



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

SECOND SESSION

TUESDAY 05 JUNE 2012

CONTENTS

ANNOUNCEMENTS

PAPERS LAID

MOTIONS

QUESTIONS (*Oral*)

BILLS (*Public*)

ADJOURNMENT

QUESTIONS (*WRITTEN*)

Members

Members

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, Minister for Rodrigues
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
Dr. the Hon. Arvin Boolell, GOSK	Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Abu Twalib Kasenally, GOSK, FRCS	Minister of Housing and Lands
Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
Dr. the Hon. Vasant Kumar Bunwaree	Minister of Education and Human Resources
Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security
Hon. Devanand Virahsawmy, GOSK	Minister of Environment and Sustainable Development
Dr. the Hon. Rajeshwar Jeetah	Minister of Tertiary Education, Science, Research and Technology
Hon. Tassarajen Pillay Chedumbrum	Minister of Information and Communication Technology
Hon. Louis Joseph Von-Mally, GOSK	Minister of Fisheries
Hon. Satyaprakash Ritoo	Minister of Youth and Sports
Hon. Louis Hervé Aimée	Minister of Local Government and Outer Islands

Hon. Mookhesswur Choonee	Minister of Arts and Culture
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Labour, Industrial Relations and Employment
Hon. Yatindra Nath Varma	Attorney General
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

Members

Members

PRINCIPAL OFFICERS AND OFFICIALS

Mr Speaker

Purryag, Hon. Rajkeswur, GCSK, GOSK

Deputy Speaker

Peetumber, Hon. Maneswar

Deputy Chairperson of Committees

Deerpalsing, Ms Kumaree Rajeshree

Clerk of the National Assembly

Dowlutta, Mr R. Ranjit

Deputy Clerk

Lotun, Mrs B. Safeena

Clerk Assistant

Ramchurn, Ms Urmeelah Devi

Hansard Editor

Jankee, Mrs Chitra

Senior Library Officer

Pallen, Mr Noël

Serjeant-at-Arms

Munroop, Mr Kishore

MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 07 of 2012

Sitting of 05 June 2012

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**NATIONAL ASSEMBLY - HON. CHANDRESHWAR PRASAD SINGH –
SPEAKER, LEGISLATIVE ASSEMBLY - JHARKHAND**

Mr Speaker: Hon. Members, before we start the business of the House, I have a short announcement to make.

We are deeply honoured and privileged to have in our midst today the hon. Chandreshwar Prasad Singh, Speaker of the Legislative Assembly of the State of Jharkhand and his delegation.

Allow me, on behalf of Members of the House to extend a warm welcome to the hon. Speaker and his delegation.

Thank you.

PAPERS LAID

The Ag. 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 Building Control Bill (No. XI of 2012); and
- (b) The Licensing of Recruiting Agents for Overseas Educational and Training Institutions (Amendment) Bill (No. XII of 2012).

B. Ministry of Arts and Culture –

The Report of the Director of Audit on the Financial Statements of the National Heritage Fund for the periods 01 July 2004 to 30 June 2005, 01 July 2005 to 30 June 2006 and 01 July 2006 to 30 June 2007.

ORAL ANSWERS TO QUESTIONS

LIGHT RAILWAY SYSTEM PROJECT

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the proposed Light Railway System Project, he will state –

- (a) if the –
- (i) updated estimated cost thereof;
 - (ii) financing options thereof;
 - (iii) fares thereof;
 - (iv) choice of equipment therefor;
 - (v) proposed lay-out thereof;
 - (vi) impact thereof on employment in the transport industry; and
 - (vii) Request for Proposal for the implementation thereof, have been worked out by the Singapore Cooperation Enterprise and the Singapore Mass Rapid Transit, indicating the number of times the local Steering Committee has met therewith; and
- (b) if a Public Private Partnership with the Malaysian firm “Platinum Venture Group of Companies” has been considered therefor.

Mr Bachoo: Mr Speaker, Sir, as the House is aware, in reply to previous Parliamentary Questions I pointed out that many studies have been undertaken as far back as 1990s with a view to identifying the best workable solution for a MRT in Mauritius. The findings of all reports point towards indicating the imperative need to have a Mass Rapid Transit in Mauritius to effectively address the prevailing and emerging public transport problems.

Undeniably, socio-economic development can be sustained if we can ensure enhanced mobility of goods as people in the country.

It is also worth pointing out that the National Land Transport Strategy confirms that a MRT system will not only address the public transport problem, but also contribute towards mitigating the extent of our road congestion difficulties.

After assessing the implications, merits and demerits of the two options namely the Bus Rapid Transit and the Light Rail Transit, and bearing in mind that Government is focusing on a long term solution, that is, a fifty-year horizon, the LRT has emerged as being the preferred option.

The House would also note that, in the Government Programme 2012-2015, Government has emphatically reiterated that an infrastructure project with significant potential for people and business is the creation of a major nationwide mass transit system. Such a project will develop to eventually connect the whole island.

Mr Speaker, Sir, with the LRT option in perspective, Government explored different avenues for the purposes of developing and implementing a LRT project in Mauritius.

During his official visit to Singapore in September 2010, the hon. Prime Minister discussed the Mass Rapid Transit system as a potential solution to address the issue of traffic congestion which is a serious impediment to development in Mauritius. The Singaporean expertise in the field LRT was assessed *de visu* and it was recognised as the most credible and convenient system for Mauritius.

Government, therefore, decided to draw from the expertise and development experience of Singapore under an existing Framework Agreement for cooperation between the two countries. Subsequently, a Government-to- Government Memorandum of Understanding has been established between the Government of the Republic of Mauritius and the Singapore Cooperation Enterprise (SCE) to provide services for the implementation of different projects to be identified by both parties.

It is to be pointed out that the SCE is an Agency formed by the Ministry of Trade and Industry and the Ministry of Foreign Affairs of Singapore to respond effectively to foreign requests and to tap on Singapore's development experience.

In pursuance of the proposal to tap the Singaporean expertise and on the basis of interactive consultations between the Singaporean side and the Mauritian one, the requirements of Mauritius were spelt out and after these were assessed by SCE, the latter submitted in September 2011 a proposal to deliver the following outputs over a period of 13 months -

- (a) determination of a feasible alignment for the whole LRT corridor running between Curepipe and Port Louis;

- (b) recommendation of a phased implementation plan for the LRT along selected corridor up to Port Louis;
- (c) financial and economic analysis covering the whole alignment corridor between Curepipe and Port Louis;
- (d) development of Concept and Preliminary Design sufficient to attract market interest in the project from suitably qualified delivery entities and to invite priced tenders from those entities; and
- (e) high level consideration of potential future Northbound and Southbound extensions to the Curepipe and Port Louis corridor to provide input to land planning and land acquisition issues.

Notwithstanding the fact that the initiative is being driven within a Government to Government configuration, Government was determined to ensure that any process being resorted to would be fair, transparent and accountable. To achieve this end, in December 2011, the Public Procurement Act was amended to provide for procurement undertaken pursuant to an agreement or arrangement between Mauritius and a foreign State which allows Mauritius to benefit from the expertise and development experience of that foreign State in a particular field. One of the requirements of the procedure clearly states that a Due Diligence be carried out to ascertain that the procurement under the Government-to-Government agreement constitutes value for money.

Government, on 27 April 2012, agreed to the setting up of a Due Diligence Committee, under the chairmanship of my Ministry and comprising representatives of the Ministry of Finance and the Attorney General's Office among others.

Mr Speaker, Sir, Government is also enlisting the services of a high calibre Mass Transit expert from India under the Indian Technical and Economic Cooperation Agreement to ascertain or otherwise the correctness of the exercise, and validate the methodology and findings of the Due Diligence Committee.

If the findings of the Due Diligence Committee confirm that the value for money requirement is met, a contractual agreement will be concluded with SCE for the consultancy services.

The House would also note that it is on the strength of the deliverables that are expected from the execution of this contract by SCE, that information sought in the question, namely,

updated estimated cost of the LRT, the economic analysis and financial structuring, the fare structure, the technology options, the alignment options, and the overall socio-economic impact of the project will become known. This exercise will allow for the appropriate bidding documents to be produced.

Mr Speaker Sir, given the importance and sensitivity of such a project, since the very inception, a mechanism has been set up by way of a Steering Committee to move the process forward. The Steering Committee, under the chairmanship of the Secretary to Cabinet and Head of the Civil Service in the Prime Minister's Office, has met on fifteen (15) occasions, the first one being on 07 October 2010 and the last one on 31 May 2012.

Mr Speaker, Sir, as for part (b) of the question, my Ministry is not in presence of any proposal from the Malaysian firm. However, I wish to inform the House that there is a well defined Public Private Partnership legal framework in Mauritius under the Public Private Partnership Act. Should there be a decision to implement the LRT project under a Public Private Partnership arrangement, I am assuring the House that the provisions of the scheme would be stringently applied as the Government is fully committed to ensure that any process undertaken is fair, transparent and accountable. Under no circumstances shall we derogate from this commitment.

Mr Bérenger: Mr Speaker, Sir, replying to a Private Notice Question on 14 December 2010, the hon. Minister was categorical, that everything would be completed within four months, that all the points I've raised, would be replied to by the Singaporeans within four months. I am quoting what the Minister said on 14 December –

“(...) it has been agreed that SMRT - that is the Singaporeans - would also look into bankability of the project including operation risks, financing risks, technical risks as well as any subsidy element required to make the system affordable, sustainable and viable. SMRT has agreed to work out the updated estimated cost. All financing options would be explored including Public Private Partnership mode and other development partners. SMRT has confirmed that the above elements would be provided within four months.”

And later on, he said –

“It is the SMRT that is going to prepare the requests for proposals. That’s why we have solicited their support and, if I am not mistaken, they have given a time limit of - let’s say - about four months.”

Now, we are more than a year later, and we are told that a Due Diligence Committee is still considering the offer to be appointed Project Manager, the offer of the Singaporeans. Will the hon. Minister agree with me that we’ve wasted one more year and that this is unacceptable? We had been promised an answer from the Singaporeans within four months.

Mr Bachoo: Mr Speaker, Sir, whatever we do, has to be fair, transparent and accountable. I agree that the statement was made by me earlier in a reply to a PNQ, because things were moving fast. But, in the course of the discussions, we found that there is something missing, a problem could occur, because Government to Government, even under our existing legislation, we cannot go ahead with Government to Government transactions. It was important for us to amend certain provisions of the law. This is what we have done under the Public Procurement Act. All those issues that the Leader of the Opposition has raised will, definitely, be looked into by the Singaporeans.

Mr Bérenger: Mr Speaker, Sir, now we are informed that a Due Diligence Committee is sitting. Can I know who is chairing that Due Diligence Committee and is the hon. Minister confirming what he said on 15 May, this year, that this Due Diligence Committee would submit a report within one month?

Mr Bachoo: The Due Diligence Committee is being chaired by the Supervising Officer of my Ministry and the Due Diligence Committee, probably, within a week or two, will submit its report – the interim report – and, after that, an expert from India is coming, he will have a look at it.

Mr Bérenger: He has referred to this expert being identified, which he referred to earlier, on 15 May of this year, when he said that the report from the Due Diligence Committee would be validated by an expert in the field, who is being identified. Can I know by whom is this expert being identified?

Mr Bachoo: That has been through the Indian High Commission, Mr Speaker, Sir, and that too under the Indian Technical and Economic Cooperation Agreement. In fact, we have been

able to identify that great expert. He will be coming in the weeks to come to Mauritius in order to have a look at the report.

Mr Bérenger: Mr Speaker, Sir, I have looked as carefully as possible at the proposals from the Singaporeans. They have made a proposal that they should be appointed Project Management Services and I have listened to what the hon. Minister has said today. Will he agree with me that, in fact, what we are doing, we are giving a blank cheque – *un chèque en blanc* – to the Singaporeans; they will decide the alignment, the financing proposals and everything and, in fact, *c'est un abandon de souveraineté*, that we are handling everything, *un chèque en blanc*, to the Singaporeans?

Mr Bachoo: Mr Speaker, Sir, on one hand, the hon. Member wants us to go fast, on the other hand, he is telling that we are going to give everything to the Singaporeans. This is not the case. As a responsible Government, the Singaporeans, in return...

(Interruptions)

Mr Speaker: Order!

Mr Bachoo: ...will have to give us their opinions and then it is up to the Steering Committee and the committee which has been set up in our country, and many of our officers who are in that committee, have got brains, they are intelligent, they won't let us down. Definitely, as a Government, we will have our say, because we are going to spend billions of rupees in that project. I can assure the hon. Leader of the Opposition, there has been a delay. Since 1995, the project is on and nobody has got the guts and the courage to go ahead.

(Interruptions)

We know the difficulties that we had undergone. Mr Speaker, Sir, recently...

(Interruptions)

Mr Speaker: Order! Order! Order! Hon. vice-Prime Minister, I would request you not to use words which are harsh. "Guts and courage" are harsh words. Please, be of good temper and use your moderation in answering the questions.

Mr Bachoo: Mr Speaker, Sir, I am sorry! As they have said that since so many years we are on the project, so, I would request the hon. Members, just to be a bit patient. In fact, that is the concern of everybody, of every Mauritian; everybody wants that the project should go ahead. But there must be complete *transparence* in whatever we are doing, and that is the reason why the Due Diligence Committee is working on it and, on top of it, we will be having an expert from

India who will have a look at what is being done. After that, whatever the Singaporeans are going to offer, we will not accept it blindly, with closed eyes and closed ears. We are going to have a look completely. It is only then that we are going ahead with the project, because that involves billions of rupees.

Mr Bérenger: Can I ask the hon. Minister whether he can refresh his memory that between 2000 and 2005, with the collaboration of the World Bank, a lot of work was done, until as from 2005, with the new Government, the whole project was dumped and revived now? Can he carry out a little trip down memory lane?

Mr Bachoo: Mr Speaker, Sir, not to be harsh, to use a polite language, in 2004, when everything was ready, we were to go for tender exercise, then the representative of the Prime Minister's Office, Mr Desveaux...

(Interruptions)

I am submitting...

(Interruptions)

He, himself, came in a meeting which was chaired by the then Mr Moreea where he declared that the project is not on, we have to go back again for fresh tender exercise. I am submitting the copy.

(Interruptions)

Mr Bérenger: That is because elections were coming; we are not like you, what you did before the 2010 elections.

(Interruptions)

Mr Speaker: Order, please!

Mr Bérenger: Can I know, Mr Speaker, Sir, how much has been paid to the Singaporeans to date and how much is to be paid to them should their proposals to be appointed Project Manager be approved?

Mr Bachoo: Mr Speaker, Sir, regarding the first phase they have made their offers and being given that this matter is being looked by the Due Diligence Committee, which is a Committee just like a Bid Evaluation Committee, it will not be, I think, proper for me to reveal the quantum that they have asked. That is the reason why we have got the Due Diligence Committee and I think, according to Standing Order 22, it won't be good on my part to reveal the quantum.

Mr Bérenger: Mr Speaker, Sir, in l'Express of 23 May - I see no *mise au point* from the Ministry of Finance - it was reported that the Ministry of Finance was unsatisfied with the Singaporean proposal and had requested a report on the whole project before going ahead. Is it the case that the Ministry of Finance has requested such a report?

Mr Bachoo: Mr Speaker, Sir, in fact, the representatives of the Ministry of Finance are fully involved in all the committees and they are working together. Thus it is impossible for us to undertake work of such a magnitude without the support of the Ministry of Finance. All along, the Ministry of Finance is being consulted.

Mr Bérenger: Mr Speaker, Sir, we have been told that the Local Steering Committee has met 15 times. Have they met 15 times or have they met the Singaporeans 15 times?

Mr Bachoo: What I understand from what was reported to me, they have met 15 times and on many occasions - I don't know how many occasions - the Singaporean authorities were present.

Mr Bérenger: Mr Speaker, Sir, can copies of the Minutes of Proceedings of the meetings which the Local Steering Committee had with the Singaporeans be placed in the Library?

Mr Bachoo: I will definitely convey this request to the Cabinet Secretary who is actually abroad on mission.

Mr Bérenger: Mr Speaker, Sir, can I know the cost of the tickets that will be claimed once the Métro Léger Project gets going? Is the cost of those tickets linked in any way and, if yes, how to the *péage* project, the decision by Government to start the *péage* project on a good number of our roads? Can I know what will be the link between the two if that has been considered and if the Singaporeans are going to integrate this decision already taken by Government to go ahead with the *système de péage*?

Mr Bachoo: In principle, the *système de péage* has been accepted, but whether that would be integrated together with the *péage*, that is the ticket of the rail had not yet been decided. That is why we are waiting for the Singaporeans to come forward with the report.

Mr Bérenger: Only recently, on 15 May, in this august Assembly, the hon. Minister was categorical once more and he used nearly lyrical words and I am quoting what he said on 15 May

-

“I wish to assure the hon. Member that the first *coup de pioche* for this dream project is expected next year.”

Now, we are still with a Due Diligence Committee, which is considering what the Singaporeans have proposed as Project Manager, to take over the whole project. Then there will be an expert chosen who will invalidate or not the reports from the Due Diligence Committee, then does he really think that the *premier coup de pioche* will be given next year?

Mr Bachoo: Mr Speaker, Sir, now, since it is no longer a dream project; it is becoming a real project. The proposition is definitely to start the first *coup de pioche* next year and as far as the Indian expert is concerned, he can be in the country any time. So, I hope that we are going to keep up the target.

Mr Bérenger: Mr Speaker, Sir, I made reference whether the Public Private Partnership Proposal had been received from a Malaysian firm called, from my information, Platinum Venture Group of Companies. If I am not mistaken, I heard the hon. Minister say: “no such proposal has been received at my Ministry”. Is it a fact, therefore, that no such proposal has been received by any Ministry, by any Minister and just set aside?

Mr Bachoo: Mr Speaker, Sir, I have inquired from the officers of my Ministry and from the Ministry of Finance also. As far as we are concerned, we had not received any such proposal.

Mr Bérenger: Mr Speaker, Sir, can I ask the hon. Minister when three articles appeared in the local press giving the name, the rough proposals and so on, did this prompt the hon. Minister to find out what is behind this story?

Mr Bachoo: Mr Speaker, Sir, they might have come on their own and they might have been lobbying here and there. But there is nothing serious on the side of the Government.

Mr Roopun: Mr Speaker, Sir, we all know for how long this project has been on the agenda, but I heard the hon. Minister stating that we are considering also now to extend the project to the North and to the South. Does he not consider that it is overoptimistic on his side and that we should now, at this stage, concentrate on the corridor Curepipe to Port Louis, have it implemented and then consider any extension so that we do not waste time unduly?

Mr Bachoo: This is precisely what we are doing. But we have left it open, we don't want to limit ourselves to this, but the first stage definitely concerns the corridor Curepipe to Port Louis and then we have said that we are living it open for the North and the Southern part.

Mr Uteem: Mr Speaker, Sir, the hon. Minister just mentioned that we are going through a direct agreement with Singapore Cooperation Enterprise. As the hon. Minister is aware, in Singapore the Mass Rapid Transit System is very different from the Light Railway System that is being proposed. Being given that this is the case, can I know from the hon. Minister why was not expertise sought from countries which have Light Railway System instead of a country which does not have such a system?

Mr Bachoo: Mr Speaker, Sir, this was debated earlier on in this very House and being given that I had already mentioned the Prime Minister visited Singapore and there was a Government to Government agreement which was reached, at the same time we are not limiting ourselves to one or two systems that are available in Singapore. The Singaporean authorities will do their work and then we will have to decide which is the best option for our country.

Mr Bhagwan: Mr Speaker, Sir, can the Minister confirm to the House and the population what is the role of a Chairperson of the Board of Investment, Mr Maurice Lam in that particular project, whether he has been mandated by Government to discuss with bidders and whether he has submitted any report of the Steering Committee? And what is, in fact, his role, whether he is acting as a Singapore agent or as a Mauritian Agent, he is paid out of our money?

Mr Bachoo: Well, my Ministry, to be very honest, has nothing to do with one Mr Lam and he is neither involved with the dealings of my Ministry nor with the Diligence Committee.

Mr Jugnauth: The hon. Minister has said in 2010 that he has requested a SMRT to have a look at the economic analysis for the implementation of the project and that in the very near future he will get the report from the Singaporeans. Since he, himself, is saying that they are so efficient, may I know if he has received the report with regard to the economic analysis and, if so, if he can table a copy to this House?

Mr Bachoo: I have answered while the hon. Leader of the Opposition asked me the same question. I told that there is a problem in our existing legislation. We had to amend the law. That is the reason why we could not precipitate, we could not go ahead. That's why I have mentioned we have to be clear, transparent and legal at the same time. We are waiting for the amendment to be made and now that the amendment has been made, we are studying the due diligence, we are looking at it and then we will go ahead.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Minister to confirm whether with regard to Singapore Cooperation Enterprise, they have been involved in the implementation of

such a project in any other part of the world because when you check on their website, you don't find anywhere whether they have implemented such a project in any other country?

Mr Bachoo: Mr Speaker, Sir, I am not aware whether they have implemented any project. We are aware that they are doing very well in Singapore.

Mr Obeegadoo: Mr Speaker, Sir, I would like to question the hon. Minister concerning the proposed route. As we know in the past it was projected that a significant part of the LRT path would be alongside the motorway. He has now raised the issue of land planning and development concerning extensions. My concern is, being given now the construction of a third lane along the motorway and authorisation being given to property developers to build very close to the motorway between Phoenix and St Jean, is that not going to seriously constrain possibilities to determine the pathway of the LRT?

Mr Bachoo: Mr Speaker, Sir, we have not worked on the alignment. We had earlier the corridor Curepipe to Port Louis which we know is very narrow because basically, if I am not mistaken, the corridor has to be about 15 metres wide. We have not worked on that and we have not been given any indication, but I do believe that once the report will be ready, we will have to look into it. We do not even know whether that will be on *pilotis* or any other system. That is the reason and I am not in a position, but of course, it is a cause of concern for us if buildings are put by the side of the route and that becomes a problem for us.

Mr Jhugroo: Mr Speaker, the hon. vice-Prime Minister just mentioned that the project will start by next year, can we know whether he has got an implementation calendar and whether this project will be carried out in phases? If so, can we have a time frame or any indication when the first phase will start?

Mr Bachoo: Mr Speaker, Sir, I just mentioned, we are waiting anxiously for the reports to be on. It is only then that we will be in a position. The Leader of the Opposition asked me the question of whether we are going to stick to the calendar, for example, the starting point in 2013. This is the wish that we have expressed, but once we are in the presence of all the details, we will be in a position to prepare the calendar.

