women and Children in Distress, which was introduced since July 2009, aims at supporting women and children in distress with a view to enhancing their livelihoods and integrating them in the mainstreaming of development.

- (a) women and children in distress targeted are as follows –
 - (i) women victims of violence;
 - (ii) unemployed and retrenched workers;
 - (iii) women detainees and their children;
 - (iv) children victims of violence, abuse and neglect, and
 - (v) children with all forms of disabilities.

Regarding part (b), as at date, a total of 70 projects have been approved under the Special Collaborative Programme for Support to Women and Children in Distress to the tune of Rs67.23 m., targeting 9,422 women and children in distress. Details on the projects, the Non-State Actors and NGOs as well as the number of beneficiaries for 2009, 2010 and 2011 are being placed in the Library.

ROSE BELLE - FIRE STATION - CONSTRUCTION

(No. A/399) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a new Fire Station in Rose Belle, he will, for the benefit of the House, obtain from the Government Fire Services, information as to where matters stand, indicating if land has already been identified therefor and, if so, indicate the extent and location thereof.

Reply: I am informed by the Fire Services Department that the plot of land of 1200 m² proposed for the construction of a Fire Station at Rose Belle is located along the Phoenix-

Mahebourg Road and is some 650 metres from the ex-Rose Belle Sugar Factory. The plot of land has been in my Ministry since 05 September 2001.

I am informed that the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping has already prepared the preliminary drawings of the project and same are being examined by Fire Services Department. Once these drawings would be finalised, the approval of the Building Plans Committee would be sought to proceed further.

**MARE TABAC, TROIS BOUTIQUES AND GRAND BEL AIR - FOOTBALL
PLAYGROUNDS - LIGHTING**

(No. A/400) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Constituency No.12, Mahebourg and Plaine Magnien, he will, for the benefit of the House, obtain from the National Development Unit, information as to if consideration will be given for the provision of lighting at the football playgrounds at Mare Tabac, Trois Boutiques and Grand Bel Air and, if so, when and, if not, why not.

Reply: The provision of lighting at the three football playgrounds will, as far as possible, be considered by the NDU during the course of next year.

MARE D'ALBERT - CREMATION GROUND - UPGRADING

(No. A/401) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Local Government and Outer Islands whether, in regard to the cremation ground at Mare d'Albert, in Constituency No.12, Mahebourg and Plaine Magnien, he will state if he has been informed of the bad state thereof and, if so, indicate if consideration will be given for the upgrading thereof, and if so when and, if not, why not.

Reply: I am informed by the Grand Port-Savanne District Council that the cremation ground at Mare D'Albert is in a bad state and it has decided to undertake the following upgrading works:-

I am informed that specifications are under preparation at the level of the council.

- Repairs of boundary blockwall, fencing and gates,
- Construction of road borders and resurfacing of part of road,
- Repairs to cremation pyre and flooring,
- Upgrading works around shelter and toilet block,

- Construction of reinforced concrete table and repairs of concrete benches,
- Plumbing and painting works.

I am informed that these works will start during the first week of December 2011 and will be completed in forty day's time.

CHEMIN GRENIER – MARKET - CONSTRUCTION

(No. B/402) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a new market at Chemin Grenier, he will, for the benefit of the House, obtain from the District Council of Grand Port Savanne, information as to where matters stand, indicating if land has already been identified therefor and if so, indicate the location and extent thereof.

Reply: I am informed by the Grand Port-Savanne District Council that there is a need to construct a new market at Chemin Grenier as the existing one which was constructed in November 1978 does not satisfy the actual needs of the local community and leakages are apparent from the roof of the building.

I am informed that the council would require a plot of land of the extent of 4 acres to undertake this project. However, the Council has indicated that it will not be in a position for the time being to proceed with the implementation of the project due to financial constraints.

FLIC EN FLAC - NOISE POLLUTION

(No. B/403) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Environment and Sustainable Development whether, in regard to the region of Flic en Flac, he will state if he has received representations from the residents of Avenue des Carrières and Avenue des Pelicans at Morcellement de Chazal in Flic en Flac, complaining of noise pollution thereat, emanating from night festivities on Saturdays and, if so, indicate the remedial steps that have been or will be taken, if any.

Reply: Since January 2011 to November 2011, 15 complaints have been reported to my Ministry from inhabitants of Ave des Carrieres and Ave Pelicans, Morc de Chazal Flic en Flac.

Complaints received are against noise nuisance from parties organised in bungalows which are rented for short periods. Most of these are not holders of licences from the Tourism Authority.

In order to effectively tackle noise pollution issues the Ministry of Health & QL which is the Enforcing Agency for noise has set up in July 2009 a noise monitoring squad operating after

office hours mainly during weekends. In addition to attending to complaints received by the Ministry, the said squad undertakes noise surveillance program in collaboration with Police de L'Environnement and officers of my Ministry.

In addition, cases of renting of bungalows without permit are referred to the Tourism Authority. Those causing noise nuisances are continuously sensitised by the monitoring team.

I am informed that six contraventions have been established by the Police de L'Environnement against night club/restaurant at Flic en Flacfor playing music in a loud tone causing nuisances and for operating without permit.

MINISTRY OF ARTS AND CULTURE - ADVISERS

(No. B/404) Mrs J. Radeonde (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the Advisers employed on a full time or part time basis at his Ministry, he will give a list thereof, indicating in each case the -

- (a) names;
- (b) qualifications, and
- (c) salaries and terms and conditions of appointment.

Reply: The requested information is being placed in the Library.

MINISTRY OF FISHERIES AND RODRIGUES - MR J. Y. T., ADVISER

(No. A/405) Mr A. Gungah (First Member for Grand' Baie & Poudre D'or) asked the Minister of Fisheries and Rodrigues whether, in regard to Mr J. Y. T., Adviser at the Ministry of Fisheries and Rodrigues, he will state -

- (a) his qualifications;
- (b) salary and other benefits;
- (c) schedule of duties, and
- (d) experience in the seafood and sanitary norms in the industry, if any.

Reply: The information is being placed in the Library.