Mr Ameer Meea: Can I ask the hon. vice-Prime Minister if there are any local companies that are interested to participate in this project?

Mr Bachoo: So far no, Sir.

Mr Baloomoody: Can I ask the hon. vice-Prime Minister with regard to the impact on employment in the transport industry whether there has been any consultation between the Steering Committee and the workers in the transport industry?

Mr Bachoo: Since a long time, in the previous Government also, Government had given guarantee to the workers of the bus industry that they will not be laid off and, of course, we will be having the feeder services which we will have to look into. In fact, there is no intention in any way for Government to make people lose their jobs.

Mr Jugnauth: May I know which specific provision of the law has prevented the Singaporeans from submitting their economic analysis?

Mr Bachoo: Mr Speaker, Sir, I have mentioned, I do not know the exact part of it, but it was amended here in this very House. I do not have it exactly, but it has been amended and I was aware of it last year, in December 2011, the Public Procurement Act was amended to provide for procurement undertaken pursuant to an agreement or arrangement between Mauritius and a foreign State. This was done last year in the month of December. I will have to check out which part was amended.

Mr Speaker: Hon. Ganoo, then hon. the Leader of the Opposition.

Mr Ganoo: I want to pick up on the issue which the hon. vice-Prime Minister just raised, Mr Speaker, Sir. The fact that the Public Procurement Act has been amended and this was done to cater for negotiations between our Government and a foreign Government; but in view of the highly astronomical value of this project and its highly technical nature, what guarantees can the hon. vice-Prime Minister give when the project will evolve as far as the transparency of the whole project is concerned?

Mr Bachoo: Mr Speaker, Sir, once the Singaporeans will complete the work, definitely tenders will be invited and the best one will be offered. At the same time, I can assure the hon. Member that since the beginning we are saying that being given that this is the first time in the history of the country so much of public money will be used, we have to be extra careful as to who is going to get the contract and how the work will be done. A monitoring exercise will have to be conducted.

Mr Speaker: Hon. Leader of the Opposition.

Mr Bérenger: Mr Speaker, Sir, if you will allow me two questions. Coming back to the time frame, the hon. vice-Prime Minister has insisted that indeed the first *coup de pioche* will be

given next year, can I know when the Curepipe – Port Louis leg is expected to be operational, a rough indication? And then, whether within what time frame, five years, ten years, the two other legs: Port Louis North and Curepipe South will be expected to become operational?

Mr Bachoo: Mr Speaker, Sir, regarding the first part, I have mentioned that it is our wish and the hope of everybody that it be started next year. I do hope that we will be in a position to do it unless there are some *causes majeures* and, secondly, regarding the time frame, we are not informed about it, I do hope that once all the reports are ready, I will in a position to say.

Mr Bérenger: Seven years have been wasted, the cost of the project has more than tripled and now I am very disturbed by what the Singaporeans are proposing, can I insist that the hon. vice-Prime Minister gives a guarantee to the House that Mauritius will keep full control over this project which can be expected to cost more than Rs25 billion?

Mr Bachoo: Mr Speaker, Sir, being given that we have undertaken the pledge of going ahead with this project, I can assure the whole House that Government will have to see to it that it is properly implemented and nothing wrong occurs.

Mr Speaker: Time is over! Questions addressed to Dr. the hon. Prime Minister, Parliamentary Questions Nos. B/197 and B/198 have been withdrawn, Parliamentary Question No. B/200 will be replied by the hon. Minister of Local Government and Outer Islands and Parliamentary Questions Nos. B/203 and B/206 will be replied by the hon. Attorney General. Hon. Ganoo!

MBC - PUBLIC RELATIONS OFFICER - APPOINTMENT

(No. B/197) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Public Relations Officer employed at the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the name of the incumbent, indicating –

- (a) his terms and conditions of appointment, including if he is employed on a full-time or part-time basis;
- (b) his scheme of duties, and
- (c) the procedures followed for his recruitment.

(Withdrawn)

**POLICE - COMPLAINTS INVESTIGATION BUREAU – COMPLAINTS
AGAINST**

(No. B/198) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the members of the Police Force, he will –

- (a) for the benefit of the House, obtain from the Complaints Investigation Bureau, information as to the number of complaints lodged against them, since the creation of the Bureau to date, indicating the number of complaints which have culminated into prosecution and eventually conviction, and
- (b) state if Government proposes to revisit the manner in which investigations into these complaints are carried out and if so, indicate -
 - (i) the reasons therefor, and
 - (ii) when.

(Withdrawn)

POLICE - SHOES & UNIFORMS

(No. B/199) Mr A. Ganoo (First Member for Savanne & Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the members of the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he has received representations to the effect that they have not been regularly issued with shoes and uniforms in the recent past, thus causing hardships thereto and, if so, indicate the reasons therefor and if same will be remedied.

The Ag. Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that his Office has received representations concerning the issue of shoes.

The procurement process for the supply of shoes was delayed in 2010 because during the tender exercise carried out in May 2010, the samples provided by the bidders had not been found to be according to the required specifications by the Mauritius Standards Bureau. The tender exercise was cancelled because the Police wanted quality shoes to be issued for the comfort of the Policemen.

Nevertheless, 6,580 pairs of shoes were issued in 2010, and 3,117 in 2011 from existing stock at the Police. Further, the Police floated tenders on 14 October 2011 for the procurement of 3,000 pairs of Derby shoes and they have already been issued.

Another tender exercise was carried out in 2011 for the procurement of 15,000 pairs of shoes with the amended specifications. The samples submitted by the bidders were sent to the Mauritius Standards Bureau for testing and the latter referred them to South Africa for further testing as it was suspected that the samples from the two qualified bidders contained a mixture of rubber and other compounds in the sole. The results of the test were received on 25 May 2012 and the contract was awarded on 30 May 2012. A first delivery of one thousand pairs of shoes is expected in three months and the remaining will be delivered within one year.

In regard to uniforms, I am informed by the Commissioner of Police that in 2011, 15,615 shirts with short sleeves, 10,123 shirts with long sleeves and 14,148 trousers have been issued. Since January 2012 to 31 May 2012, 7,295 shirts with short sleeves, 10,214 shirts with long sleeves and 4,716 trousers have been issued. The second and third set of uniforms will be delivered by September 2012.

Mr Speaker, Sir, in order to address this issue, Police have set up a Professional Standards Department in February this year to look at, *inter alia*, compliance with laws and regulations in the procurement, use and disposal of assets, to ensure quality assurance and timely delivery.

Mr Ganoo: The Police Department will be well advised to set up committees or units to look into this procurement of shoes, shirts and uniforms, Mr Speaker, Sir. I am saying that to the hon. Ag. Prime Minister because this is a very regular phenomenon. Does the hon. Ag. Prime Minister know that, in fact, and this is confirmed by his answer, that so far, therefore, the Police Force has not been provided with proper shoes and shirts. Is he aware that today in our Police stations and even courts of law, I have seen myself a Police Inspector with *escarpins* instead of proper Police shoes.

(Interruptions)

Not to say with Adidas. So, they are wearing normal shoes and this is wrong for the Police officers in their daily activities and also for the dignity of the Police Force.

The Ag. Prime Minister: Mr Speaker, Sir, I take note of what the hon. Member has said. Yes, I will transmit it to the Commissioner of Police. We are all concerned with this issue of providing good materials on time and this is being addressed.

Mr Speaker: Next question, hon. Uteem!

Mr Bérenger: Mr Speaker, Sir, what happened to PQ No. B/200?

Mr Speaker: PQ No. B/200 will be replied by the hon. Minister of Local Government.

MEDIA LAW - MR G. R., QC - FEES

(No. B/201) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr G. R., QC, he will state –

- (a) if the latter has submitted any report on the proposed reform of the media law, and, if so, table copy thereof, and
- (b) the amount of money paid thereto as fees and for expenses incurred, since 2005 to date.

The Ag. Prime Minister: Mr Speaker, Sir, in regard to part (a) of the Question, Mr G.R., QC, is currently reviewing his draft report on the proposed reform of the media law, in the light of discussions that he had with the substantive Prime Minister and with the Attorney-General's Office.

The question of tabling a copy of the report, at this stage, does not, therefore, arise.

In regard to part (b) of the Question, I am advised that it would not be in order to give the information requested by the hon. Member because of contractual obligations.

Mr Uteem: Regarding the first question, as far back as 2009, the hon. Prime Minister answering to a PQ mentioned that Mr G.R., QC, has already submitted a report. Can we have a copy of that preliminary report which has already been submitted three years ago?

The Ag. Prime Minister: Mr Speaker, Sir, this was a draft report and it is being reviewed.

Mr Uteem: Can I ask the Ag. Prime Minister what exactly is the mandate of the hon. QC? What is he looking into?

The Ag. Prime Minister: This has been replied to before. I will give the hon. Member the full mandate of the QC. Mr Speaker, Sir, as I have said, there are developments regarding the press and one of the reasons for having a new look at it, that the draft report be reviewed, is

because of the Leveson enquiry. Many interesting things will come out of it and we hope that this will be incorporated in the report.

Mr Uteem: May I ask the hon. Ag. Prime Minister to convey the request from this side of the House, because each time we come, whether it is on IBA Act, we are told that the QC is looking into it and when we ask about Freedom of Information Act, again the QC is looking into it. May I make a request to the hon. Ag. Prime Minister to tell the honourable QC that it is very important and urgent to come with a final report so that we can pass the appropriate legislation?

The Ag. Prime Minister: Mr Speaker, Sir, I have already mentioned that the reason for putting it off at this time is because new facts will emerge from the Leveson enquiry. I think we are all looking forward to this enquiry. I will, for the benefit of the House, say what the Leveson enquiry is about. Lord Justice Leveson, opening the hearing on the press said -

“The press provides an essential check on all aspects of public life.”

This is where he comes in and he says: ‘who guards The Guardian’ and this is the reason for the delay.

Mr Bérenger: On a point of clarification on PQ B/200 or call it a point of order, I don’t know. A question was put to the hon. Prime Minister: what facilities will be provided to Members of the Assembly - elected by the electorate - to travel to a part of their constituency? Now, this is being referred to the Minister responsible for Local Government. Can I know whether it is the Prime Minister’s decision to refer this question to the Minister of Local Government and Outer Islands?

Mr Speaker: According to Erskine May the Chair has no control on the transfer of questions by the executives.

Mr Bérenger: That is why I am asking - you did it. I am asking whether it is the substantial Prime Minister who decided to pass over that question to the Minister responsible for Local Government.

Mr Speaker: The substantial Prime Minister is not here. When he comes back, maybe the matter can be raised with him.

Mr Jhugroo: May I ask the Ag. Prime Minister why the information asked for under paragraph (b) cannot be replied?

Mr Speaker: This question has already been replied and it is a waste of time to ask it again.

Mr Bhagwan: I heard the Ag. Prime Minister informing us that Mr Robertson is preparing a new Media Bill. But, year in year out, we are voting a sum for the Media Trust and we all know how much we have to wait for Government and now that we have a new *Association des Journalistes*, which is registered, to, at least, make this Media Trust operational? There are a lot of trainings which the press people are being debarred year in year out. Since many years this Media Trust is not functional. I would like to know whether Government will look seriously into it *afin de relancer ce* Media Trust.

The Ag. Prime Minister: I take note of this, Mr Speaker, Sir.

Mr Jugnauth: May I know from the Ag. Prime Minister whether the fees of Mr G.R. QC, are being paid from public funds?

The Ag. Prime Minister: The answer is yes.

FSL – DIRECTOR - POST

(No. B/202) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Forensic Science Laboratory, he will, for the benefit of the House, obtain therefrom, information as to if -

- (a) the post of Director thereat has been filled and, if not, why not, and
- (b) it is in a position to offer private forensic services to the public, including DNA fingerprinting.

The Ag. Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed that the post of Director, Forensic Science Laboratory which became vacant, was advertised by the Public Service Commission on 07 October 2011. The closing date for submission of applications was 27 October 2011.

In regard to part (b) of the question, I am informed that the primary role of the Forensic Science Lab is to provide forensic services, including DNA tests in criminal and civil cases at the request of the Police or by an order from a Judge.

In accordance with section 8 of the DNA Identification Act, a forensic analysis on a DNA sample for the purpose of ascertaining filiation under the *Code Civil Mauricien* may be carried out by the Forensic Science Lab where -

- (i) there is an order from a Judge to that effect; or
- (ii) the relevant parties consent to provide DNA samples, and

(iii) on payment of such fees as may be prescribed.

It is to be pointed out that since September 2011, the Forensic Science Laboratory has been accredited for DNA fingerprinting, alcohol level determination and identification of drugs such as heroin and cannabis. Adequate resources in terms of equipment and staffing have been provided to the lab.

Consideration is being given to allow the forensic lab to offer private services in respect to DNA sample for the purpose of ascertaining filiation. Appropriate regulations will have to be worked out in consultation with the Attorney General's Office.

Dr. S. Boolell: Is the hon. Ag. Prime Minister aware that the services offered by this lab, despite its official accreditation, do not impress in cases of performance on crime scenes, as we have seen recently? Does he believe that the lack of leadership in this organisation, where there is litigation right now, is going to...

Mr Speaker: No, the question has to be rephrased. The hon. Member is asking the Ag. Prime Minister to give an opinion: whether there is a lack of leadership. Rephrase the question, please.

Dr. S. Boolell: Is the hon. Ag. Prime Minister aware that there is a lack of leadership in this organisation?

The Ag. Prime Minister: Mr Speaker, Sir, I am not aware that there is, but with the appointment of the new Director, things should improve.

Dr. S. Boolell: May I ask the hon. Ag. Prime Minister whether he is aware that many DNA tests have to be performed in Reunion Island, due to the lack of facilities offered by this lab?

The Ag. Prime Minister: I am not aware of this issue, Mr Speaker, Sir.

Mrs Hanoomanjee: I think in a reply to a PQ in April 2011, the substantial Prime Minister stated that once the lab will be accredited, test will be made accessible to the public. Can the Ag. Prime Minister say what is the stumbling block that has hampered the accessibility of tests to the public so far?

The Ag. Prime Minister: It has been a question of resources mainly and having the facilities to do it. Priority has been given to establish a DNA database and this has been the main task of the lab so far. Once this is done and we get more resources, it will be done. I hope it will be done fairly soon.

Mr Ganoo: Can I ask the hon. Ag. Prime Minister why is it taking so much time to recruit the new Director of the FSL? I myself asked a question in November of last year and the Ag. Prime Minister just confirmed that since October 2011 the post has been advertised by the PSC. Can the hon. Ag. Prime Minister offer an explanation as to why it is taking so much time, especially as this institution is such an important clog in our criminal justice system?

The Ag. Prime Minister: Mr Speaker, Sir, I wish I could ask the PSC but I have no authority to do that.

Mr Speaker: Last question, hon. Mrs Hanoomanjee!

Mrs Hanoomanjee: Again, Mr Speaker, Sir, the substantial Prime Minister stated sometime last year in reply to a PQ, that the staff of the FSL has been extensively trained and today I hear the Ag. Prime Minister saying that training has been one of the stumbling blocks. Can we know then what sort of extensive specialised training the staff of the FSL had and what they lack to be able to go further?

The Ag. Prime Minister: Mr Speaker, Sir, I have a feeling that the questions arising reply for themselves. Hon. Dr. Boolell has just mentioned that sometimes the results are doubtful. So, we have not reached a point yet when it may be 100% reliable. Let's get the training first - training can always improve performance. It is a difficult subject, I don't think many people realise it. It is a very difficult subject but it is being attended to and what we need is a world class, and I mean a world class Director of the FSL.

Mr Speaker: Last question, hon. Jhugroo!

Mr Jhugroo: Can we know from the Ag. Prime Minister whether it is because of lack of competencies that many DNA tests should be carried out abroad?

The Ag. Prime Minister: No, it is not a question of competence. At the moment, the FSL informed that they are almost not quite ready, but once they get the resources, they will provide the services asked for.

Mr Speaker: Hon. Bodha!

Mr Bodha: Thank you, Mr Speaker, Sir, B/204.

Dr. S. Boolell: Mr Speaker, Sir, No. B/203 has been omitted?

The S peaker: Yes, at the beginning, I informed the House that question No. B/203 will be answered by the hon. Attorney General. I made an announcement in the House at the beginning.

JUVENILE SUSPECTS – LEGAL AID

(No. B/203) Dr. A. Boolell (Second Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the juvenile suspects, he will state if consideration will be given for the –

- (a) granting of legal aid thereto as from the time of arrest and up to appeal, as the case may be, and
- (b) setting up of a juvenile court or appointment of a *Juge pour Enfants*.

(Withdrawn)

PROPERTIES - ELECTRIC BARBED WIRES - LEGISLATION

(No. B/204) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether he has been informed of the use of electric barbed wires by private entities for securing properties and, if so, will he state if Government proposes to introduce legislation for the regulation thereof.

The Ag. Prime Minister: Mr Speaker, Sir, some corporate bodies and individuals are reportedly making use of electric fencing on their premises.

Currently, the Criminal Code makes it an offence in case an individual is injured or dies as a result of contact with electrical barbed wires and it is proved in Court that the owner of the premises has been imprudent or negligent in the use and installation of the electric barbed wires.

In addition, in accordance with the *Code Civil Mauricien*, the owner of an immovable property which is fenced by electric barbed wires may incur civil liability and be liable to pay damages, irrespective of any negligence or imprudence on his part, in case of injury or loss of life, on the ground that he had custody of the fencing.

In the case of a property which is fenced by electric barbed wires and where such fencing is placed on a boundary wall, a neighbour may challenge such fencing in Court and have same pulled down on the basis that the fencing constitutes an “*abus de droit*” or a “*trouble du voisinage*”.

Mr Speaker, Sir, the whole question of the use of electric fencing will need to be carefully looked into from all its aspects before any relevant legislation can be contemplated.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Ag. Prime Minister whether he can give us an idea of the reported cases where there have been complaints as regards to the use of barbed wires with electricity?

The Ag. Prime Minister: I do not have any information on reported cases, Mr Speaker, Sir.

Mr Bérenger: Can I ask the hon. Ag. Prime Minister, I heard him say that the owner of the House is responsible under the law if something happens. What is the position in law - because they are cropping up all over the island - where high class *morcellements* are concerned and it is the whole plot that is encircled by such electric wires?

The Ag. Prime Minister: Mr Speaker, Sir, this issue is being looked into and it is a problem that is getting more and more worrying.

Mr Bodha: Mr Speaker, Sir, I think the most important question is: what is the charge that can be put on those barbed wires? Does the hon. Ag. Prime Minister have an indication?

The Ag. Prime Minister: There is no regulation. Nothing! It is just being put up and we will have to look into it.

POLICE OFFICERS – BSC IN POLICE STUDIES

(No. B/205) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the measures taken, if any, as incentive for the Police officers who are holders of a BSc in Police Studies.

The Ag. Prime Minister: Mr Speaker, Sir, the BSc (Hons) in Police Studies was designed for enhancing the professional development of Mauritius Police officers by providing a programme of education for facilitating organisational innovation and reforms geared towards the establishment of a modern, efficient and effective Police Force. The Police officers should be trained to react to the challenges of policing a modern, democratic, pluralistic and multi-ethnic society.

I am informed by the Commissioner of Police that the following incentives have been made available to Police officers who hold a BSc (Hons) in Police Studies -

- (i) in line with the recommendations of the PRB Report 2008 for the holding of an additional qualification, two increments are paid to them. Those officers who have reached the last point in their salary scale are paid a non-pensionable lump sum equivalent to 12 times of the last increment, and
- (ii) Officers of the rank of Inspectors and above, are assigned, where deemed expedient, duties and responsibilities over and above those of their current posting and are paid a monthly allowance.

Furthermore, with a view to providing new avenues of promotion to graduates within the Force, and creating some opportunities for advancement, a new scheme of Police Cadet Inspector has been elaborated for the holders of BSc (Hons) in Police Studies. The post is open to officers from the ranks of Constable to Sub-Inspector. An exercise is ongoing for filling of the 11 posts of Police Cadet Inspector.

Mr Fakeemeeah: Mr Speaker, Sir, this is, in fact, a frustrating situation. I would like to know from the hon. Ag. Prime Minister the number of holders of BSc (Hons) in Police Studies who are in the Force actually and who are affected by this situation?

The Ag. Prime Minister: There were 314 Police officers who graduated, 32 have resigned, retired or passed away and there are 282 in service.

Mr François: Mr Speaker, Sir, may I know from the Ag. Prime Minister whether special consideration will be given to those Police officers, either Constable or Sergeant, who are posted in Rodrigues, if special consideration will be given to them with regard to the New Cadet Inspector promotion?

The Ag. Prime Minister: I will transmit this remark to the Commissioner of Police, but, as I said, I have no authority.

Mr Ganoo: May I ask the hon. Ag. Prime Minister to look into the case of some of these Police officers in the Inspector grade who have passed their BSc in Police Studies and who have also passed their exams and they are waiting to be promoted to the rank of Chief Inspector. They are about two dozen of them within the list of Inspectors who have already passed their examinations and are waiting to be promoted as Chief Inspector.

The Ag. Prime Minister: I will pass on this request, Mr Speaker, Sir.

The Speaker: As I stated earlier, PQ No. B/206 will be answered by the hon. Attorney General. Questions addressed to hon. Ministers! The Table has just been advised that PQ Nos. B/210, B/211, B/215, B/219, B/227 and B/246 have been withdrawn.

COLVILL DEVERELL BRIDGE-GREWALS - THIRD LANE

(No. B/207) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of the third lane, running from the Colvill Deverell bridge to Grewals, he will state the -

- (a) name of the contractor therefor, and
- (b) contract cost thereof.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the name of the contractor is Sinohydro Corporation Ltd.

The contract price is Rs257,803,432.17 inclusive of VAT at 15%.

Dr. Sorefan: Mr Speaker, Sir, may I know from the hon. Minister if he is aware that this contractor is a monument of corruption in many countries like Bakun Dam in Malaysia, where the contractor has publicly acknowledged flaws in its construction procedures; especially also, in Africa, Ethiopia, Zambia, Mali, Tanzania, India and Pakistan where this contractor had many problems and was even blacklisted?

(Interruptions)

Mr Bachoo: Mr Speaker, Sir, in fact, the work of appointing contractors does not befall on the Ministry nor on the Government. It is the responsibility of the Central Procurement Board. We don't have anything to do as far as the appointment of contractors is concerned.

Dr. Sorefan: Can the hon. Minister inform the House whether the design for the extension of the bridge to the northbound will be the same as the one to the southbound and if the contractor is an specialist in bridge work, because to my understanding, even in the harbour bridge this contractor...

Mr Speaker: No. The hon. Member can only ask for information or press for action. If the hon. Member has the information already, he should not ask the question. The hon. Member is saying, according to his information. There is no need, he should put the question asking for information.

Dr. Sorefan: Can the hon. Minister inform the House whether the design for the extension of the bridge to the northbound will be the same as the one to the southbound?

Mr Bachoo: Mr Speaker, Sir, one thing I am aware is that I remember in 1995, when the construction of southbound bridge was undertaken - I was then the Minister of Works - that was made up of steel with the help that we received from the Government of Luxembourg. So, that is slightly different from the one which we are having, the design is being prepared, which I am told, by Yadav Servansingh. If I am not mistaken, this is one of the most reliable consultants or companies in Mauritius. They are preparing the design; that is what I know.

Mr Bérenger: Can I ask the hon. Minister whether this contractor has been granted additional works or has put in a request for payment for additional works?

Mr Bachoo: No, Mr Speaker, Sir. But one thing I am aware of is that this contractor is also working on a different site which he got through the Central Procurement Board, that is, Providence to Wooton. The construction work is being undertaken by the same contractor.

Mr Jugnauth: Does not the hon. Minister consider that, in spite of the decision of the Central Procurement Board, I am sure the Ministry must have done at least some due diligence on the contractor? Does not the hon. Minister believe that, in spite of the fact that the decision has been taken, with the information that the hon. Minister should normally have, that a company with such a bad reputation, the Ministry can still intervene to reject that offer?

Mr Bachoo: No. Mr Speaker, Sir, as far as I know, firstly, I don't have the right to poke my nose in any such bidding transactions. Secondly, I remember that this company was the lowest in one of the cases and, in this particular case, there was a challenge by Colas. Colas was the second lowest, but the challenge was turned down by the IRP. I could not have gone more than that.

Mr Lesjongard: May I ask the hon. Minister, since such projects are being financed by the Government of Mauritius and from public funds, whether he is aware that in such contracts which are awarded to foreign companies, there are no sub local contractors or local workers involved?

Mr Bachoo: Mr Speaker, Sir, I am not aware but one thing for sure is that they have got foreign workers also, which they were legally entitled to bring.

Mr Jhugroo: May I ask the hon. Minister whether he will consider to open an internal enquiry regarding this issue?

Mr Bachoo: Mr Speaker, Sir, I have to consult the State Law Office and see how much we can go on that.

Dr. Sorefan: Mr Speaker, this case went to the IRP and the IRP suspended the procurement proceeding, and there was a letter from the Road Development Authority asking to remove the suspension because of urgency and issued a certificate of urgency. May we know what is this all about - the urgency?

Mr Bachoo: Mr Speaker, Sir, from what I have in front of me, Colas (Mauritius) challenged the award and the challenge was sent to the Independent Review Panel which decided that the challenge had no merit. This is the information that I have and, in fact, the IRP rejected the challenge.

Mr Speaker: Hon. Bhagwan! I will allow one supplementary question per Member.

Mr Bhagwan: With regard to the ongoing works, what action has the RDA taken as to road safety during the enlargement of the bridge and the construction works to prevent repetition of what has happened in Sorèze?

Mr Bachoo: Mr Speaker, Sir, if I am not mistaken, speed limit has also been set up and regular routine checks by the Police are already on. I will have to convey this apprehension to the Traffic Management Unit, but so far, things are going on well. I do hope that we won't have any problem.

Mr Speaker: Hon. Uteem! Then, final question from hon. Dr. Sorefan!

Mr Uteem: Thank you, Mr Speaker, Sir. In the light of the fact that we are talking about public funds here and road safety, would the hon. Minister consider that henceforth for all bidding documents, a clause be inserted that someone who has been involved in corruption, whether in Mauritius or outside of Mauritius, be blacklisted and disqualified from submitting a bid?

Mr Bachoo: In fact, this is one of the conditions. The responsibility of looking on all these depends on the CPB. It's not the Ministry. If we have any information, we can convey it to the CPB, but I did not have that much of information.

Mr Speaker: Last question, hon. Dr. Sorefan!

Dr. Sorefan: This contract is from Colvill Deverell to Grewals. May I know from the hon. Minister whether it's the whole length from Pont Colvill to Grewals that is included in the contract? Because I see that part of the work on the site of the dangerous killing Sorèze diversion, work has already been done by - I don't who is the contractor?

Mr Bachoo: The information that I have is that it will go up till Grewals; the starting point is from the Colvill Deverell Bridge till Grewals.

VERDUN-TERRE ROUGE PROJECT - CONTRACTOR

(No. B/208) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of the Verdun-Terre Rouge Project, he will state the -

- (a) name of the contractor therefor, and
- (b) contract cost thereof.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the contractor for the "Construction of the Terre Rouge-Verdun is the Joint Venture Colas (Madagascar)-Colas(Maurice).

The contract price is Rs2,161,715,973.58 inclusive of VAT at 15%.

Dr. Sorefan: Mr Speaker, Sir, will the hon. Minister state if there is an official letter from the contractor claiming variation to the tune of about Rs900 m. and what amount has been paid so far and is the claim inclusive of VAT?

Mr Bachoo: Mr Speaker, Sir, in fact, there has been a notice of claim that we have received, Rs490 m. and not Rs900 m. But the consultant and the engineers of my Ministry have recommended only Rs3 m. That's all, so far.

(Interruptions)

We have rejected the rest.

PLANTERS (SMALL) - LAND

(No. B/209) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security whether, in regard to the plots of land

belonging to the small planters which used to be under cane plantation and are now left in an abandoned state, he will state if a survey has been carried out to assess the extent thereof, and if so indicate -

- (a) when same was carried out, and
- (b) the measures taken, if any, to reinstate same for agricultural purposes.

Mr Faugoo: Mr Speaker, Sir, I am informed that the Sugar Insurance Fund Board carried out a survey last year on the abandonment of cane lands for the period 2001 to 2010. It is noted that 4,412 hectares of land as at the end of crop 2010 made up of 9,875 plots of land and involving 7,586 small planters were no longer under sugarcane during the ten year period. This is mainly due to the low profitability to small planters and *métayers* consequent to the reform in the EU sugar regime and more particularly, the 36% drastic cut in the export price of sugar.

Government has initiated measures to arrest the abandonment of sugarcane lands and to encourage sugarcane planters to return to sugar industry through several measures such as the reduction in cess through the merger of 6 SPIs, reduction in insurance premium to SIFB by 50%, advances of 80% to planters, increase in price of molasses, the implementation of the field operations with grouping and irrigation project FOGIP, Government support to fair trade and financial support to SMEs providing services in the cane sector.

Further, Government, in its programme 2012-2015, at paragraph 51, has signifies his intention of organising the management of land formerly under sugarcane through the Mauritius Cane Industry Authority. My Ministry together with MCIA is presently working out the different management options in that regard. The essence of the project is to maintain the critical mass under sugarcane by bringing as much as possible the abandoned land back to sugarcane.

Moreover, we are conscious that, in spite, of these measures it will be difficult to increase profitability in sugarcane plantation on land located in marginal areas and sloppy areas as well. In this regard, my Ministry has commissioned a study by international fund of agricultural development, IFAD, on the future utilisation of marginal lands. It is significant to note that with incentives from the food security fund, many planters have shifted to food crops for the production and also livestock.

Mrs Hanoomanjee: Mr Speaker, Sir, will the hon. Minister concede that even with a fall in the price of sugar on the world market, the cane business is still profitable and, therefore,

small planters would not have abandoned their lands if revenue would have been more equally distributed? What I mean is that a more equitable sharing of proceeds of sale of sugar, bagasse and molasses.

Mr Faugoo: That is a fact, Mr Speaker, Sir.

Mrs Hanoomanjee: Can I ask the hon. Minister what is being done so that there is a more sharing of the proceeds of sale of sugar with regard to bagasse and molasses?

Mr Faugoo: There is a committee which is working on this.

Mr Bérenger: Can I have a supplementary question?

Mr Speaker: Yes.

Mr Bérenger: I heard the hon. Minister said that Government is doing its best to keep planters cultivating sugar cane. I am sure the hon. Minister agrees that we all support this idea of rice production in Mauritius which is working out successfully. Has the hon. Minister given due consideration to balance the equilibrium that we have to be found because the rice producers is inviting planters to move away from sugarcane to rice production?

Mr Faugoo: Yes, Mr Speaker, Sir, we are encouraging, in fact, the small planters, the small holders to partner with Vita Rice which has shown their interests to get them on board because it appears that the rice production is doing very well. It is lucrative and the production, so far, they have had a very good experience. Their output is as good as in Australia, in China and other places. So, we are working on a project together with Vita Rice to encourage these people who were interested in rice cultivation to do so.

Mr Jhugroo: Hon. Minister, as you are well aware...

Mr Speaker: You have to address the Chair!

Mr Jhugroo: Mr Speaker, Sir, as the hon. Minister is well aware the enormous contribution of these small planters is in the economy of this country for so many years. Can this Government consider giving the small planters the Stimulus Package to face the crisis like what have been given to former Member of this Assembly, Ram Mardaymootoo and Jean Suzanne?

Mr Faugoo: This Government has done a lot, Mr Speaker, Sir, to encourage these small planters not to pull out of sugar cane. We are still doing a lot. With the Stimulus Package back in 2008 with ERCP which was brought in 2010 and we are still trying wherever we can. The last thing that we did is, we came with the MCIA where we have merged 6 SPI for first time in

the history of Mauritius, Mr Speaker, Sir. We have done a lot. We also amended the SIFB Act to reduce premium food by small planters by 50 per cent. This is why there could have been more planters pulling out and it has come to a stop somehow, Mr Speaker, Sir.

Mr Guimbeau: Mr Speaker, Sir, can the hon. Minister give an idea to the House, the value of importation concerning the rice every year? Do you have any idea concerning the importation of rice?

Mr Speaker: That is for the Minister of Trade and Commerce and not for the hon. Minister to give you the information. Come with a substantial question!

Mrs Hanoomanjee: Thank you, Mr Speaker, Sir. *J'entends l'honorable ministre dire qu'il y a un autre rapport qui a été commandité.* But is the hon. Minister aware that there has been a report which has been published by the MSIRI on the agro-economic study on difficult areas under sugarcane? In which report it is said that there is a need for a redefinition of land and agricultural policy which would lead to a better balance between sugarcane and other agricultural production?

Mr Faugoo: I am aware of the report, Mr Speaker, Sir and we are working on this. It is not something that can be done overnight. We are all working and coming with policies. We are working with MCIA and all other institutions to come up with a programme where we are going to get these people who are out already to come back or otherwise diversify in agriculture, Mr Speaker, Sir.

Mr Speaker: Hon. Quirin!

BASSIN, QUATRE BORNES - POST OFFICE

(No. B/210) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Information and Communication Technology whether he will state if he has received a petition from the inhabitants of Bassin, Quatre Bornes, for the setting up of a post office thereat, and if so, if consideration will be given thereto and if not, why not.

(Withdrawn)

TELEPHONE (MOBILE) - DIGITS NUMBER - CONVERSION

(No. B/211) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Information and Communication Technology whether, in regard to the proposed conversion of mobile phone numbers into eight digits, he will, for the benefit of the House,

obtain from the Information and Communication Technologies Authority, information as to the

–

- (a) implementation date thereof;
- (b) reasons therefor, and
- (c) number of mobile numbers presently in use.

(Withdrawn)

HIGH LEVEL ATHLETES - STATE SCHOLARSHIPS - DEFI PLUS ARTICLE

(No. B/212) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether he will state if his Ministry has lodged a complaint with the Police against the Defi Plus for having published a press article in its edition of 10 March 2012 in relation to the award of State scholarships to the high level athletes, and if so, indicate the –

- (a) reasons therefor, and
- (b) nature thereof.

Mr Ritoo: Mr Speaker, Sir, I wish to inform the House that my Ministry has not lodged any complaint against the *'Le Defi Plus'*.

Mr Speaker: Next question, hon. Quirin! You have a supplementary?

Mr Quirin: Exactement. M. le président, le fait que la journaliste, Jenny Raboude a été convoquée et interrogée par la CCID, justement concernant l'article qui avait paru au sujet des bourses d'Etat octroyées aux athlètes de haut niveau, n'est ce pas là une démarche de son ministère de restreindre la liberté d'informer de la presse ?

Mr Speaker: Excusez-moi, vous n'avez pas entendu la réponse! Il a dit que son ministère n'a fait aucune déclaration à la police. Next question, hon. Quirin !

ASSOCIATION MAURICIENNE DE VOLLEY-BALL - COMPOSITION

(No. B/213) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to *Association Mauricienne de Volley-Ball*, he will state the composition thereof.

Mr Ritoo: Mr Speaker, Sir, I presume that the hon. Member is referring to the composition of the managing committee of *the Association Mauricienne de Volley-Ball*. I am informed by the Registrar of Associations that the managing committee of the *Association Mauricienne de Volley-Ball* is presently constituted of nine members and the President is

Keseven Teeroovengadam. I am tabling a paper giving the present composition of the managing committee.

Mr Quirin: M. le président, je vais faire référence à la section 6 (1) (b) du *Sports Act* qui se lit comme suit –

“In the case of Sports Federation responsible for team sports a maximum of 15 members elected for a period of 4 years.”

Donc, est-ce que l’honorable ministre peut nous dire quand l’Association Mauricienne de Volley-Ball a tenu sa dernière assemblée générale électorale et quand, selon le *Sports Act*, cette fédération aurait dû organiser une nouvelle assemblée électorale?

Mr Ritoo: Mr Speaker, Sir, I am totally aware of the election which was held at the l’Association Mauricienne de Volley-Ball. I am informed by the Registrar of Association that on 12 December 2011 his office has received representation from the President of an enrolled sports club of the *l’Association Mauricienne de Volley-Ball* concerning, inter-alia, the resignation of six members of the managing committee of the latter. An inspection of the books and documents of the Mauritius Volley-Ball association carried out to look into the above resignation has revealed that six of the managing committee members have resigned and the Mauritius Volley-Ball Association has been requested by the Registrar of Associations, in a letter dated 16 May 2012, to fill in the vacancies in the managing committee in the time limit of six weeks and holds, henceforth, its Annual General Assembly not later than three months after its accounting date.

SUGAR – PRICE

(No. B/214) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Agro-Industry and Food Security whether, in regard to the raw and the refined sugar, he will state the yearly price increases thereof in each case, since January 2008 to-date, indicating the reasons therefor.

Mr Faugoo: Mr Speaker, Sir, I presume that the hon. Member is referring to imported raw and white refined sugar sold on the local market to wholesalers/packers and industrial users.

Before July 2008, the price of both raw and refined sugar sold on the local market was controlled under the Consumer Protection (Price and Supplies Control) Act by the Ministry of Commerce. Sugar was sold below the cost price and was thus heavily subsidised. The cost of

subsidy from crop 1995 to crop 2008 is estimated at Rs1.8 billion, which represents substantial revenue foregone by planters Mr Speaker, Sir.

In July 2008, the price of sugar was partially liberalised consequent to the agreement between Government and the MSPA and MSS. It must be mentioned here that it was still sold below cost price. In December 2008, in the wake of Global Financial Crisis, it was decided under the Additional Stimulus Package that sugar will no more be a controlled item for the purposes of the Consumer Protection (Price and Supplies Control) Act. The liberalisation would be undertaken in a phased manner.

However, as from January 2009 to-date, the price of sugar is fully liberalised. It is based on the cost of imports by the MSS which reflects the world price of sugar. I would like to inform Members that the price of sugar on the world market rose from US\$300 per tonne in 2008 to US\$780 in 2011 that is last year, an increase of more than 100% Mr Speaker, Sir.

Moreover, in July 2009, a component of Docker's pension was added to the price of sugar sold by the syndicate on the local market. This measure was taken to reduce contribution made to Dockers' pension through cess, in order to increase the income of small planters.

I am tabling the ex-MSS price increases from January 2008 to-date.

Mr Jugnauth: Will the hon. Minister say what are the prices of white refined and raw sugar that are being sold to the consumers with regard to July 2008 and as it is today for both?

Mr Faugoo: The question refers to the price of sugar on the market. The information that I have: the price at which sugar is being sold by MSS, Mr Speaker, Sir. I don't have the actual price on the market, the price which is being charged to the end consumers.

Mr Jugnauth: The hon. Minister is surely aware that the price of raw is normally less than the price of white refined. Now, why is it that the price of raw and the price of white refined is the same and that is being sold to the consumers?

Mr Faugoo: I cannot control, there is no price control to start with Mr Speaker, Sir. I understand when it was controlled, the price was fixed. The price which was fixed by the Ministry of Commerce was different for raw and for refined white sugar, but now I cannot say.

Mr Jugnauth: In that case, the price has been liberalised as the hon. Minister has said, then would he agree that those producers who are selling raw are making more profit than those who are selling the white refined?

Mr Faugoo: This is what everybody understands, Mr Speaker, Sir. It is a question of commerce. I can buy for more expensive and sell it at lesser price. It is up to the trader, if this is what is being done on the market, I cannot decide for the market.

Mr Jugnauth: Would the hon. Minister say whether the liberalisation of the price of sugar was one of the commitments that was undertaken by the hon. Prime Minister in the historical deal between the MSPA and the...

(Interruptions)

Mr Faugoo: Not at all! The historical deal dates back to December 2007 and this is something which was done in December 2008 and it was liberalised in January 2009, Mr Speaker, Sir.

Mr Speaker: Next question!

Mr Jugnauth: Since the hon. Minister is saying not at all. I am going to table a document which is, in fact, the agreement between the Government of Mauritius and the MSPA, whereby at clause 7, it stipulates as follows -

‘That Government undertakes to adjust the price of sugar on the domestic market so as to eliminate the subsidy element to both industrial and direct consumers as follows -

- (a) stage increase over the next two years for local industrial users to reflect import parity, and
- (b) stage increases over the next five years for domestic users to reflect import price”.

Now, the hon. Minister is saying that he doesn't know about this agreement. I will table this document. Now, would the hon. Minister say why, even in spite of the commitment that was taken by Government to increase the price and to liberalise price that it has not followed its own commitment, that is, to increase the prices in stages for the next five years, that it was liberalised very soon after the agreement, that is, as the hon. Minister has said in December 2008.

Mr Faugoo: Mr Speaker, Sir, my hon. friend was Minister of Finance between 2010 and 2011. Back in the year 2008, it was Ministry of Finance which came up with stimulus package to boost up the economy in view of the economic crisis facing the world, Mr Speaker, Sir.

Now, one of the incentives which was given in the additional stimulus package was to increase the income of planters where sugar will no more be a controlled item for the purposes of the Consumer Protection (Price and Supplies Control) Act. It was following this package, this measure, which was pronounced in the additional stimulus package that Government came up

with all the other decisions and policies with regard to sugar. I am not aware of that particular Clause, but I am following it, as far as I know from the stimulus package of 2008, Mr Speaker, Sir. So, I cannot answer for what decision was taken over there.

At 12.58 p.m. the sitting was suspended.

On resuming at 2.34 p.m. with the Deputy Speaker in the Chair.

MICROSOFT SOFTWARES – GOVERNMENT ACQUISITION

(No. B/215) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Information and Communication Technology whether, in regard to the acquisition by Government of Microsoft Softwares in 2005, he will state the –

- (a) procedures followed therefor;
- (b) involvement of his Ministry;
- (c) date of the acquisition thereof, and
- (d) total cost thereof.

(Withdrawn)

GRAND' BAIE & CAP MALHEUREUX – MARSHY LANDS

(No. B/216) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Minister of Environment and Sustainable Development whether, in regard to the marshy lands found in the residential areas of Grand Baie and Cap Malheureux, he will state the measures taken to prohibit construction of buildings thereat.

Mr Virahsawmy: Mr Deputy Speaker, Sir, the question of the development of marshy lands does not fall under the purview of my Ministry.

Mr Soodhun: Can the hon. Minister inform the House whether the commercial complex which is being constructed opposite the cemetery of Cap Malheureux and which is around ten metres of wet land known as Mare de Cocoterie has been granted an EIA licence?

Mr Virahsawmy: No, Mr Deputy Speaker, Sir.

Mr Gungah: As regards the commercial complex at Cap Malheureux which is opposite the cemetery of Cap Malheureux, can the hon. Minister inform the House whether building over the wet lands or near the wet lands in a perimeter of ten metres would not automatically increase

the risk of flooding all around this project and thus leading to a disaster with the flooding of the cemetery which is just opposite the commercial complex?

Mr Virahsawmy: The question of the hon. Member should be addressed to the Ministry of Agriculture.

Mr Soodhun: I thank the hon. Minister for having given the answer that there is no EIA licence. Can the hon. Minister see to it why they have not applied for the EIA licence concerning the wet land? Can the Minister see to it and take appropriate action because the building is still under construction?

Mr Virahsawmy: Mr Deputy Speaker, Sir, I cannot deal with items which do not fall under the purview of my Ministry. This question should be addressed to the Ministry of Local Government and the district council.

Mr Bhagwan: Would the Minister inform the House whether his Ministry has been informed or has received protests from the inhabitants of the region concerning that particular project, but if he does not have the reply he can give the information later on to the House as to what action the Ministry of Environment has taken following representations made to his Ministry?

Mr Virahsawmy: No representation has been made to my Ministry.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask the hon. Minister if it is required or compulsory by law to have an EIA licence before any construction is made on a marshy land?

Mr Virahsawmy: It will depend on the local authority according to the approved outline scheme. The local authority will recommend whether an EIA licence has to be applied for and the matter be referred to the Ramsar Committee.

Mr Jugnauth: I am sure the hon. Minister is concerned whenever there is a case of violation of environmental laws. Now, in this case, since now he is becoming aware that there might – I am saying that there might – be a case where the promoters have infringed environmental laws, will he look into the matter and see if there is need to take any action against the promoter?

Mr Virahsawmy: I can look, but we will never finish if I have to look into cases which might be happening. The hon. Member, himself, said there might be a case. I will act when there is a case.

The Deputy Speaker: Last question!

Mr Gungah: Can I ask the hon. Minister whether, in regard to the Outline Planning Scheme, there should be no development within 30 metres of wet lands for security reasons?

Mr Virahsawmy: The Outline Planning Scheme falls under the Ministry of Housing and Land.

The Deputy Speaker: Next question, hon. Soodhun!

WATER SUPPLY – SINGAPORE - CONSULTANTS

(No. B/217) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water, he will state if a team of consultants from Singapore was recruited for the carrying out of a study on the resources and supply thereof in Mauritius and, if so, indicate the –

- (a) cost thereof;
- (b) findings thereof, and
- (c) measures taken, if any, in relation thereto

The Ag. Prime Minister: Mr Deputy Speaker, Sir, I refer the hon. Member to the reply I made to the Private Notice Question of 24 May 2011 and Parliamentary Question No. B/542 of 21 June 2011.

With regard to part (a) of the question, the fee claimed by the Singapore team is Singapore Dollars 1,334,244 for the current assignment.

In respect of parts (b) and (c) of the question, the hon. Member may wish to note that the objective of the assignment currently being undertaken is to develop an Integrated Water Management Framework with a view to improving the management of our water resources, reducing water losses, achieving better planning to meet future demands and ensuring a 24/7 potable water supply island wide.

The draft final report was submitted by the Singapore Corporation Enterprise at the beginning of this year and has been the subject of further consultations with the main stakeholders.

The final report is now expected by the end of this month.

Mr Ganoo: Is there a component in the study regarding the integration of wastewater sector to our water sector.

The Ag. Prime Minister: Yes.

Mr Obeegadoo: May we know whether this draft final report addresses the issue of Mare aux Vacoas, the inability to have a full Mare aux Vacoas reservoir?

The Ag. Prime Minister: Mr Deputy Speaker, Sir, from the outset, we have asked that they address in priority the issue of water distribution in the Mare aux Vacoas region, including all aspects of it.

Mr Lesjongard: The hon. Deputy Prime Minister mentioned that consultations are ongoing with the main stakeholders, can we have an indication with whom are these consultations taking place?

The Ag. Prime Minister: The main stakeholders are the Water Resource Unit, the CWA, the Irrigation Authority and any other that may be concerned, including the private sector as well.

Mr Radegonde: Mr Deputy Speaker, Sir, from my information, there are some people sharing the same water meters. Since I heard that the study aims at reducing water losses, I would like to know if access to water to people especially living in poor regions is also targeted and what measures are being taken?

The Ag. Prime Minister: Certainly, this is very much part of the problem that has to be solved.

Mr Ganoo: I have two questions to put.

The Deputy Speaker: Have one question to start with.

Mr Ganoo: Has the question of water rights also been looked into this report and has there been any proposal for the increase of water tariff in the report?

The Ag. Prime Minister: Yes. The issue of water rights has been addressed as well, but as the hon. Member is probably aware, it is a long standing issue that is taking a lot of time to sort out. The second thing is water tariff will come in as part of the recommendation.

Mr Soodhun: Mr Deputy Speaker, Sir, can the hon. Ag. Prime Minister inform us whether during the last visit of the Singaporean technicians to Mauritius which took place a month ago, there had been a lot of problems? They were unsatisfied with the officers and they also complained of the collaboration between the Singaporean technicians and the officials of the Ministry?

The Ag. Prime Minister: I am not aware of any discontent, but I met them, they were happy. Maybe they should have told me, but they did not.

Mr Bhagwan: Can the hon. Deputy Prime Minister at least inform the House whether the consultants, in their terms of reference, have been assigned responsibility to recommend to Government, the management of the CWA be given to the private sector or there has been joint venture with the CWA?

The Ag. Prime Minister: This will be the second phase of their assignment.

Mr Obeegadoo: Can the hon. Deputy Prime Minister indicate when he expects the final report to be submitted to Government and given the critical importance of this issue of water supply, will he undertake to make the report public?

The Ag. Prime Minister: I have already replied to part of this question previously. All the information possible will be communicated.

LOCAL AUTHORITIES - ADMINISTRATIVE SERVICES - COMPUTERISATION

(No. B/218) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government and Outer Islands whether, in regard to the local authorities, he will, for the benefit of the House, obtain from each one of them, information as to the date on which the computerisation of the administrative services thereof was –

- (a) implemented, and
- (b) commissioned, indicating the number thereof which are facing problems therewith, if any.

Mr Aimée: Mr Deputy Speaker, Sir, I am informed that the computerised system of the local authorities is a harmonised system that has been implemented and commissioned in December 2009.

I am informed that the system is working satisfactorily in all local authorities except for the City of Port Louis, which has reported that the system requires some minor improvements.

I had a meeting with the Chief Executive of the City Council of Port Louis yesterday with senior officers of my Ministry on the issue and the Chief Executive has confirmed that the computerisation system is working at the Council, but requires some minor improvements.

A list of those improvements has been compiled by the Council and submitted to my Ministry on 24 May 2012. The list is currently under consideration as the system is a harmonised one and consequently modifications would have to be agreed upon by the majority of Councils.

Mr Deputy Speaker, Sir, I wish to inform the House that throughout the implementation of the project, all reasonable steps have been taken to ensure its success and are as follows –

- a steering committee chaired by the Permanent Secretary comprising the Chief Executives of the nine local authorities and an implementation committee chaired by the PAS and the IT officers and users of the system were set up and have been meeting at a monthly basis throughout the project to ensure its successful implementation;
- the project started with the documentation and acceptance of the requirements of all users of the system. This document was finalised and agreed upon by all local authorities in June 2009;
- following the migration of previous data, design and installation of the new system, user acceptance testing and training on the system was effected for each local authority in November 2009.

Mr Lesjongard: Mr Deputy Speaker, Sir, since the hon. Minister has stated that the project was implemented in 2009 with the close collaboration of all local authorities, can he inform the House why it was on 29 May 2012, as he has mentioned in his answer, that a list of problems was submitted to his Ministry?

Mr Aimée: Mr Deputy Speaker, as I said in my reply, it is only on 24 May 2012, that is, a few days ago when I have been aware.

(Interruptions)

I cannot answer to that question, unless I go deeply inside to see.

Mr Ameer Meea: Mr Deputy Speaker, Sir, is the hon. Minister aware that for the Council of Port Louis, the Lord Mayor did concede that there are problems with the accounts of market holders and for the fairs like Ibrahim Abdullah and other fairs, he did concede that in a press article in '*Le Défi*' back in May 2012? Therefore, can I ask the hon. Minister if he is aware and what is the number of accounts and the amount of money?

Mr Aimée: Mr Deputy Speaker, it is difficult for me to answer for the Lord Mayor. I need a substantive question for that. I just mentioned it is only on 24, that is, one week, not even two weeks, that I have been made aware, just after the hon. Member has put his question to Parliament, that they informed me that there are a few problems, as I said. Before that, there was no complaint at all.

Mr Lesjongard: Can the hon. Minister confirm that with regard to the transfer of data from the old system to the new system, local authorities have come across claims which have

been submitted to general rate taxpayers or those who have been renting stalls in market fairs, where there are a lot of discrepancies with regard to arrears?

Mr Aimée: No, Sir. If there is any, I will take the point of the hon. Member and find out and come back if there is any substantive question for that.

Mr Ameer Meea: Mr Deputy Speaker, Sir, let me inform the hon. Minister, this problem dates back to December 2011. It does not date back since last week. The problem dates back to December. The problem in the Municipality of Port Louis is that there was a zero in excess in all accounts, for example, if it was Rs2,400, that account would say Rs24,000, that was the real problem for the Municipality of Port Louis. Now that the hon. Minister is aware of the problem, can I ask him if he would set up an inquiry to situate the problem, the responsibility and also the amount of money involved in that?

Mr Aimée: Of course, yes, I am going to do it. I mentioned to hon. Lesjongard that I am coming back if there is any substantive question. But even I can make a statement afterwards when I would consult, not only the Municipality of Port Louis, because this system has been done for the whole local authorities and it is on Government portal. So, there is a need to look into, to have a proper setting of that computerisation system.

Dr. Sorefan: Is the hon. Minister aware that in Quatre Bornes, in the Treasury Department, in about 2010, the system crashed and there was no backup and that had created a lot of problems in the Treasury Department?

Mr Aimée: This information has never reached my Ministry, Mr Deputy Speaker, Sir. As I said, there is only one local authority, City of Port Louis where even the Chief Executive has said: "minor problem". So, if there is any big problem, I am going to look into it.

Mr Lesjongard: Can the hon. Minister inform the House what is the value of the contract and which was the company which implemented the project?

Mr Aimée: The value of the contract for the Data Centre: Rs16,002,063; for the e-Government portal: Rs1,855,250; application of software for pilot locations: Rs28,332,999.00; replication of application software and data migration for remaining five Local Authorities and server software networking and security infrastructure for all nine Local Authorities: Rs14,638,707.00, and others: Rs187,200; VAT: Rs11,435,383. The total, is Rs87,671,270.

Mr Lesjongard: Can the hon. Minister give the name of the contractor?

Mr Aimée: The name of the contractor is Leal and Co.

Mr Lesjongard: Can I ask the hon. Minister whether the National Computer Board or the State Informatics Ltd were involved in the implementation of that project?

Mr Aimée: Yes, Mr Deputy Speaker, Sir, both institutions were involved from the beginning to the end of this project. And I must mention here that this project dates back to 2009.

The Deputy Speaker: May I remind hon. Members that the use of cell phones, laptops, notebooks are not allowed in the House. Please take note! Next question, hon. Ms Anquetil!

AIR MAURITIUS – SHANGHAI ROUTE – INAUGURAL DIRECT FLIGHT

(No. B/219) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Tourism and Leisure whether, in regard to the inaugural direct flight of Air Mauritius on the Shanghai route, on 4 July 2011, he will, for the benefit of the House, obtain from the Mauritius Tourism and Promotion Authority, information as to the -

- (a) composition of the official delegation therefor, and
- (b) details of the events held in connection therewith, in Shanghai, on the 6 and 7 July 2011.

(Withdrawn)

NHDC HOUSING ESTATES - SYNDICS

(No. B/220) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Housing and Lands whether, in regard to the disbursement of an allocation of Rs200 per household for the running of the syndics of the NHDC Housing Estates, he will state where matters stand.

Dr. Kasenally: Mr Deputy Speaker, Sir, I wish to inform the House that in Budget 2012 provision has been made for a monthly contribution of Rs200 per housing unit to set up Syndic on 41 NHDC housing estates for which an amount of Rs17 m. has been earmarked.

Mr Deputy Speaker, Sir, prior to disbursing funds to syndics of the NHDC housing estate, the NHDC has to ensure that syndics have been properly set up. This involves –

- (i) an information campaign by social motivators in NHDC housing estates to sensitise the residents on the importance of syndic;
- (ii) appointment of an “*Administrateur Provisoire*” before the Judge of the Supreme Court;
- (iii) preparation of general assembly of co-owners;

- (iv) election of syndic, and
- (v) signature of Memorandum of Understanding by the syndic, the NHDC and my Ministry.

Mr Deputy Speaker, Sir, as at date out of 41 NHDC housing estates which requires syndics, 15 housing estates have set up their syndic according to the provisions of the Civil Code. They are Camp Levieux (Alpha), La Tour Koenig (Alpha), La Caverne (Alpha), Camp Levieux Begonia, Camp Levieux Chrysantheme, Camp Levieux Dahlia, Camp Levieux Eglantine, Camp Levieux Flamboyant, La Tour Koenig Bengali, La Tour Koenig Colibri, Camp Levieux Flamant, Plaine Verte (Malaysian II), Palma (Malaysian II) Poste de Flacq-Residence du Soleil, and Beau Vallon.

So far, Mr Deputy Speaker, Sir, Government has disbursed funds to the tune of Rs753,000 to 6 syndics which have already signed the Memorandum of Understanding with the Ministry in April 2012. An additional 6 syndics have signed the Memorandum of Understanding in May 2012 and funds amounting to Rs1.20 m. are being disbursed to these syndics. I am also informed that 3 Memorandum of Understanding for the housing estates at La Tour Koenig are under preparation. Furthermore, Legal procedures are under process for the nomination of the *Administrateur Provisoire* for the remaining housing estates.

Mr Deputy Speaker, Sir, as you can see, it is a painful and laborious procedure to get these syndics going in certain regions. We are slowly, but surely, motivating them. Eventually, they will all be galvanised to do so. The inhabitants of all NHDC housing estates will, I hope, realise that it is in their interest that they keep and maintain their properties as per provision of the law and as per provisions of the *Règlement de copropriété*.

Ms Anquetil: M. le président, est-ce que le ministre pourrait indiquer à la Chambre la durée de la procédure ?

Dr. Kasenally: No. It is difficult to put a time frame. The problem is to get all the people together. But that's why we have motivators, people from my Ministry who try to get them together. They have to be there in the afternoon and some of them are not there. But it is coming surely but, certainly, we are going on. I hope that within the next three months, we will gradually be coming to it. It has gathered momentum now. As we can see they are getting a fair amount of money which can help for the upkeep of the housing estates.

Mr Bérenger: Mr Deputy Speaker, Sir, I have a few questions, if you will allow me. Is the Minister aware that whilst all these efforts are on, those syndics that already existed - the four of them and the two others who have followed the procedures - there is on the one hand, late payment - they do not get the sum to be paid and, on the other hand, some who were paying to the syndics have stopped paying, arguing that Government has stepped in. Can I know from the Minister what is he doing to solve these two urgent problems?

Dr. Kasenally : Mr Deputy Speaker, Sir, now that we have set up the syndics, it is up to them to get the money. Of course, it poses a problem that Government is contributing, the others will naturally stop. But this is not, as far as I am concerned, going to be a continuous process. We believe that once we set the syndics going and it is going, it will gather momentum and eventually people will realise that it is in their own interest. Maybe we have to do it for one or two years. We will see and monitor how the situation is going on. It's improving. But we have to be constant. That's why we have the motivator to go ahead. Once they see - I hope - that their environment, infrastructure, water, electricity are all working, and there is a bit of discipline, a bit of paint here and there so that they make it a place *où il fait bon vivre*. It is not an easy task, I must say, but we have to keep on doing it. The last Government under the Leader of the Opposition, who was Prime Minister, also tried and we are all trying. It's a conjugated effort to make sure that people who have been given decent homes, keep it decently.

Mr Bérenger: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether he is aware that one thing that is slowing the process down is the fact that there is only one Attorney at Law?

Dr. Kasenally : Yes, we have been employing that one Attorney at Law. But it goes on quickly as soon as they carry out their election. In fact, it is an ongoing process. In fact, the Attorney is waiting to get all these documents so as to be able to do the job properly. But in case there is a backlog, certainly we will try to get more help to be able to do it promptly and efficiently.

Mr Bérenger: As the hon. Minister has explained, there is a certain number of people - some 20, if my memory serves me right - have been appointed as social motivators and remunerated. They become *administrateurs provisoires* before the setting up of the syndics. Being given that already several months have gone by and they have been appointed for six months only, can I know from the hon. Minister what in his mind is going to happen after that period of six months?

Dr. Kasenally: In fact, from the record, Mr Deputy Speaker, Sir, the NHDC had to recruit 10 social motivators, one part-time legal adviser, Mr Toulouse, and one part-time coordinator, Mr Gerard Valadon, who has got a lot of experience. However, as he says, we will play it by ear and when we will come to the bridge, we will cross it, but I think the motivators are there to go on for some time until it is completed. I said once we get the thing going and the process *atteint sa vitesse de croisière*, I think we could gently come out, but not come out quickly, because it is a very delicate and difficult job to get so many people to get together to do this job.

Mr Bérenger: Mr Speaker, Sir, we are talking of syndics that regroup the individual owners and then there is the NHDC. Is the hon. Minister aware that in the stairs, in the common inside places, it is still the NHDC that is responsible as far as the CEB is concerned? There are arrears and the CEB cannot claim those arrears from anybody except the NHDC and when the arrears reach a certain limit, the CEB cuts off the electricity in the stairs and the common areas. Can I ask the hon. Minister to look that up because it is the NHDC under the law that is responsible and that must pay those arrears?

Dr. Kasenally: I think there is a problem there. I am not so sure about it, but the syndics, as far as I am concerned, with the motivator, according to the law, have to maintain the common places like the stairs, but as far as electricity is concerned, I understand that they are going to pay it. But, perhaps I will have to look into it again, as the hon. Leader of the Opposition has said because in certain syndics and housing estates they do pay it, even before the syndics came, as it is now. But I think that we will have to coordinate our efforts and leave no stone unturned so that this project comes to fruition and fully satisfies the inhabitants of the NHDC and the Members of Parliament who have been very painfully questioning me, especially the hon. Member from Stanley and Rose Hill, hon. Nagalingum. I have received him very frequently and tried to....

(Interruptions)

Just as hon. Anquetil and hon. Deerpalsing.

(Interruptions)

It is very important that we have an open dialogue and if they want to help, so much the better. I am here open to all suggestions and I can give the assurance to the House that I shall leave no stone unturned to ensure that this goes on and *Maurice Ile Durable* continues.

Mr Bérenger: Mr Deputy Speaker, Sir, will the hon. Minister agree with me that if this project is to come to fruition, as he has just said, it must not be *politiser* at the level of party politics. Will he reassure me that there has been one case of blatant *politisisation*, only one? I will not go into the details; let us leave that behind. But, will the hon. Minister reassure me that it is his policy to avoid all *politisisation au niveau des partis politiques* on this issue?

Dr. Kasenally: It is precisely my policy that I can talk to hon. Nagalingum, to hon. Miss Deerpalsing and to even hon. Ameer Meea. I think that the interest of the country primes above everything else.

Dr. Sorefan: Can the hon. Minister inform the House whether the Rs200 per household is applicable to each household, irrespective of their socio-economic status?

Dr. Kasenally: Yes, we have to have one rule otherwise the whole thing will break down and crumble and this is something which I do not want to happen.

The Deputy Speaker: Last question, hon. Obeegadoo!

Mr Obeegadoo: As the hon. Minister is aware, the CWA up until now has been fortunately very flexible in intervening to replace or repair old water pipes supplying water to these estates. Is he aware that since Government has announced this policy of setting up syndics and providing financially therefore, the CWA is now extremely reluctant to attend to urgent requests from inhabitants concerning damaged pipes and, if so, will he agree to liaise with the hon. Deputy Prime Minister to see to it that unless and until the syndic on the relevant estate is up and running, the CWA will continue to play its part in addressing those issues?

Dr. Kasenally: Mr Deputy Speaker, Sir, in fact it is not the responsibility of the CWA to do all these repairs but, on humanitarian grounds, while I was Minister of Public Utilities and subsequently, the hon. Deputy Prime Minister, we have tried to help out. I have received complaints many times while I am in the Assembly that the CWA has interrupted water supply and we have all intervened to ensure. This cannot go on but, I am hoping that as the syndics progress, they will assume their full responsibility of maintaining water 24 hours a day, repair the pumps and replace them, paint all the doors and the walls and ensure that everything goes on smoothly. It is going not to be an easy task but we have to persevere.

Mr Bhagwan: From his reply the hon. Minister, Sir, feels that he is committed to the success of this project, but can the Minister at least inform the House whether at the level of the NHDC there is a special desk *en terme d'accueil avec* the new syndics which are being set up,

we have the Ministry and then the NHDC. How far the NHDC has set up a sort of public relation with a special desk to follow up this question of implementation of the syndics and other problems?

Dr. Kasenally: It is not only I who is committed, the whole Government is committed to that and I am sure that you will also appreciate that you are committed to it. But, there is a public relation desk at the NHDC and there is a special *cellule de communication* as far as the syndic itself is concerned. There is also my advisor at the Ministry who oversees that and reports to me so that I can report to the Assembly.

The Deputy Speaker: Next question, hon. Mrs Radegonde!

CONSTITUENCY NO.14 (SAVANNE & BLACK RIVER) - SQUATTERS

(No. B/221) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to the Constituency No.14, Savanne and Black River, he will state if a study has been carried out to assess the number of squatters living thereat and, if so, indicate the findings thereof.

Dr. Kasenally: Mr Deputy Speaker, Sir, I wish to inform the House that site inspections are carried out on a regular basis by Officers of my Ministry with the assistance of *Police des Terres* to track and monitor squatting over State lands across the island.

In regard to Constituency No. 14, Savanne and Black River, site inspections have revealed the presence of 312 squatters over State lands in the region, out of which 100 are in the Buffer Zone of La Ferme Reservoir at Bambous, 70 at African Town, Riambel, 45 at Le Morne, 39 at Karo Kalyptis, Case Noyale, 31 at Coteau Raffin and the remaining are scattered cases.

Mr Deputy Speaker, Sir, I wish to point out that the presence of squatters within the Buffer Zone of La Ferme constitutes a major threat both to the security of the squatters and to the reservoir. My Ministry has thus proposed to relocate these squatters and 72 of them have been offered alternative sites near Black River District Council at Bambous and at Camp Levieux. However, none of them have yet moved, pleading the lack of infrastructure on the new sites. Consideration is also being given to relocation of the remaining 28 families within the Buffer Zone of La Ferme Reservoir.

Moreover, 19 of the 39 cases at Karo Kalyptis, Case Noyale have been offered building site leases at Coteau Raffin. They have also not moved due to lack of infrastructure on the

allocated site. Some inhabitants of Coteau Raffin have expressed their disagreement to the proposal of allocating the site in favour of the squatters of Karo Kalyptis, Case Noyale.

I am informed that the Ministry of Social Integration and Economic Empowerment is looking into the provision of infrastructural facilities on the proposed sites.

Mr Deputy Speaker, Sir, very recently, more precisely, since March 2012, there has been an invasion of some 70 squatters in the region of Riambel, known as African Town, including by people from other regions and squatters who are electing a second domicile. My Ministry is monitoring the situation very closely and will take appropriate action as illegal occupation of State lands cannot be tolerated, but we say this with a lot of compassion and not brutally.

Mrs Radegonde: Mr Deputy Speaker, Sir, with regard to Riambel, we heard the hon. Minister say that there has been an invasion of 70 squatters. I would like to ask the hon. Minister, if he is aware that many of those people squatting the land at Riambel, are not able to acquire a morality paper because they have court litigation pending cases against them and they have been refused a house. May I know from the hon. Minister, if those people who do not really meet the criteria, may obtain a lease or rental agreement under his Ministry?

Dr. Kasenally: Mr Deputy Speaker, Sir, I must say that some of the squatters have migrated from elsewhere. They have no business to be in the Arab Town. Some of them were *agents provocateurs* and they have even threatened members of my staff. That's why, I presume, they are having court cases. But, having court cases do not eliminate them from having a morality certificate. It is only when they are convicted that it is so. In fact, we are looking at it very carefully. We have helped people at the African town, by providing land to an organisation from UK, which is setting up a computer centre there, and we are trying to help these people and empower them. I have also been approached by religious authorities in my own Constituency Souillac, because a lot of them migrate over there and I have every interest to come to a solution. We are not going to tolerate abuses, rough behaviour and threat to my staff; otherwise, we will apply the full force of the law.

Mrs Hanoomanjee: Can the hon. Minister say whether this problem as he described it, invasion of squatters, is a sign of people living below poverty line? And, since, now there is a Ministry for Social Integration, there is a need for more cohesion between the two Ministries. Also, there may be a need for an inter-ministerial committee to look at the whole problem of

squatters, especially in Constituency No. 14, so that the problem can be tackled in a whole way not piecemeal.

Dr. Kasenally: Mr Deputy Speaker, Sir, this is exactly what I am doing with my colleague, the Minister of Social Integration. We are having meetings, but over and above that, in fact, I am approaching my colleague, the Minister of Finance, to take some money, which has been allocated for social housing to have infrastructure built. It is interesting that the hon. Member is saying that the people are living beyond the poverty line. I have had Police report and evidence that some people have been not only encouraging them to go, but giving them building material to go and build their house and making our life a bit more difficult.

Mr Ganoo: May I, as a hon. Member of this Constituency, request the hon. Minister to regularise all those who are eligible among the squatters? May I, in the same breath, Mr Deputy Speaker, Sir, focus my attention and ask the hon. Minister to focus his attention also on the specific case of the 40 or 50 families which he mentioned in this reply just now, squatting at Le Morne. My question is: is the hon. Minister aware that in the main recommendations of the report of the Truth and Justice Commission, which I have a copy with me, special reference is made to the inhabitants of Le Morne, to the effect: I quote –

“For the rehabilitation of reconstruction of communities and settlements where slaves descendants are the majority, reparation to be provided to poor individual families, in terms of social reparation, such as housing and education (...).”

On another page -

“(...) assessing with more precision ways of living and equal access of creoles to land and housing”.

On the third page -

“For Le Morne village as a form of restorative justice reparation to be given in the form of the inhabitants of Le Morne are to be given land jointly.”

The Deputy Speaker: You have made your point.

Mr Ganoo: And, finally -

“Regularise all eligible occupiers of State lands”.

This is what the commission recommends. So, I plead to the hon. Minister to look with sympathy at all the squatting cases of my constituency, but especially to those 40 families in Le Morne, and since most of them deserve to see that their cases be regularised urgently.

Dr. Kasenally: Mr Deputy Speaker, Sir, I am fully conscious of what the hon. Member is saying. In fact, he has spoken to me on many occasions on this particular issue, which is very close to his heart, to my heart and to the heart of this Government. There is a unit in my Ministry which is looking after that. We have gone over all the pages and references that the hon. Member is quoting. We are having a meeting with the Empowerment Fund chaired by Mr Pillay, and we will see how we can move forward. I particularly feel for those of Le Morne, for which for sentimental reasons, we'll have to make a move. I think it is going to be long, but I hope that it is not too long and we will try to see in what way we can help particularly, these people, as the hon. Member has requested and my colleague, the Minister of Local Government as well. In fact, he has even fought with me and I have had a tough time with him.

Mr Baloomoody: Can I ask the hon. Minister whether the squatters who need to be regularised need a certificate of morality? Whether they need to have a clean record to have their situation regularised?

Dr. Kasenally: I am not quite so sure, but in fact, we have to be sure that all those squatters who are being regularised have got a safe environment. I would not like to have a *récidiviste notoire* around them. There is no doubt ...

(Interruptions)

I am not saying anybody, but if there is somebody who has got a very bad character, it will be hell for the others and I have to protect the majority, But, anyway, I have to look into that and I am not so sure that we need a certificate of morality.

Mr Jugnauth: The hon. Minister has said that he has information that there are some people who have elected a second domicile on these lands. To show that the hon. Minister really means business; would he see to it that criminal prosecution is lodged against those people who have elected a second domicile.

Dr. Kasenally: In fact, I do mean business, Mr Deputy Speaker, Sir. I have already initiated such a procedure, but as you know, we have to do it very gently, in order, not to create riots. These people can be very dangerous. In fact, they have assaulted some of my officers, when we first moved to evict them. But, on humanitarian grounds, we didn't do so, in order, not to create chaos. This should not be taken as a sign of weakness, but we will be resolute in trying to help the squatters as well at the same time maintain peace, law and order.

SAVANNE & BLACK RIVER - SEWERAGE NETWORK

(No. B/222) **Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the regions of Black River and Savanne, in Constituency No.14, Savanne and Black River, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to if consideration will be given for the provision of sewerage network thereat.

The Ag. Prime Minister: Mr Deputy Speaker, Sir, the West Coast Sewerage Project which is currently at feasibility stage, will cover the district of Black River.

As regards the district of Savanne, the Waste Water Master Plan Study for the period 2014-2033 has made recommendations for the regions of Chemin Grenier, Chamouny, Pointe aux Roches, Surinam, and Souillac to be covered by a sewerage network. These recommendations have been made on the basis of economic, environmental and socio-economic considerations.

In the short term, the WMA is looking into the possibility of connecting the Bambous NHDC housing estate and part of Bambous village.

Mrs Radegonde: Mr Deputy Speaker, Sir, I understand that there are four regions that will be covered. I am asking the hon. Ag. Prime Minister whether he is aware that there are other several areas in my Constituency, like Le Morne, that not only do not have sewerage system, but some do not even have a toilet. In Bambous, I know that there is a sewerage network being built there and there are many houses, not only in Bambous, but the other areas in the Constituency that do not have a sewerage system. Many residents share the same septic tank which becomes overloaded very quickly and they do not have sufficient financial resources to maintain the septic tank. May I ask the hon. Minister if a study can be carried out to resolve this problem and ensure access to adequate sanitation?

The Ag. Prime Minister: Mr Deputy Speaker, Sir, I leave it to the consultant to work out the details and certainly it will be as extensive as possible and within the limits, as I have said. There are economic, environmental, socio-economic grounds and these have to be covered.

Mr Ganoo: With regard to the west coast project, can the Ag. Prime Minister inform the House which funding organisation has agreed to fund this project?

The Ag. Prime Minister: We are in the process of working it out.

TERTIARY INSTITUTIONS – STUDENTS - ASSISTANCE

(No. B/223) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Education and Human Resources whether, in regard to the financial assistance granted by Government to students to enable them pursue higher studies in tertiary institutions, he will state the number of students who have availed themselves thereof, since 2009 to date, on a yearly basis.

Dr. Bunwaree: Mr Deputy Speaker, Sir, the Human Resource Knowledge and Arts Development (HRKAD) Fund which was set up under the Finance and Audit (HRKAD Fund) Regulations 2008 provided for the setting up of a scholarship scheme for needy students having secured a seat in a local recognised Tertiary Education Institution.

The objective of the scheme was to award a fully funded scholarship up to a maximum of Rs150,000 per academic year covering tuition fees, examination fees, books and a monthly stipend - (Rs3,000 for local students and Rs8,000 for Rodriguans).

Students have to satisfy agreed eligibility criteria to benefit from the scholarship.

Since the year 2009 the number of students who were awarded such scholarships were as follows -

Year	Number
2009	247
2010	436
2011	407
2012-to date	70

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, may I ask the hon. Minister what are the criteria for eligibility for these scholarships?

Dr. Bunwaree: If the hon. Member had included that question I would have answered, but I think I will circulate it because there is a long list of conditions. **(Appendix)**

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he is aware that one of the criteria for eligibility was that the child be an orphan and of either the father or the mother? May I also ask the hon. Minister whether he would consider reviewing this particular criteria because this, in fact, causes a lot of difficulty for certain vulnerable students?

Dr. Bunwaree: In fact, it used to be like that in the past. I, myself, was very sensitive to the point that is being raised by the hon. Member. There are some other conditions that have

been attached. I am not fully happy with all these because still some do not happen to be included, but we have to go according to the funds available as well. When the hon. Member has gone through the list of conditions, if she has any other proposal to make I will look into it.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he is aware of certain students who do get the scholarship for a first year but, during that year, due to an increment to the parents' salary - to the father's salary or the mother's salary - they no longer become eligible for the second year and some of the students have to drop their studies because they really cannot provide for the fees payable to the Universities?

Dr. Bunwaree: I have not come across such cases, but I will look into the matter if the cases are referred to me.

Dr. S. Boolell: In view of the limited period between acceptance in an institution and payment of fees, could the hon. Minister institute a fast track in several cases because the student does not know whether he is going to be granted a fee or not?

Dr. Bunwaree: I think the track is quite fast because I have not received representations as to the point that is being raised by the hon. Member. In fact, they are ongoing. We look into all these cases and I have not had any cases that have come to me to say that because of a length of time they have not been given the scholarship when they were eligible for same.

Dr. S. Boolell: How long does it take?

Dr. Bunwaree: It goes very quickly, in some cases it can take two or three weeks, in some cases it may take a bit more. But, we take care of the date of the resumption or start of studies.

Mrs Radegonde: Mr Deputy Speaker, Sir, I understood that the hon. Minister said that he has not come across such cases of students. I would say that in my constituency there are quite a few of them who fall behind the education system, who have to drop out. I remember myself sending one such case to hon. Dayal to look into the matter. I would like to ask the hon. Minister, because of this economic stress faced by rural communities if he will consider the advisability to extend this scheme to those low-income families with limited capital, social and economic resources.

Dr. Bunwaree: First of all, I would say that I did not want to say that. I did not come across, but rather the cases did not come up to me. I think what the hon. Member is raising as a problem is, maybe, the eligibility criteria have not been satisfied but there are other types of

assistance that we do give. I replied only about the question of that type of scholarship because I think that is what the hon. Member was asking, but there are so many other ways and means to see to it that students who get a seat in a local university should be able to go through their studies and should not be deprived because of lack of finances or for social difficulties.

We liaise with our colleagues, the hon. Minister of Social Integration and even the hon. Minister of Finance, but if these cases are sent to me I will look into them one by one.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether there is a coordination between his Ministry and that of the Social Security regarding orphans, because I know the case of a student, he is an orphan, no mother, no house nothing. He has been kicked out of a charitable institution. He is trying to have his studies and he is receiving only Rs1,500 per month, so, is there a coordination to help this type of student?

Dr. Bunwaree: There is a close collaboration with the Ministry of Social Security but, as I have said, in specific cases there could be some difficulties which we are not aware of. So, just send us the case.

Mr Ameer Meea: Can I ask the hon. Minister which Ministry approves and authorises as to who should be given financial assistance, which authority is it? Does it fall under the ambit of Ministry of Social Security, Ministry of Education or Ministry of Social Integration?

Dr. Bunwaree: In fact, I am replying to this question. It means that it falls under my Ministry.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he could consider the case of students who have already been given the scholarship, and since the criteria - you have put it yourself - are very stringent, whether once the student gets the scholarship, if it is only because an increment to his parent's salary, that this should not be a hurdle and that once the student gets the scholarship it should be for a period of three years, if it is increment to salaries only which is hindering the allocation of this scholarship?

Dr. Bunwaree: If there are minor changes we could understand but if the person becomes *un millionnaire d'un jour à l'autre* - but I think there are some specific cases. This is what I have said to the hon. lady, just send me the case and I will look into them.

BEL AIR - MEDICAL COLLEGE – SETTING UP

(No. B/224) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Tertiary Education, Science, Research and Technology whether,

in regard to the proposed setting up of a Medical College in Bel Air, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to where matters stand.

Dr. Jeetah: Mr Deputy Speaker, Sir, the proposal for setting up of a Medical School in collaboration with the University of Geneva was first evoked during a meeting in Geneva when I was at the Ministry of Health and Quality of Life. Subsequently, in July 2010, the University of Mauritius signed a Letter of Intent with the University of Geneva, wherein it was agreed that the University of Geneva will participate towards the development of a Faculty of Medicine using the existing MBChB degree framework as a starting model. The University of Geneva is a prestigious institution, ranked 69th in the World University ranking and works in close collaboration with the *Hôpitaux Universitaires de Geneve*.

I am informed by the University of Mauritius that for a new undergraduate medical programme of six-year duration using the English medium its Department of Medicine has had several working sessions both in Mauritius and in Geneva with Prof Jean Louis Carpentier from the University of Geneva to develop the curriculum and other modalities.

During the last visit of Prof J. Carpentier to Mauritius in April 2012, it has been agreed that-

- (i) a Memorandum of Understanding will be signed by end of 2012;
- (ii) student recruitment will be initiated in the beginning of 2013;
- (iii) the programme will start in August 2013, and
- (iv) the University of Geneva will provide training of trainers as well as quality assurance.

The Ministry of Health and Quality of Life will provide clinical training facilities at Dr. Jeetoo Hospital and SSRN Hospital.

The University has been facing problems of space in its campus in Réduit for the setting up of laboratories, research facilities, delivery of lectures and offices and has had to rent space from other institutions. It requires currently additional space of 10,000 m². In this context, Government has agreed to put at the disposal of the University, the ex-DWC premises at Bel Air which were unutilised since the closing down of DWC in 2005.

The University of Mauritius is presently carrying out rehabilitation and renovation works and will decide on the use of the building as appropriate, taking into account their future expansion needs.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, I heard the hon. Minister saying that there is a space at Bel Air, DWC building, which will be provided to the University to supply it with the space it required.

May I ask the hon. Minister whether this particular building is being considered for the setting up of the Medical College in Bel Air?

Dr. Jeetah: Mr Deputy Speaker, Sir, as I said, it's the University which will decide on the use, as to whether it is appropriate or not, but I am aware that there are a number of issues that have been discussed currently.

Mr Obeegadoo: May we know from the hon. Minister how this proposed setting up of a Medical College of the University of Mauritius will impact upon existing arrangements with the University of Manchester and Bordeaux for the training of our medical students?

Dr. Jeetah: With regard to the University of Manchester, Mr Deputy Speaker, Sir, I am aware that we are working on starting a Masters in Surgery and the work is still on. It has not started as yet.

With regard to the University of Bordeaux, it would not have any impact because with Bordeaux, I am given to understand that currently we are doing M2, that is, the fifth year of Medicine at the University of Mauritius and that is based on the French curriculum. As I said, there would be no impact on whatever is going on currently with Bordeaux, neither with the future courses that will be running with the University of Manchester which will be a postgraduate course, anyway.

Mr Jugnauth: May I know from the hon. Minister whether there has been any study which has led to the selection of this site and, if so, if the hon. Minister can table a copy of that study?

Dr. Jeetah: No, Mr Deputy Speaker, Sir. It just happens that I happen to have been given the information that there was space available and, as I just indicated, today the University requires 100,000 square feet of extra space, because currently the University has more than 12,000 students. The space was available and it was a Government building, so the Government decided to offer it to my Ministry.

In fact, I requested this building to be put at the disposal of my Ministry and this is an opportunity that I am trying to push ahead to get a prestigious university working in collaboration with the University of Mauritius.

Dr. S. Boolell: May I ask the hon. Minister whether this faculty will guarantee internship training to its graduates or shall the graduates follow the same fate as those who are exiting out of Belle Rive and having to wait about two years before even the suspicion, the sniff, of training somewhere?

Dr. Jeetah: The hon. Member is being facetious. We are taking care of training here, Mr Deputy Speaker, Sir. I think the hon. Member needs to understand that it is for the first time that our kids here, in this country, would be able to get quality education from the University of Geneva and we should not underestimate this.

Mrs Dookun-Luchoomun: I heard the hon. Minister saying that there were certain works being carried out at the premises of the DWC building. May I know the nature of the refurbishment works that are being carried out at this particular site?

Dr. Jeetah: Yes, Mr Deputy Speaker, Sir. I have a list. It is general cleaning and repainting, electrical installations, laying of floor tiles, provision of aluminium doors and windows, reinstatement of toilets and lastly, repairs to existing boundary walls.

Mrs Dookun-Luchoomun: I also heard the hon. Minister saying that the University of Mauritius complained of not having sufficient space to carry out research work, for laboratories, and so on. May I know from the hon. Minister whether such works will also be carried out there to ensure that this particular college that is being set up in Bel Air has the proper lab facilities and all?

Dr. Jeetah: Mr Deputy Speaker, Sir, I just replied that I am providing space to the university and it is in their wisdom that they will see what they want to use, where, etc. I don't go and impose to the university what they should be doing.

(Interruptions)

Dr. S. Boolell: In the absence of guarantees for training at internship level, will the hon. Minister guarantee that the students who are recruited are told the truth about the future after qualifying?

Dr. Jeetah: Mr Deputy Speaker, Sir, the hon. Member has not been listening. In my reply, I said that the Ministry of Health and Quality of Life will provide clinical training facilities at Dr. Jeetoo Hospital and SSRN Hospital.

The Deputy Speaker: It is a different question altogether!

Dr. S. Boolell: I mean internship. I don't mean training in the great faculty of Dr. Jeetoo Hospital. I mean internship, after qualifying.

(Interruptions)

Dr. Jeetah: I have already replied.

Mr Obeegadoo: Mr Deputy Speaker, Sir, being given that the question of a Medical College raises issues of judicious use of public funds and economies of scale; being given that we have, I don't know - the hon. Minister might tell us - how many institutions are providing undergraduate training for Medical Practitioners? The University of Technology, Mauritius is doing something new with Anna University; Professor Baligadoo set up a training institute; the SSR Medical College and now, we have a new Medical College coming up.

So, will the hon. Minister tell us what the policy of Government is? Is it a free-for-all, with anybody setting up any medical institution? Or, does Government have an assessment of what our needs are in terms of the ratio of Medical Practitioners to the population and, therefore, have a coherent integrated approach to medical training for the country?

Dr. Jeetah: I have already replied to this question previously, but I will try to shed some more light.

With regard to Professor Baligadoo, I am given to understand that he is merely training students, not only local students, but students from overseas and preparing them to get a seat in France. If I am not mistaken, it's *l'Université de Lille*, and it is open to students from all over the world.

Now, with regard to offering medical courses, Mr Deputy Speaker, Sir, I think the hon. Member needs to understand that in most countries there is a need to have a good, solid, strong public medical school, and this is what we are working at. It's not acceptable that this country cannot offer, as I said last time, specialisation. Today, it is not a question of just specialisation, it's a question of super specialisation and we need to have this solid public base to be able to offer the best medical courses and services to the nation.

Also, I did reply some time back, that if one was to look at the life expectancy in the region; whereas here, it's between 69 and 79; next door in Africa, it's 40. This cannot be! This is unacceptable! So, we have to take our responsibility on the regional basis as well, because there is a large demand for Medical Practitioners in this part of the world.

The Deputy Speaker: Last question, hon. Mrs Dookun-Luchoomun!

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, I asked a question about the Bel Air Medical College and the hon. Minister gave the information regarding the building that is being refurbished in Bel Air. So, my question was - as he mentioned in his answer - that the new Medical College will start its operation next year, I would like to know from the hon. Minister whether he has till now, identified a building or a site where this Medical College will open its door.

Dr. Jeetah: As I said, Mr Deputy Speaker, Sir, it's not the Minister who decides where courses are held and so on. There is a need for space at the University of Mauritius and I am doing all I can to assist in this process. It's not only in Bel Air. We have been able to find space in Curepipe. We have been able to find extra space in Ébène, and it would be in their wisdom that they will decide in their initial years whether they want to do it in Bel Air, in Réduit, in Curepipe, wherever they would like to do it, but it's my job here to make sure that they have the infrastructure available for them to decide.

CEB - CHAIRPERSON & GENERAL MANAGER – QUALIFICATIONS & SALARY

(No. B/225) **Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Chairperson and the General Manager of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, in each case, information as to -

- (a) their qualifications, and
- (b) the salary and benefits drawn.

The Ag. Prime Minister: Mr Deputy Speaker, Sir, with your permission, I am tabling the information.

Mr Soodhun: I have a supplementary question, Mr Deputy Speaker, Sir. I would like to know whether the Ag. Prime Minister...

(Interruptions)

'Monn corrige li tout de suite! Pas bizin to donne moi leçon!'

(Interruptions)

The Deputy Speaker: Hon. Soodhun, please go ahead with your question! The mood has been good since morning! Just maintain the mood!

(Interruptions)

Mr Soodhun: I would like to know whether the hon. Ag. Prime Minister is aware that the Chairman of the CEB actually intervened and gave instruction to the well qualified engineer of CEB for the day-to-day management?

The Ag. Prime Minister: My attention was drawn to this last time, and I have made sure that I have instructed him not to do and if he does, not to continue.

Mr Lesjongard: Can I ask the hon. Ag. Prime Minister whether he has received complaints from trade unions of the Central Electricity Board concerning trips being frequently made by the General Manager of the CEB? He has also been termed as the '*nouveau pigeon voyageur de l'organisation*'.

The Ag. Prime Minister: The short answer, Mr Deputy Speaker, Sir, is no.

(Interruptions)

The Deputy Speaker: Just listen to the reply now! Hon Bhagwan!

Mr Bhagwan: Can the Ag. Prime Minister inform the House whether this well-known Chairperson of the CEB, despite his instructions, had been chairing meetings with Engineers in the absence of a General Manager, where technical instructions were given and, of course, in the presence of the bouncers?

The Ag. Prime Minister: I am not aware of it, Mr Deputy Speaker, Sir, but having drawn my intention, I will make sure that he does not continue.

Mr Jhugroo: Can I ask the hon. Ag. Prime Minister whether the Chairperson of the CEB is an Engineer or a Professor in engineering? According to my information, what was mentioned by hon. Soodhun, he always interferes with the day-to-day management and even gives instruction to qualified Engineers how to perform their duties.

The Ag. Prime Minister: Mr Deputy Speaker, I have already replied to that question but, in short, he does hold an Electrical Engineering Technician and Mechanical Engineering Technician...

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the Ag. Prime Minister inquire whether the Chairperson of CEB who has an office at the CEB has, in permanence, a famous HC in front of his office – I won't mention the name. Why is hon. Dr. Boolell murmuring? Does he have a problem?

(Interruptions)

The Deputy Speaker: Just go ahead with the question, hon. Bhagwan, please!

(Interruptions)

Mr Bhagwan: Next time, *mo pou amene photo, to pou guetté!*

(Interruptions)

The Deputy Speaker: Hon. Soodhun, please!

Mr Bhagwan: The more so, Mr Deputy Speaker, Sir, is that his office has been converted in a political office unlike other Chairpersons where he has received public in a political way and this *tapeur* has been giving cards like, we, MPs, receive people. Can the Ag. Prime Minister inquire and inform the House whether this Chairperson at CEB is allowed to use *tapeur* at the CEB?

The Ag. Prime Minister: I will inquire, but the short answer is: he should not.

The Deputy Speaker: Last question, hon. Soodhun!

Mr Soodhun: Whether the hon. Ag. Prime Minister is aware that the Chairperson of the CEB has two driven cars: one at the CEB and another one at the Marathi Trust Fund?

The Ag. Prime Minister: What I am aware is what is included in his benefits and not outside it.

The Deputy Speaker: Next question, hon. Ganoo!

(Interruptions)

The hon. Member did not draw my attention to his supplementary question!

NATIONAL EMPOWERMENT FUND - LOW COST HOUSES

(No. B/226) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the low cost houses, he will, for the benefit of the House, obtain from the National Empowerment Fund, information as to the number thereof built, since 2005 to-date, indicating the –

- (a) location thereof;
- (b) cost thereof, and
- (c) procedure followed for the selection of the contractors therefor.

Mr Dayal: Mr Deputy Speaker, Sir, I presume that the hon. Member is referring to the National Empowerment Foundation. I wish to inform the House that the National Empowerment Foundation was created in 2008 and prior to 2008, the construction of housing for the vulnerable group was being undertaken through the Community Based Projects by the Trust Fund for Social Integration of Vulnerable Group which was operating under the aegis of the Ministry of Finance and Economic Development.

The Ministry of Social Integration and Economic Empowerment was created in May 2010 and the National Empowerment Foundation took over the activities of the Trust Fund as from May 2011.

I am informed that three types of housing units are being constructed by the National Empowerment Foundation for vulnerable families with a household income not exceeding Rs5,000 which has been increased to Rs6,200 in February this year, namely –

- (a) Corrugated Iron Sheet (emergency) housing units, which we call CIS;
- (b) Concrete cum CIS houses, and
- (c) Integrated Housing Projects.

Mr Deputy Speaker, Sir, I am further informed by the National Empowerment Foundation that between 2005 and to date, 4,838 CIS housing units, 94 Concrete Cum CIS have been constructed by the Foundation. The House may wish to note that the Concrete Cum CIS Housing Project started in April 2011. In addition, since 2009, the NEF has started the implementation of a new housing project known as the Integrated Social Housing. As of date 3 projects comprising of a total number of 239 housing units have already been constructed.

As regards part (a) of the question, the information is being compiled.

As regards part (b) of the question, a total amount of Rs543,944,577 has been spent for the construction of the three types of housing units mentioned above.

Mr Deputy Speaker, Sir, with regard to the last part of the question, I am informed that the National Empowerment Foundation has its own established tendering procedures for the construction of houses falling under its responsibility.

For instance, in respect of CIS housing units the cost of which per unit is around Rs65,000, the prospective beneficiary identifies his or her own builder and the latter is paid a sum of Rs5,000 for the construction purposes. This amount is included in the Rs65,000.

Regarding the concrete cum CIS housing units which cost Rs165,000 per unit, the CSR companies are contributing an amount of Rs90,000 and the National Empowerment Foundation is contributing a sum of Rs75,000 per unit. Given that the major contribution is made by the CSR companies, the responsibility for the selection of the contractor rests with these companies.

In regard to the construction of Integrated Housing Units, I am informed by the NEF that open tenders are floated for the selection of the contractor.

Mr Ganoo: Can I ask the hon. Minister if he would kindly table a list of the houses built so far on a constituency basis? I mean all types of the houses: CIS and CIS cum concrete and wholly concrete on a constituency basis, built so far.

Mr Dayal: I will try to see.

Mr Ganoo: Can I ask the hon. Minister also, Mr Deputy Speaker, if you will allow me, Sir, to see to it that his Ministry or the National Empowerment Foundation also address themselves to the question of poor people's houses being burned down and could these houses be rebuilt as a matter of priority because, very often, as MPs, we are informed of such tragedies and as we know today that when this poor family applies to the Ministry of Social Security, they are only given Rs8,000 and cannot therefore solve their problem of rebuilding their house. Can the Minister and the Fund give priority to those cases where houses belonging to deprived families are burned down?

Mr Dayal: Definitely, Mr Deputy Speaker, Sir. This is being considered.

Mr Ameer Meea: Mr Deputy Speaker, Sir, one of the ways to address the issue of low cost houses is to look at the demand for it. Therefore, does the hon. Minister have any figure for the number of requests for low houses for the whole country?

Mr Dayal: Mr Deputy Speaker, Sir, I will look into the matter and inform the House, but actually I know that we have case workers going round the island and then we have a desk at the National Empowerment Foundation. I know that on Tuesdays and Wednesdays, the case workers are in the CAB offices and they take requests and these are sent to the NEF. The case supervisors do work upon that. Definitely, I will try to circulate the information.

Mr Lesjongard: Mr Deputy Speaker, Sir, since the hon. Minister had stated in his reply that he is compiling information with regard to the location of those low-cost houses, can he give an indication to this House what are the priority areas that have been identified in the country with regard to the implementation of these low-cost housing units?

Mr Dayal: Mr Deputy Speaker, Sir, the answer is: it is island wide.

Mr Obeegadoo: Mr Deputy Speaker, Sir, I would like to go back to the question asked by hon. Ameer Meea. Now, the strategy that is being spelt out by the hon. Minister, the number of houses built surely must rest on an assessment of the demand for social housing at as present. So, will the hon. Minister tell us whether there has been any such study? Can he tell us what the figure is? What is the demand for social housing and how it is distributed across the Republic?

Mr Dayal: Mr Deputy Speaker, Sir, I should like to tell the House that we must not get confused between the Ministry of Social Integration and that of Land and Housing. The Ministry of Social Integration will look at those who are below the poverty line of Rs6200 and I will definitely look into the matter raised by the hon. Member and I will provide the information.

Mr Uteem: Mr Deputy Speaker, Sir, may I know from the hon. Minister what criteria is used for allocation? Is it on a first-come first-serve basis? And with respect to the complete CIS companies, is the choice of the beneficiary that of the Ministry or that of the company providing the CIS fund?

Mr Dayal: First, I think the hon. Member asked the eligibility criteria for a CIS housing unit. The beneficiary should be owner of a land or a lessee of State land or freehold property. In case the beneficiary is not owner of a land, he should obtain a written authorisation from a land order or a relative to live in the house to be constructed for at least five years.

(Interruptions)

The hon. Member is asking for the criteria.

(Interruptions)

It is as per demand.

The Deputy Speaker: Last question hon. Bhagwan!

Mr Bhagwan: With regard to the low-cost housing project at Petite Rivière, can the hon. Minister give us an idea how many are there of those houses nicknamed *la caze bwat zalumet* by even religious people? I won't mention names. Can the hon. Minister inform the House whether a priority list has been prepared for an allocation and if he could circulate at least this list? The hon. Minister is aware of the type of construction, the way construction is going out there *qui laisse à désirer* and that the houses have been constructed in a marshy land. What action does he intend to take at least to put order in terms of quality of construction and infrastructure?

Mr Dayal: Mr Deputy Speaker, Sir, again I think there is a Ministry of Social Integration and Economic Empowerment and the Ministry of Land and Housing. We build houses, *le commencement d'une maison*. We do not build a house as such, we just provide a beginning. We try to empower the beneficiary. There are several other programs which are taken into consideration so as to help the person to stand on his or her feet. And then regarding what the hon. Member refers as *bwat zalumet houses*, let me inform the House that it is around 30.3 meters square and there are about 59 housing units. And regarding the marshy land which the hon. Member has mentioned, I will definitely have a look at it because we can always improve.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I come back to the question which has been asked by hon. Uteem. In fact, what we wanted to know is that how does he prioritize? How does he decide on where to start and in which priority according to locations? This is what we wanted to know.

Mr Dayal: Mr Deputy Speaker, Sir, I mentioned earlier on that we get request from vulnerable people who are in difficulty, hardship situation and we work on a case to case basis to help them out.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask hon. Minister so that there is no confusion, who gives the final approval for a person to benefit funds from the National Empowerment Foundation? Is it the Committee? Is it the Chairman or is it the Minister himself?

Mr Dayal: Mr Deputy Speaker, Sir, assessments are made regarding the eligibility criteria and so on. The matter is reported to the case worker, then brought to the case supervisors who process and finalise depending on whether they satisfy all the criteria.

The Deputy Speaker: Next question, hon. Labelle!

MINISTRY OF INFORMATION & COMMUNICATION TECHNOLOGY – ADVISERS & PUBLIC RELATIONS OFFICERS

(No. B/227) **Mr P. Jhugroo (First Member for Mahebourg and Magnien)** asked the Minister of Information and Communication Technology whether, in regard to the Advisers and the Public Relations Officers appointed/employed by his Ministry on a contractual basis, since May 2010 to-date, he will state the names thereof, indicating in each case -

- (a) their qualifications;
- (b) their salaries and terms and conditions of appointment/employment, and
- (c) if they have been granted the use of laptops, and if so, indicate the

- (i) date of purchase, and
- (ii) cost thereof.

(Withdrawn)

SUICIDE – CHILDREN/TEENAGERS

(No. B/228) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the children and teenagers who attempt suicide, she will state the policy of her Ministry, if any, in relation thereto, indicating if it is proposing to carry out a study in connection therewith.

Mrs Martin: Mr Deputy Speaker, Sir, I am informed that the mandate of my Ministry is to provide psycho-social support to all children victims of violence. If, within the course of intervention by the multi-disciplinary team at the level of the Family Support Bureau, it is observed that the minor has or displays suicidal tendencies, the case is referred to the Life Plus Unit (formerly known as Suicide Prevention Unit) for appropriate intervention at the level of the Ministry of Social Security, National Solidarity and Reform Institutions.

The case of attempt at suicide is also referred for psychiatric treatment to the Ministry of Health & Quality of Life. The minor is then followed by the mental health professionals of that Ministry.

Therefore, the proposal to carry out a study in connection therewith does not rest with my Ministry.

Mrs Labelle: Mr Deputy Speaker, Sir, the cases are referred to the Ministry for Gender and Family and Welfare of Children. There is an increasing trend of attempt of suicide and we have received the information from the hon. Minister herself. And I am a bit surprised that the hon. Minister does not seem that much concerned about attempt of suicide by teenagers. Among the cases reported to her Ministry are cases registered at the CDU and, as far as I know, CDU is under her Ministry and she does not seem to be a bit concerned. So, I am just wondering. If the cases are being referred to CDU and if it is not her concern, should it not be more proper then to direct this person at the first instance to the Ministry concerned instead of them going to the Ministry where there is nothing done? So, what is the policy of the Ministry?

Mrs Martin: I have just explained, Mr Deputy Speaker, Sir. Unfortunately, the hon. Member did not pay attention to my answer. I have to say Mr Deputy Speaker, Sir...

(Interruptions)

I have to say, Mr Deputy Speaker, Sir,...

The Deputy Speaker: Don't make any unpleasant remark hon. Jhugroo.

Mrs Martin: Mr Deputy Speaker, Sir, I have to ...

(Interruptions)

The Deputy Speaker: Everything has been going on smoothly since morning. Why do you make unpleasant remarks? Please refrain from making harsh remarks.

Mrs Martin: The hon. Member was saying.....

(Interruptions)

The Deputy Speaker: The mood was very rightly set in the morning. Please, give your answer. Order please!

Mrs Martin: The hon. Member was making as if children and teenagers who attempt at suicide are no concern of my Ministry. This is not true, Mr Deputy Speaker, Sir. What I said was that we treat children with all cases of violence and if suicidal tendencies are noted, they are immediately referred to the Life Plus Unit of the Ministry of Social Security, National Solidarity and Reform Institutions and in case of attempt at suicide, I repeat, it is also referred for psychiatric treatment to the Ministry of Health and Quality of Life. Therefore, we do refer those cases, Mr Deputy Speaker, Sir.

Dr. S. Boolell: Can I ask the hon. Minister whether she has psychologists in her Ministry who visit these children after school hours and during weekends when the children are out of school and are available for support and treatment?

Mrs Martin: In cases of suicide, Mr Deputy Speaker, Sir, as I have said, the Ministry of Social Security has a unit which takes care of these cases and I am also informed that there are psychologists who work at the level of schools as well.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I should say I am a bit surprised by the reply of the Minister because the question is related to the policy of her Ministry and the reply she gave was not the policy of her Ministry. The reply she gave is related to the mechanism which has been put in place whereby a child is referred here or there or to a particular Ministry. This is not the policy. With the increased tendency to attempt to suicide regarding teenagers, I believe this is a deep societal problem which requires an in-depth study. Can the Minister say whether as Minister responsible for child protection, she will not go ahead and - because she said the question does not arise - doesn't she see the need for a study in that direction?

Mrs Martin: Again, Mr Deputy Speaker, Sir, I will be treated as arrogant if I say that they did not listen to the answer, but they did not listen to the answer. I never said...

(Interruptions)

The Deputy Speaker: Let the Minister reply, please.

Mrs Martin: I never said that the proposal to carry out a study is not important to my Ministry. I said that the proposal to carry out a study in connection with the question does not rest with my Ministry. There have been studies already carried out at the level of different other Ministries, Mr Deputy Speaker, Sir.

Mr Bérenger: Can I know from the hon. Minister, her Ministry is responsible for Child Development and Family Welfare. Now, the whole country has been very disturbed by the number of attempt suicides by young people, teenagers. Her Ministry is responsible for Child Development and Family Welfare. Can I know whether she has any figure for the number of such attempts at suicide and suicide for 2011 and 2012 today?

Mrs Martin: Mr Deputy Speaker, Sir, I only have the cases of children with suicidal tendencies, attempts at suicide reported at the CDU for 2012. The total is some 20 children, Mr Deputy Speaker, Sir, plus five cases of suicide per se.

Mrs Labelle: Mr Deputy Speaker, Sir, my concern is: we have a Ministry for Child Development and Family Welfare. Am I correct in stating that the country expects a Ministry for Child Development and Family Welfare to protect our children and to give the necessary support to families who are experiencing such dramatic situations? Since the beginning of the year, we have got five suicides among our youth and it is being said, Mr Deputy Speaker, Sir, when you have one suicide, you have, at least, ten attempts of suicide. Is the hon. Minister aware of that and what is she doing, as a person responsible for child development and welfare of the family? More so is the Minister aware when a close relative has committed suicide, it increases the vulnerability of the other siblings in the house. What is the Ministry doing for all these issues? This is my concern Mr Deputy Speaker, Sir.

Mrs Martin: Yes, Mr Deputy Speaker, Sir. The question relates to children and teenagers who attempt suicide, but I will give the information with regard to families as well, what we do. Like I've said, we refer the cases to the different Ministries concerned, but in cases of violence with hints of suicidal tendencies, when these are referred to my Ministry, there is an initial assessment which is done at the level of the Family Welfare and Protection

Office following which the case is referred to psychologists also for intervention and then, an interview is conducted with the minor's parents to analyse the factors leading to such behaviour. We carry out interviews with the minor for a proper mental status examination and an overall psychological evaluation as well and once the underlying causal factors are established, psychotherapeutic treatment is initiated and counselling is done to the family of the minor regarding support and approach to be adopted vis-à-vis the minor. Therefore, Mr Deputy Speaker, Sir, as you see, we are also concerned and we take care as well of the families who are concerned with that problem.

Mr Bérenger: Obviously there is this serious issue of attempt of suicide of young people and teenagers. It is becoming a very serious issue. Mr Deputy Speaker, Sir, clearly it involves not only the Ministry responsible for Child Development and Family Welfare, but also the Ministry of Health; the Ministry of Social Security and obviously the Commissioner of Police. Can I appeal to the Ag. Prime Minister who is a *pédiatre* that he should take up this issue with the Prime Minister and set up a committee where those Ministries or Ministers will be involved and thrashed things out – the Ministries responsible for Child Development and Family Welfare, Health Social Security and the Commissioner of Police.

Mrs Martin: Mr Deputy Speaker, Sir, may I answer this question.

Mr Bérenger: You are not the acting Prime Minister.

Mrs Martin: I know that the Leader of the Opposition asked this question to the hon. Ag. Prime Minister, but I must inform him that I have already spoken to the hon. Minister of Education, to the hon. Minister of Social Security and to the hon. Minister of Health as well. They are all agreeable to see in what way we can sit together so that big minds just have the same ideas.

The Deputy Speaker: All is better now. Hon. Jhugroo no discourteous remarks please!

Mr Jhugroo: We just heard there have been 20 attempts of suicide. Can the hon. Minister confirm whether this number has increased since she took office?

Mrs Martin: I won't be able to say, Mr Deputy Speaker, Sir, I don't have the information.

The Deputy Speaker: Hon. Obeegadoo, last question!

Mr Obeegadoo: Mr Deputy Speaker, Sir, in this area, the NGOs and, in particular, Befrienders undertake a very important pre-emptive work. I would like to know if there is any collaboration between her Ministry and Befrienders concerning children, young people in such a situation and, if so, what is the nature of such collaboration?

Mrs Martin: Unfortunately, I do not have that information, Mr Deputy Speaker, Sir.

The Deputy Speaker: The Table has been advised that PQ B/203 will now be replied by the Attorney-General. PQ Nos. B/203, B/229, B/230, B/231, B/232, B/234, B/235, B/237, B/238, B/239, B/241 and B/242 have been withdrawn.

AUTISTIC CHILDREN - EDUCATIONAL INSTITUTION - SURVEY

(No. B/229) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Education and Human Resources whether, in regard to the autistic children, he will state if -

- (a) a survey has been carried out to assess the number thereof who attend an educational or a specialized institution, and
- (b) his Ministry has initiated or is contemplating to initiate any measure for the education thereof.

(Withdrawn)

QUATRE BORNES – MARKET - CONSTRUCTION

(No. B/230) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a new market in Quatre Bornes, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to where matters stand, indicating

- (a) the budget earmarked therefor, and
- (b) if any feasibility study has been carried out in relation thereto.

(Withdrawn)

QUATRE BORNES - FILM PREPARATION - TENDER

(No. B/231) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Council

of Quatre Bornes, he will, for the benefit of the House, obtain from the Council, information as to if tenders have been launched for the preparation of a film in relation to Quatre Bornes and, if so, indicate the

- (a) name of the successful bidder;
- (b) cost thereof, and
- (c) proposed content thereof.

(Withdrawn)

CEB – EMPLOYEES - TRANSFER

(No. B/232) Mrs P. Bholah (First Member for Piton and Rivière du Rempart) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the number of employees thereof who have been transferred, since January 2012 to-date, indicating the reasons therefor, in each case.

(Withdrawn)

Mr Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Deputy Prime Minister: Mr Deputy Speaker, 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.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo) rose and seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

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

- (a) The Building Control Bill (No. XI of 2012)
- (b) The Licensing of Recruiting Agents for Overseas Educational and Training Institutions (Amendment) Bill (No. XII of 2012)

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

At 4.11 p.m. the sitting was suspended.

On resuming at 4.50 p.m. with Mr Speaker in the Chair.

MOTION**GOVERNMENT PROGRAMME 2012-2015**

Order read for resuming adjourned debate on the following motion of the hon. Third Member for Port Louis North and Montagne Longue (Mrs B. Juggoo) -

“This Assembly resolves that the Government Programme 2012-2015 presented to this Assembly on Monday 16 April 2012, copy of which has been circularized amongst Honourable Members, be and is hereby approved.”

Question again proposed.

(4.48 p.m.)

The Minister of Industry, Commerce and Consumer Protection (Mr C. Sayed-Hossen): Mr Speaker, Sir, I stand to express a few comments on the Government Programme 2012-2015 which was read by the Acting President of the Republic of Mauritius on 16 April last.

I wish to start by congratulating the hon. Prime Minister for the bold re-defining of Government’s action and orientation at a point in time when our country is confronted with a most hostile international environment.

I also wish to congratulate Her Excellency, the Acting President of the Republic of Mauritius for her masterful delivery over more than two hours. As has been pointed out by a few of my colleagues, it is the first time that a lady delivers the Government Programme’s Speech.

M. le président, je suis ici, entouré des troupes du Premier ministre, solides, unifiées, solidaires, non seulement d’un *Leader*, mais de la vision du *Leader*, de sa philosophie sociale, de son rêve d’une nouvelle Ile Maurice, de sa recherche d’une société plus juste et plus équitable,

les troupes d'un Premier ministre, chef de la majorité, chef du gouvernement, capitaine rassembleur et inspirateur, dont cependant, il y a quelque temps, disait le *Leader* de l'opposition, je cite –

"Il ne contrôle déjà pas grand-chose - c'est avant le 01 mai, M. le président – et ne contrôlera plus rien après le 1 mai."

Regardez, M. le président ! En face, M. le président, des banquettes vides, des banquettes augustes, certes ! Dans une assemblée auguste ! Mise à part la présence que je salue, d'ailleurs, de l'honorable François, de l'honorable Guimbeau. Mais, je voudrais dire que ces sièges ne sont pas vides, ils sont désertés, parce que c'est comme cela qu'on appelle quelqu'un qui délibérément, volontairement et sciemment abandonne son devoir et manque à ses responsabilités, on l'appelle un déserteur, M. le président, parce qu'il est question ici de devoir. Je veux faire mon devoir de parlementaire et parler du programme. Mais, puisque ces banquettes vides nous interpellent tous, *I will go through first things first.*

Imaginons, M. le président, une leçon d'histoire dans dix ans ou dans quinze ans, imaginons, les bébés d'aujourd'hui, les nourrissons d'aujourd'hui qui n'ont jamais entendu parler ni de parrain ni de marraine et qui auront dans dix/quinze ans et qui liront dans un texte d'histoire à l'époque et qui apprendront qu'en mai et en juin 2012, l'opposition dite honorable, a choisi de boycotter les débats sur le programme gouvernemental 2012-2015. Et ces bébés d'aujourd'hui qui auront quinze ans se demanderont pourquoi ? Mais, en fait, pourquoi, M. le président ? Est-ce parce que le *remake* en a décidé ? Est-ce parce que le parrain en a décidé ? Est-ce parce que la marraine en a décidé ? D'après ce que j'ai compris, par suite de nombreuses déclarations qui ont été faites, entre autres par le *Leader* de l'opposition, parce que ce gouvernement est illégitime, M. le président, qu'ils ont dit. C'est un outrage, M. le président ! *It's a shame !*

Cette assemblée Nationale est l'assemblée la plus souveraine de tout ce pays. Mais cette souveraineté de l'assemblée n'est pas une souveraineté innée. Elle découle d'une autre souveraineté plus grande, plus absolue encore, la souveraineté populaire, celle qui découle du peuple, et nous sommes tous ici, y compris ceux qui sont absents cet après-midi, parce que le peuple l'a voulu, parce que le peuple nous a choisis, parce que le peuple a logé en nous, *has vested in us* sa souveraineté.

Alors, dire que ce gouvernement est illégitime est un outrage à la nation et à la souveraineté du peuple, M. le président. Eux aussi, ceux qui sont absents cet après-midi, sont des élus du peuple. En eux aussi, a été déposée une partie de cette souveraineté. Et que choisissent-ils de faire ? De tourner le dos, d'abandonner la mission qui leur a été confiée, de prendre congé de leur responsabilité.

Il est une race de politiciens, M. le président, qui ne respecte pas le peuple, qui ne respecte pas l'intelligence du peuple, qui pense même que le peuple n'a pas d'intelligence et qui pense que le peuple n'a pas de mémoire, et qui peuvent dire et qui peuvent faire n'importe quoi et qu'ils n'auront pas de compte à rendre. Parce que si le peuple n'a pas de mémoire, eux n'ont pas de *accountability*, eux n'ont pas de responsabilité. Cette race de politiciens, c'est eux, M. le président, qui sont absents cet après-midi, à l'exception des honorables Guimbeau, François et Cehl Fakeemeeah. C'est ça, M. le président, qui prétend représenter l'alternance. *God forbid, Mr Speaker, Sir !*

Mr Speaker, Sir, we stand here to defend sacred values, democracy, the rules of the game of democracy, sovereignty of the people, national legitimacy and representativity. These are not only words, but these are sacred institutions. These are a sacred trust, because these have been bequeathed to us by our forebears like a light, like a flame, sparkling and powerful, Mr Speaker, Sir, yet vulnerable.

By our forebears who have suffered anguish, the anguish of despair, the pangs of injustice, the ignominy of dominance over many, many decades, in a way that none of us, in this Chamber, has ever suffered. Mr Speaker, Sir, this is the inheritance that we hold in us and this is the inheritance that the Opposition has decided, has chosen to spit upon. This is the trust that they have betrayed, Mr Speaker, Sir.

Mr Speaker, Sir, history will not absolve them, because they place their partisan interests above the interests of the people, because their family interests drive the agenda of their politics. History will not absolve them, Mr Speaker, Sir, because they have no respect for this nation, for this country and for these institutions, because in spite of their oath of allegiance to this country, their allegiance actually is to their own petty interests. History will not absolve them, because in these solemn circumstances, where we are debating the programme that will move this country ahead and forward over the next three years, their seats are empty.

Ils sont éparpillés dans les couloirs, M. le président, somnolant au salon, se regardant en chien de faïence probablement. Et nous, ici, M. le président, les troupes du Premier ministre, nous sommes autour de ce Premier ministre qui le 01 mai a reçu un témoignage massif de confiance d'une foule immense *and to be capable of mustering such support, such trust, such allegiance, Mr Speaker, Sir, can only be the hallmark of true leadership.*

Actually, this is what leadership is all about. This is what dedication to a country and to its interests is about, this is what vision and clarity of guidance is about and it is this vision and this clarity of guidance that has steered this country clear of the path of dereliction onto which the MMM/MSM Government had led in 2000/2005.

This is the vision and the clarity of guidance that has kept the country socially and economically afloat. Since this Prime Minister assumed office in 2005, in spite of extremely difficult international economic factors. This is the vision and the clarity of guidance and of purpose which has kept the country afloat, not only kept the country afloat, but inspired this Government to instill growth to the national economy, to maintain the trend for wealth creation, to create the conditions for employment generation, to strengthen the capabilities of the Welfare State. These are creative, concrete, positive, people friendly measures that have changed for the better our people's living conditions, that have uplifted the more vulnerable among us, that have protected our senior citizens and that have prepared the future through laying the foundations of a better tomorrow, through growth, nation-building, consolidation of the Welfare State and consolidation of democracy.

Having said this, Mr Speaker, Sir, I wish to bring to the attention of the House that this Government considers that the manufacturing sector which is under my Ministry has a key role to play for the continued structural transformation of the Mauritian economy. The Labour and PMSD Governments of the sixties took measures to pioneer development of the industrial sector in Mauritius through the development of import substitution industries. The same Government took a breakthrough measure with the setting up of the Export Processing Zone and successive Labour/PMSD Governments have charted the growth path of the industrial sector.

These measures have paid handsome dividends, Mr Speaker, Sir, to reduce unemployment which, in the early sixties, stood as high as 20%, notwithstanding its contribution to raise the standard of living for the population at large including the empowerment of women who form a large segment of the labour force in the sector.

Let me just quote some figures, Mr Speaker, Sir:

- Upon assumption of power in 2000, the MMM/MSM Government brought havoc to the export sector; growth rate declined by -6.3%, -4.6%, -5.8% and -6.4% in years 2002, 2003, 2004 and 2005 respectively.
- The opposite is true during the period 2005 onwards. Growth rate increased by 8.2%, 11.2%, 1.6%, 6.5% and 7.8% in years 2006, 2007, 2008, 2010 and 2011 respectively. We only had one bad year in 2009 which was – I would like to recall that - in the aftermath of the severe global economic crisis of 2008.
- During the period 2002-2005, growth rate in the manufacturing sector was low or negative:

2002:	-1.4%;
2003:	0.9%;
2004:	0.3%;
2005:	-3.2%.

- For the period 2006-2010, growth rate in the manufacturing sector was:

2006:	5.1%;
2007:	2.9%;
2008:	3.2%;
2009:	2.0%;
2010:	2.2%.

The positive growth during the successive years between 2006 and 2010 has been here, in spite of the triple shocks that did not even spare developed economies.

This Government, Mr Speaker, Sir, has turned around a manufacturing sector from its anaemic performance and put it on a positive growth path.

There is a very clear message that emerges from these figures. The positive performance during the period 2006-2010 emanated from greater confidence among investors when this country is guided by this Prime Minister, Dr. the hon. Navinchandra Ramgoolam, as this Government is associated with predictability, ability to support enterprises to turn around difficult situations and particularly to provide the necessary conducive business environment.

This present Government Programme, Mr Speaker, Sir, has been presented in an environment where the sector is confronting a new era, where challenges are completely

different. These challenges require bold and avant-garde measures. We can no longer rely on many of the factors that have favoured the development of the manufacturing sector in the old days, such as trade preferences, tariff protection and cheap labour. We cannot either remain complacent in face of the whirlwind that is sweeping over Europe and which represents a very serious threat to the health of the global economy. Mauritius, as a small island state, is most vulnerable.

The economic crisis in the Eurozone, which has shaken the very foundation of the European Union, is now expected to last longer than initially projected. The economic uncertainty in that Eurozone is accentuating, divergence among leading EU members on choice of economic policy is not at all reassuring for us. High unemployment exceeding 25% among certain European Union Member States is further compounding the economic difficulties. And according to most economic analysts, the dark clouds besetting the Eurozone are not expected to clear soon.

We, in Mauritius, cannot sit on the fence and adopt a wait-and-see approach. In this context, Mr Speaker, Sir, in respect of the manufacturing sector, the Government Programme provides for a mix of balanced measures to chart out a course of action so that not only we can tackle the impact of the global crisis but so that the sector can come out with greater strength and resilience.

The measures announced in the Government Programme rest on a clear-cut strategy to boost and diversify exports, to upgrade technology, to dynamise investment, to strengthen industrial infrastructure, to foster productivity and to develop a new policy of quality among key thrusts to ensure a greater dynamism for the manufacturing sector.

I will dwell on a few main activities, Mr Speaker, Sir, undertaken and to be undertaken under the new Government Programme. In respect of export promotion, we have worked out a new export development plan that will help to consolidate our exports, enhance product visibility and especially diversify our export markets.

Among other activities, I will mention the setting up of the *Observatoire de l'Industrie* recently set up and which is being boosted to be used as a platform to provide invaluable economic and business information to the business community. The platform is being upgraded so that in the medium term, it will become a key tool to assist enterprises in taking better informed decisions.

My Ministry has revived the Industrial Advisory and Monitoring Council, comprising key public and private sector stakeholders, the objectives of this being to closely monitor industrial performance; to assess the needs of the sector, and to look into eventually necessary policies and measures.

As we all know, Mr Speaker, Sir, Mauritius is a small island economy which has to rely mostly on the export market. And over a number of years, we have focused too much on the EU market which represents 65% of our total exports. Today, this market is shrinking and is in the midst of an economic turmoil.

We can no longer afford, Mr Speaker, Sir, to tread on the beaten tracks. In line with the Government Programme 2012-2015, we are adopting innovative approaches towards export promotion for greater effectiveness where public money is not wasted in events and programmes with little outcome.

- (i) A *cahier des charges* will be developed for export promotion events to ensure that the appropriate process is followed to minimise risks of failure and maximise outcomes;
- (ii) we will emphasise on export readiness programmes with a crucial objective to enable our Small and Medium Enterprises to join the bandwagon of exporters;
- (iii) we will consolidate and reinforce in-depth consultations with private sector institutions and enterprises to better assess their needs and to better assist them;
- (iv) we will work closer with clients to better respond to their requirements and to align our products to our consumer preferences;
- (v) we will put greater emphasis on new markets in Africa and emerging countries so that we do not lose on opportunities that can help diversify markets in the medium to long term, and
- (vi) more inward buying promotional campaigns would be organised to enhance our visibility and to support a larger number of SMEs which, on their own, cannot embark on export promotion campaigns abroad.

Mr Speaker, Sir, the industrial sector is at a stage of development where there is a need to promote production of quality, innovative, eco-friendly and among others technology driven products.

My Ministry has set itself the goal to promote, on an incremental basis, the adoption of appropriate technology by our enterprises to stand up to the challenges of a globally competitive environment. Enterprises have to keep pace with the fast changing panorama in the field of technology with the ultimate aim to remain competitive in the global trading arena.

However, at this stage we need a better appreciation of the status of technology uptake in the manufacturing sector, the constraints being encountered, and measures required to accelerate the process of modernisation. In this context, we are coming up with an industrial technology development plan that will look at, among others -

- the current status of technology in different subsectors;
- benchmarking/technology gaps;
- resource needs to bridge such gaps, and
- support measures to address the gaps.

This plan will constitute the tool to reshape the industry to a higher level of operations where they can be competitive in niche markets where the manufacturing sector now has to focus its attention.

Mr Speaker, Sir, technology is one key aspect to raise industrial competitiveness. However, our enterprises have also to ride on the crest of productivity, which constitutes the mainstay for competitiveness. It is in this context, Mr Speaker, Sir, that we are coming up with the industrial productivity enhancement programme as we do not want our enterprises to lag behind our competitors.

This productivity programme will first provide for a study that will:

- assess the level of productivity among selected sectors;
- identify the constraints being encountered, and
- bring remedy programmes required.

Mr Speaker, Sir, productivity and technology of course are crucial ingredients for competitiveness. However, we also need to develop a new approach of networking to provide more chances for productivity and technology and other factors to gain momentum. In this context, the Government Programme provides for a novel approach in the industrial landscape

where greater cooperation will be instilled between the industry and other stakeholders such as Ministries, support institutions, universities, research organisations and funding agencies.

Experience has shown that the adoption of a cluster based approach is more effective in providing the necessary environment towards the realisation of projects. There are many stakeholders whose engagement is vital and a cluster propelled by a key driver very often results in better synergy, thereby accelerating the implementation process.

Another strategic dimension for industrial development, Mr Speaker, Sir, will rest on industrial consolidation as well as the development of new growth poles to diversify and provide greater resilience to the industrial base.

Investment in the industry sector will be crucial for its consolidation and diversification. However, higher levels of foreign direct investment and domestic investment in existing and new sectors cannot be left to fortuitous circumstances. We have to actively search for those on the move to delocalise and also encourage existing ones to expand their businesses. In this context, we need to develop a new industrial investment strategy to attract FDI and this is what is planned in the Government Programme, Mr Speaker, Sir.

To implement this, we will adopt a targeted approach where we will focus on specific activities that have the highest potential of growth in high value added sectors. At the same time, we need to direct our efforts to specific investors after a due profiling exercise.

Second, we need a new incentive and support framework to be able to lure investors to our shores. We cannot avoid developing this framework because our competitors in Asia, Europe, Latin America and elsewhere are implementing a plethora of incentives.

Third, we need to constantly benchmark ourselves with our competitors in the area of investment promotion and at the same time synergise with partner countries in our investment promotion campaign.

Fourth, Mr Speaker, Sir, my Ministry together with the Ministry of Finance and Economic Development and the Board of Investment will develop a roadmap with milestones, time bars and resources for joint investment promotion campaigns for the manufacturing sector.

There is, as far as industry is concerned, Mr Speaker, Sir, one last issue on which I would like to comment a few words. This is an equally vital element that we need to address in order to successfully modernise and expand the industrial sector. I am speaking about new industrial

infrastructure. We must reckon, Mr Speaker, Sir, that most of our industrial estates have served the present purpose to develop the textile and clothing sector. I reiterate that we need to promote high value technology intensive sectors for the next phase of our industrial development. We will work towards developing new industrial parks that can cater for such high value and technology intensive activities, including for targeted sectors such as medical devices and pharmaceutical. We need to develop in this respect dedicated sites together with built-up space for these activities.

Mr Speaker, Sir, I wish to mention a few points regarding development plans as per the Government Programme for the Commerce Division of my Ministry. Research has shown, Mr Speaker, Sir, that with an annual 8% growth of the vehicles on the island and a 5% growth in the consumption of Mogas and gasoline, existing storage capacity for this fuel grade will probably be insufficient by the end of 2013 when shortages in supply on the market could become a regular feature, if no corrective measures are taken.

Growth in demand of petroleum products has not been accompanied by growth in storage capacity, except for the Jet A-1 tank near Sir Seewoosagur Ramgoolam International Airport. In general, available stocks in between shipments have shrunk for most products. Priority of consideration in this field has been given to the construction of storage tanks for petroleum products.

Furthermore, research has shown that Indian Ocean islands and Eastern and Southern Africa represent a 15 million tonnes market for petroleum products and if Mauritius is capable to capture only a 15% share of this market, revenues generated will amount to approximately 1.7 billion dollars which is equivalent to almost 20% of our present GDP. This strategic positioning can blend very smoothly with the ambitions of China and India in Africa. Moreover, in view of the growing piracy problem in the Indian Ocean, shipping lines are compelled to alter their routes, actually shipping lines are moving more and more south, which means, closer to us.

The unprecedented growth in demand in the emerging economies of Asia, particularly China and India, the tensions in the Middle East, the emergence of piracy and higher crude potentials in Africa, have shifted, maybe, the gravity of oil trade closer to our geographical zone. Until now, there are no petroleum hubs neither petroleum hubs projects in the region and Mauritius has to come first otherwise the current void might be filled by some other country.

I had the opportunity in the recent past to inform my colleagues of the restructuring process which the Consumer Protection Unit of my Ministry is undergoing. Indeed, during the State visit of the hon. Prime Minister to India earlier this year, I took the opportunity, because I was accompanying him, to request for technical assistance from the Indian Government in this context. Presently, we are working on a new set of legislations regarding consumer protection. This will enable us to have a new consumer protection regime which will be in line with international trends and will cater for consumers' education in view of the growing challenges in the trading and commercial landscape. In the same breath, my Ministry proposes to set up an ombudsperson for consumers. Consultations with all stakeholders are at present ongoing. The new consumer protection regime will include the following -

- consumer rights, including the freedom of consumers to associate and form groups, so as to advocate and promote their common interests;
- protection of consumers from hazards; all sorts of hazards for their well being and safety;
- protection of consumers from unfair trading and unfair business practices;
- the regulation of consumer credit, and
- establishment and operation of a national consumer council, which would encourage consumers' participation in the processes of decision-making.

A few words before I conclude, Mr Speaker, Sir, on price control. The prices of several basic commodities such as rice, wheat flour and milk powder have traditionally been administered in Mauritius. Administered prices have long represented a form of social protection in our country due to our dependence on imported staples such as rice and flour. In this respect, Government will continue to determine prices of controlled goods under the maximum price, maximum mark-up and maximum recommended retail price systems. We will establish and operationalise the appropriate legal frameworks to enhance the protection of interests and rights of consumers.

A new legislation pertaining to hire purchase and credit sale will be introduced to strike the right balance between promoting business and protecting consumer rights and interests. A committee has already been set up, Mr Speaker, Sir, in my Ministry with stakeholders both from the public sector and the private sector to work on the new legislation. In the first instance, my Ministry proposes to review the annual percentage rate on hire purchase, which has remained

unchanged since year 2000. The purpose is to ensure that the consumer is not being unfairly penalised and, at the same time, ensuring that the trading community operating in the hire purchase system does not impose exorbitant rates, whilst obtaining a reasonable profit. I wish to inform the House that this probably will come to a conclusion within a week or so.

Mr Speaker, Sir, I am sure that this country does not want to go again through what I consider as the 'dark years' for the production sector when the opposition was in power and when we witnessed massive closures of enterprises, job losses, contraction of exports negative growth rates during the four consecutive years.

In this respect, Mr Speaker, Sir, this Government programme provides for bold and innovative measures. These measures have been taken to address the new challenges emanating from the global economy and for the successful transition, among others, of the manufacturing sector to a vibrant, modern, diversified and competitive one. Altogether, they are aligned with the mission of our Government, in our Ministry, to sustain the development of a vital sector which has made enormous contribution to the economy and which needs to be supported, such that it may contribute further to the creation of wealth, to the generation of employment and to the overall betterment of the living conditions of our brothers and sisters.

I thank you, Mr Speaker, Sir.

(5.24 p.m.)

The Attorney-General (Mr Y. Varma): Mr Speaker, Sir, I rise to speak on the Government Programme 2012-2015. We cannot talk about the Government Programme without congratulating the hon. Rt. Prime Minister for this daring and innovative Government Programme. A special thank also goes to hon. Mrs Kalyanee Jugoo, the mover of this Motion.

Why a new Government Programme? This Government assumed office in 2010 for a mandate of five years. We are today in 2012 and we are with a new Government Programme. This is because, Mr Speaker, Sir, there has been betrayal. This is because people whom we trusted, people on whom we had trust, backstabbed us and they worked all sorts of manoeuvres to bring this Government into minority.

We went into the elections with our then partner, the MSM and gave them 17 tickets. Why 17? This is because we believed in them. Because we thought that they were sincere, that they would adhere to the Programme of the alliance. This is because we thought that they had unflinching loyalty towards the hon. Prime Minister and to the Government. But, unfortunately,

this was not the case. The trust that was bestowed upon them, they did not honour that trust. They decided, Mr Speaker, Sir, to leave the Government and to go into the Opposition.

Why a new Government Programme? This is because of serious economic difficulties on the international front. A Government comes forward with a new Programme, Parliament is prorogued, when we need to give a different focus, a different dimension to the action of Government. Since the situation as it was, the Government in its wisdom took the decision to come forward with a bold, courageous and innovative Government Programme. This Programme is the roadmap for the future. This Programme is a programme that will guarantee the future of the country, a Programme that the youngsters and the population at large will feel at ease with, a Programme that will take the country into a different era.

Mr Speaker, Sir, I spoke earlier on about the betrayal of our then partner who left the Government to go into the Opposition. Mr Speaker, Sir, they, themselves, when they were in Government, they did not miss one opportunity to sing praises of the hon. Prime Minister, of the actions of Government and, all of a sudden, everything changed. They decided that they needed a new alliance. They needed someone from outside to lead the alliance because they thought that they were themselves incapable, unable to lead such an alliance.

Mr Speaker, Sir, in 1997, when the Labour Party won the elections in the United Kingdom, the then Prime Minister, Mr John Major, said something which is worth repeating in the present circumstances. He lost the elections on 01 May 1997 and in the morning he made a declaration.

He said when the curtain falls it is time to leave the stage. This sentence Mr Speaker, Sir, is pregnant with meaning. People should understand when the curtain falls it is time to leave the stage and not to come forward to challenge the present Prime Minister.

The programme which has been presented covers a number of items, but given my capacity as Attorney General I will speak legal and judicial matters. Mr Speaker, Sir, the motto of this Government is to move the nation forward and move the nation forward in each and every aspect. We all know that the Judiciary, the legal sector forms a very important part in the administration of a country. In fact, Mr Speaker, Sir, it is one of the limbs of Government because we believe in the rule of law, we believe in a separation of powers and the judiciary is such an important limb of Government.

From 2000 to 2005 there was the Mackay Report which was prepared when the present Prime Minister was in his first mandate, which included a comprehensive set of reforms that were long awaited. What happened Mr Speaker, Sir? Nothing was done for five years. Fortunately, we came back to power and we started over again with reforms in the legal sector. From 2010 to 2012 everyone would appreciate that a number of reforms have been undertaken and we go through the programme 2012 and 2015, there are a number of other innovative measures concerning the legal and judicial sectors. Briefly, I will enumerate rather a few reforms that were undertaken. Since a very long time we've been speaking about divorce by mutual consent. As a practising Barrister and you yourself, Mr Speaker, Sir, as an Attorney, we know very well the number of divorce cases that we have before the Supreme Court and a Government in its wisdom thought that if a marriage has come to an end there should be less animosity. We should let the marriage finish on good terms, we came forward with a Bill, The Divorce and Judicial Separation (Miscellaneous Provisions) Bill like it was and Parliament voted and it became an Act, divorce by mutual consent is today a reality.

We are speaking about the Mackay Reforms; the Law Practitioners Act was amended last year. It has received the ascent of the President, it will come into operation on 03 September and it will bring about fundamental changes in legal education. Mauritians who get qualified as Barristers apart from Mauritius and the UK, in countries like Canada, France, New Zealand and Australia will be able to come and practise in Mauritius.

Time and again we have heard that the courses to qualify as a law practitioner should be reformed. The law which was passed last year makes that a reality. The courses will now be run by the University of Mauritius; experts from Nottingham Law School and *Université de Limoges* have been working in close collaboration with the University of Mauritius to set up that course which will be a reality in the month of September.

Pupillage Mr Speaker, Sir, the practice as it is now, someone knows a Barrister or an Attorney, he contacts the law practitioner and they start pupillage without any proper structure, without any report, without any accountability, but this will change again. The Council for Vocational Legal Education will be responsible for the placement of pupils and also for a proper follow up. In most of the jurisdictions, Mr Speaker, Sir, the legal profession has to go through continuing professional development programmes and this is again mentioned in the Mackay Report and unfortunately nothing was done for so long. Government, in its wisdom, came

forward with the Act and again CPD will be compulsory as from September and more precisely on 03 September, regulations are being prepared in that respect.

When I was a Government backbencher Mr Speaker, Sir, during one of my interventions, I said that it cannot be the case that someone is a barrister on one day and on the next day, he or she becomes a Magistrate. We came forward with a piece of legislation, again Mr Speaker, Sir, judicial training will now be compulsory as from September. It means that to qualify to become a Magistrate or a Judge, a course should be followed. As the House is well aware, the Institute for Judicial and Legal Studies has been set up and it will become operational during the month of July.

Mr Speaker, Sir, speaking about the reforms, there cannot be reforms without certain form of resistance. The profession of Usher, as you are all aware, there was a lot of debate about whether we should liberalise the profession of Usher or not. The Mackay Report so recommended; there was some sort of resistance, but the Government again showing its determination came forward and we liberalised the profession of Usher and this again will be a reality this year.

Mr Speaker, Sir, the Government Programme speaks about the setting up of a Court of Appeal and the High Court of the Supreme Court. Mr Speaker, Sir, the Government in 2010 took the decision that the Constitution (Amendment) Bill and the Judicial and Legal Provisions Bill should be circulated for public consultation. These two Bills, Mr Speaker, Sir, aim at: firstly, setting up a Court of Appeal Division and a High Court Division of the Supreme Court and secondly they aim at reviewing the composition of the Judicial and Legal Services Commission which is again mentioned in the Government Programme. These two issues Mr Speaker, Sir, are very important. Why I say so? As the situation is, judges of the Supreme Court are also justices on appeal and in our Constitution it is written clearly that the judges of the Supreme Court shall, for the time being, be judges of the Supreme Court. Judges on appeal will, for the time being, be Judges of the Supreme Court. It means that way back in 1968 our founding fathers knew that one day or the other, we should set up this Court of Appeal and Government, in its wisdom, came forward with that proposition in 1997. And again, we are working on the proposition, Mr Speaker, Sir, after the representations which we received after the public consultation, after several meetings were held with different stakeholders, we will be coming forward with these

two pieces of legislation to set up the Court of Appeal, the High Court and also, to alter the composition of the Judicial and Legal Services Commission.

Why do we need to alter the composition of the Judicial and Legal Services Commission, Mr Speaker, Sir? Till now, the Commission is composed of Judges and the Chairperson of the PSC. In many democracies, I am speaking about the United Kingdom, speaking about Australia; the Commission has also other members in the legal sector. It is not restricted to Judges or Magistrates. We need to open up, Mr Speaker, Sir. Precisely, this was recommended by the Mackay Report and Government will come forward with it, as stated in the Government Programme. We will make provisions, Mr Speaker, Sir, so that the DPP, the Solicitor General, a member of the civil society, also form part of the Judicial and Legal Services Commission.

Mr Speaker, Sir, our Government Programme 2012-2015 also speaks about the review of the Asset Recovery Act. This unique piece of legislation was introduced in the National Assembly last year. This piece of legislation which enables the State to recover, to seize property which are proceeds or instrumentalities of crime, a unique legislation was passed by the National Assembly and has force of law, but Government has thought, in its wisdom, that we should amend it, and maybe as the Prime Minister has stated, for it to have certain retrospective effect. We are working on the piece of legislation. The Amendment Bill, Mr Speaker, Sir, is under preparation at the level of my office.

Mr Speaker, Sir, the Government Programme also speaks about the follow-up on the electronic monitoring of suspects in cases of bail. Last year, we got through the Bail (Amendment) Act. What does the Bail (Amendment) Act do? First of all, for the first time the Bail and Remand Court remains open during weekends and on public holidays. For the first time, in the history of this country! In many other jurisdictions as well, this is not the case, but for the first time we have got a court which sits during weekends and also, on public holidays. It means that people who were complaining in the past that the Police act arbitrarily, arrest people on Fridays and they stay in custody till Monday; this is no longer the case, Mr Speaker, Sir. Once, a person is arrested on a Friday, he has to appear before court on a Saturday and is released on bail. This is an innovative measure, unique to our country.

We made the possibility for there to be a non-financial surety for persons who cannot afford to be released on bail on financial conditions. Release on parole which was limited to weekends, now release on parole can also be done during weekdays. As far as the project of

electronic monitoring of suspects, the project is being followed. The project has to be implemented by the Police and they have already started the procedures. The Police have informed me that next year, electronic monitoring of suspects will be a reality.

Mr Speaker, Sir, time and again, we have received representations from members of the public as regards legal aid. The Government Programme makes it clear that the Legal Aid Act will be reviewed. Mr Speaker, Sir, we have walked the talk already. The Legal Aid (Amendment) Bill is already before the House and prior to bringing the Legal Aid (Amendment) Bill, we have come up with regulations to increase the threshold to become eligible for legal aid. Long time ago, the salary was Rs5,000 maximum and the value of property Rs75,000. We have increased it since the beginning of the year. The ceiling has been raised from Rs5,000 to Rs10,000 and the value of property has been increased from Rs75,000 to Rs500,000. This Legal Aid (Amendment) Bill, Mr Speaker, Sir, the first time in the history of this country, we will be introducing legal aid at Police enquiry stage and for bail applications. It means that the poor man who cannot afford to hire a barrister will be able to obtain legal aid from the time of arrest, Mr Speaker, Sir. We are fully aware of the number of confession-based convictions that we have got in this country and this will be a way to curtail that, Mr Speaker, Sir.

Mr Speaker, Sir, the Government Programme, again, speaks about a Police and Criminal Evidence Bill. As the House may be aware, this Police and Criminal Evidence Bill has already been circulated for public consultation. It does not mean that now that this has been announced in the programme that we are going to start work on it now. On the contrary, we have again shown that we mean business. It has already been circulated for public consultation. We have received representations from all the relevant stakeholders and also there was a special session of the Mauritius Bar Association which were held precisely on that point. But, why do we need a Police and Criminal Evidence Bill? Mr Speaker, Sir, our Judges' Rules are outdated. Our Judges' Rules do not have force of law. We need to have a law that will guarantee the rights of suspects and also, the rights of victims. We need a piece of legislation that can carry out that balancing exercise.

Mr Speaker, Sir, the Bill which has been circulated, for the first time introduces the rights of victims, for the first time, we have said in a piece of legislation that where there is a simple allegation, the Police cannot arrest. The Police should carry out a preliminary investigation

before deciding what to do. It is the first time that we have come forward with such a piece of legislation in line with international norms and standards, Mr Speaker, Sir.

The Law Reform Commission is doing an excellent job and has extended all its support to this project. Shortly, with the help of the British High Commission, two experts from United Kingdom will be here to help us finalise the whole piece of legislation which will be before the House by the end of the year.

Mr Speaker, Sir, the Government Programme, again, speaks about consolidation of our Tribunals. We have seen that there are too many Tribunals. We have seen that we need to merge some of these to, first of all, improve their efficiency and a better allocation of resources. Again, Mr Speaker, Sir, it is not only something that has been included in the Programme. We have already started work on it. The Environment and Land Use Appeal Tribunal Act was passed by the National Assembly which consolidates the Environment Appeal Tribunal and the Town and Country Planning Board. We will be coming forward with two other pieces of legislation: the Revenue and Valuation Appeal Tribunal which will merge the Assessment Review Committee, the Board of Assessment and the Valuation Tribunal.

Thirdly, we will come forward with a Regulatory Authorities Appeal Tribunal which will encompass the other Tribunals wherever possible. We are here speaking about Tribunals like the ICT Appeal Tribunal. We are speaking about Tribunals like the Cooperative Tribunal. We are speaking about the Medical Disciplinary Tribunal, among others.

Mr Speaker, Sir, if we go through the Revised Laws of Mauritius and we just flip through the pages till we reach the *Code de Procédure Civil*. We will see that way back in the year 2000 or 2001, the then hon. Attorney General said that *Le Code de Procédure Civil* needs to be reviewed and, therefore, there is a note in the Revised Laws of Mauritius that this is pending, the reforms that will be undertaken and the new *Code de Procédure Civil* would be included. Again, Mr Speaker, Sir, nothing was done. Nothing was done for so many years. 2000 to 2001, nothing was done! Now, with the help of the Law Reform Commission, with the help of Professor Garoz, this will become a reality. The Law Reform Commission has already submitted a number of reports on the project and we are going ahead as per the Government Programme.

Mr Speaker, Sir, time and again, hon. Members of Parliament or other members of the public have spoken about the Certificate of Morality. They have said that it takes time to

process. Perhaps, it is unfair in certain cases that someone was convicted years back with a fine and this still appears on the Certificate of Morality. Government, in its wisdom, again, Mr Speaker, Sir, approved that the Certificate of Morality Act be repealed and replaced by a Certificate of Character legislation. Why Certificate of Character? Why not Morality? Morality is something subjective, Mr Speaker, Sir. My interpretation of morality can be different from others. That is why we have decided to come forward with this piece of legislation which will introduce the concept of spent convictions. That is, a person who has been convicted of a minor offence, a couple of years after, will be able to have a clean Certificate of Character. This will enable them, Mr Speaker, Sir, to reintegrate society, to get a job and to turn over a new leaf.

Mr Speaker, Sir, I have got two last points. We are also, currently working on a Juvenile Justice Bill. A Juvenile Justice Bill was approved by Government and work is underway. Again, our Juvenile Offenders Act has done its time. It is time to review the legislation and have it in line with international norms and obligations.

Mr Speaker, Sir, while speaking about the Juvenile Justice Bill, I cannot omit to mention the Family Court which has been mentioned in our Government Programme. Mr Speaker, Sir, we really need a proper Family Court with the adequate facilities and infrastructure. Why is it being said that we need a Family Court? Mr Speaker, Sir, today as the situation is, we do not have the proper infrastructure with the supporting staff in the Family Court. We do have a Family Division of the Supreme Court which is doing a wonderful job, but Government feels that we need a Family Court with the adequate infrastructure, with psychologists, supporting staff to be able to carry out the work of a Family Court in a less formal matter and also to have follow-up. Why I say follow-up, Mr Speaker, Sir? Say, husband and wife have got divorced and there is a child and a *droit d'hébergement* has to be exercised. How is it done nowadays, Mr Speaker, Sir? The child is taken to a Police station or he is taken in the yard of a Municipality or a park where the father or the mother comes to take the child. And again, when they have to get back on Sundays, this is done the same way. What the Government is proposing is to have a proper court where the exercise of the *droit d'hébergement* is done in Court with the proper setting, with the proper infrastructure and with the proper staff.

Mr Speaker, Sir, with these words, again I would like to congratulate the Government for coming forward with such an innovative Programme and again, with the spirit that prevails in Government, we will persist and we will prevail.

Thank you, Mr Speaker, Sir.

Dr. Bunwaree: Mr Speaker, Sir, I move for the adjournment of the debate.

Mr Aimée rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

(5.57 p.m.)

PUBLIC BILLS

Second Reading

THE CRIMINAL CODE (AMENDMENT) BILL

(No. VIII of 2012)

Order read for resuming adjourned debate on the Criminal Code (Amendment) Bill (No. VIII of 2012).

Question again proposed.

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): Mr Speaker, Sir, this is a very special moment of my life. I have had so many special moments in my life and, today, this is one among them. It is a very special moment of my life, Mr Speaker, Sir, because I am standing in this august Assembly to express myself on an issue which is for me of very great importance. It is for me, Mr Speaker, Sir, maybe the most important thing that I am going to say in this Assembly since I have been elected Member of the National Assembly in 1995.

We, Members of this Assembly, have to position ourselves on the issue which we are debating today in this House. For me, it is either for life or for the destruction of life. In this country, so many people are fighting for life to protect life, to protect the environment, so many NGOs, so many individuals. Those who love nature, they are fighting for the protection of nature, for the protection of plants, of trees. They are fighting for the protection of animals, of rare species. Mr Speaker, Sir, so many people around in this world, are fighting to protect life.

For me, Mr Speaker, Sir, the life of a human being is the most important of all, they need our protection. It is not only about a body, a foetus or an embryo to be protected; it is also about a soul, about a spirit which is part and parcel of that body. When the soul leaves the body, everything stops. The body stops breathing and this is what we call death. When we are killing a body by abortion or interruption of pregnancy or by whatever other name you want to give it,

you are against the law of nature, against the law of mankind; for me, Mr Speaker, Sir, it is a murder. I am not for this Bill, for this legislation, Mr Speaker, Sir.

But I am for the abortion only when the life of the mother is in danger. When the pregnancy will result into the death of the pregnant woman, I am for abortion in this only case but, Mr Speaker, Sir, according to me we don't need this legislation, this Bill, to come over to this specific situation when we need to save the life of the mother.

It is already the practice actually in our hospitals, in our private clinics. I know of a case where one person's life whom I know was in danger because of her pregnancy. What happened in the hospital is that a medical team met, they discussed about it, they made recommendations and then they practised the abortion to save the life of the mother. I have been made to know that in private clinics and in private hospitals also, when we come to such a case, it is referred to the Medical Board. The medical practitioners, whatever their grade, are compelled to *donner assistance à personne en danger et ça c'est une responsabilité citoyenne et légale. C'est pour ça que, selon moi, il n'y a pas lieu de cet amendement pour qu'on puisse dans ces cas-là pratiquer l'avortement pour sauver une femme dont la vie est en danger.*

Mr Speaker, Sir, abortion or interruption of pregnancy is not only for me of medical, social or economic concern. It is, as I said, most importantly a spiritual concern. Mr Speaker, Sir, we cannot dissociate the body from the soul. Very often, when we are debating this Bill in the House or outside, we have the impression that we are debating on either we are pro-life or pro-choice, but this is not the case, because here we are debating abortion in only some four specific circumstances. For part (a) of the Bill which concerns the mother, whose life maybe is in danger and for that, as I said, we can go through other legislations through the penal code. I must say, Mr Speaker, Sir, that 97% of all countries of the world are already practising abortion in such cases and even the 3% which remains - three or four countries are concerned - even there the legislation is not that clear concerning the case of pregnancy that will result in the death of the mother, whether it is clear-cut that they don't have the legal authority to do so. It is not yet clear.

Concerning part (b) where it concerns mostly women who have mental disorders, problem of illness, Mr Speaker, Sir, I think this is the part which will leave the door large open for abuse of this legislation, because one might say, the woman is mentally disturbed or is stressed or has a tendency to commit suicide and all sorts of reasons can be evoked so that to

have the possibility of having abortion under this specific provision of the Bill which we are discussing about and I cannot associate myself with such a part of this Bill.

The third one is about malformation. Concerning malformation, severe or not, I have heard so many times the medical practitioners said that there is no 100% viable diagnostic to confirm whether the baby will be born with severe malformation. So, Mr Speaker, Sir, for me, immediately, I write off this section also because, according to me, handicapped, less able or disabled persons also have the right to live and they have the right for love. This is my point of view, Mr Speaker, Sir.

I could have understood the fourth part in the case of incest only. But, Mr Speaker, Sir, incest may bring severe damages to the family, social damages, economic damages and so on. But the spiritual dimension of life is so powerful, Mr Speaker, Sir, that one can easily overcome all the problems with love. Again for me, the soul and the faith we have in ourselves and in God makes the difference in everyday's life Mr Speaker, Sir.

M. le président, en ce moment, nous débattons de l'interruption de grossesse dans des cas spécifiques. En Amérique, plus précisément aux Etats-Unis, le Congrès vient de débattre le *Sex Selective Bill*, c'est-à-dire, M. le président, concernant l'avortement par choix en se basant sur le sexe de l'enfant. Actuellement dans certains pays dits avancés, des femmes se font avorter. Si elles ne sont pas satisfaites du sexe de l'enfant qu'elles portent, donc elles se font avorter. Donc, dans ces pays dits avancés, nous sommes arrivés à ce stade. Pour moi, aujourd'hui - *this is the case, we can go and check* - nous sommes en train de débattre l'avortement dans des cas spécifiques seulement pour aujourd'hui. Demain ce sera l'avortement tout court et après, cela va être le *sex selective abortion* et certains vont appeler cela le progrès. Moi, j'appelle cela, M. le président, de la banalisation de la vie, et si on va dans cette direction, il ne faut pas s'étonner qu'il y ait à l'avenir encore plus d'autres meurtres, assassinats crapuleux. Tout cela pour moi est le résultat de cette banalisation de la vie, la vie des autres, la vie qui est ainsi en train d'avoir de moins en moins d'importance pour nous, M. le président.

En général, M. le président, je ne peux souscrire à une telle loi et avant de terminer, je voudrais communiquer ce que Dieu de par ma connexion, je dirai spirituelle, m'a donné comme message pour vous transmettre aujourd'hui dans cette auguste Assemblée. Oui, M. le président. Donc, c'est un moment solennel parce que, pour moi, l'avortement est une affaire de notre créateur, du grand architecte de l'univers qui est l'âme suprême et c'est par le psaume 139

versets 13 à 16 de la Bible qu'il m'a demandé, M. le président, de m'arrêter et de méditer car la vie commence dans les entrailles de la femme, symbole de l'amour pour toute l'humanité.

I will quote now from the Bible Psalm 139 *versets 13 à 16* -

"You created every part of me; you put me together in my mother's womb. I praise you because you are to be feared; all you do is strange and wonderful. I know it with all my heart. When my bones were being formed, carefully put together in my mother's womb, when I was growing there in secret, you knew that I was there".

J'ai dit M. le président.

(6.11 p.m.)

Mr T. Henry (Third Member for Mahebourg & Plaine Magnien): M. le président, tout d'abord, je voudrais féliciter l'Attorney General et toute son équipe pour l'introduction du Criminal Code (Amendment) Bill.

Les amendements apportés à cette loi vont nous permettre de mettre un terme aux pratiques de certains braconniers qui mettent trop souvent en péril la vie des femmes et des jeunes filles mauriciennes. C'est le début de la fin, M. le président, pour ces braconniers. C'est aussi le début de la fin pour toutes les pratiques illicites liées aux interruptions de grossesse et qui ont contribué à la victimisation des femmes. Les premières victimes des interruptions de grossesses sont les femmes de milieux défavorisés.

Ces femmes subissent, souvent contre leur gré, des avortements dans des conditions déplorables, dans des cabinets médicaux de fortune, avec des instruments inappropriés qui font que l'interruption de grossesse s'apparente plus à un exercice de torture qu'à un acte médical.

Certaines de ces femmes ne survivent pas ou alors celles, qui ont un peu plus de chance, peuvent s'en sortir mais au prix de grandes souffrances et gardent des séquelles aussi bien physiques que morales durant le reste de leur vie.

M. le président, mon intention n'est pas de noircir la situation outre mesure et je vais donc passer sur les détails les plus atroces mais c'est une réalité et nous ne pouvons l'ignorer.

La triste réalité c'est que l'interruption volontaire de grossesse existe bel et bien qu'on le veuille ou non et il s'agit de ne pas se voiler la face. Elle se pratique dans tous les milieux et celles qui ont les moyens choisissent souvent de se rendre à l'étranger pour interrompre leur grossesse.

Il s'agit aujourd'hui, M. le président, d'avoir le courage de prendre les mesures qui s'imposent, notamment pour sauver la vie de ces femmes qui, parce qu'elles n'ont pas les moyens, ont recours à des méthodes qui mettent leur vie en péril.

Il s'agit aussi, M. le président, de rendre leur avenir à ces jeunes filles victimes de viol ou d'inceste qui se retrouvent confrontées à une grossesse non désirée et se retrouvent diminuées sur le plan psychologique.

Prenons le cas d'une mineure, victime de viol ou d'inceste. Déjà, sur le plan anatomique, elle n'est pas préparée pour une grossesse. Quel est son avenir si elle se retrouve enceinte contre son gré et à la suite des sévices? Après avoir déjà vécu un premier traumatisme, celui du viol ou de l'inceste, c'est un autre traumatisme qui s'abat sur elle si elle doit se faire avorter dans des conditions précaires. Dans de pareils cas, une jeune fille, à qui on a voulu dérober son avenir, doit avoir la possibilité de le reconstruire dans les meilleures conditions possibles.

C'est ce que ce projet de loi veut permettre, M. le président, et c'est pour cette raison que j'ai dit que j'ai félicité l'Attorney General pour avoir présenté ces amendements au Criminal Code. Ces amendements à la loi ne sont en aucun cas une carte blanche à l'IVG. Ils sont introduits uniquement dans des cas spécifiques.

M. le président, j'aimerais rappeler à la Chambre ces quatre conditions -

- lorsque la vie de la mère est en danger;
- lorsque la santé physique ou mentale de la mère est menacée;
- lorsque les spécialistes attestent qu'il y a un risque substantiel si la grossesse se poursuit que cela résulte en une malformation importante chez l'enfant;
- lorsque la grossesse n'excède pas quatorze semaines et qu'elle soit le résultat d'un viol, d'un cas d'inceste ou de relations sexuelles avec une mineure de moins de seize ans.

En aucun cas, ce gouvernement, M. le président, n'a l'intention de régulariser les IVGs ni de faire en sorte qu'elles soient pratiquées dans n'importe quelles conditions. C'est une garantie supplémentaire pour qu'il y ait un contrôle strict des IVGs. Il faut que les IVGs puissent se faire, mais dans les meilleures conditions possibles pour la santé et la sécurité de la femme. Il s'agit tout simplement de donner un choix aux femmes et aux jeunes filles de ce pays, un choix dont elles ont été trop longtemps privé et qui les a forcées d'agir dans la clandestinité; qu'elles soient riches ou pauvres, que ce soit une femme adulte ou une jeune fille.

Notre loi, il faut le reconnaître, était archaïque. Il est important de remettre les pendules à l'heure. Remettre les pendules à l'heure veut aussi dire permettre à l'île Maurice de rejoindre le train des pays développés, des sociétés modernes, tolérantes et qui rejettent toutes les discriminations, plus particulièrement les discriminations envers les femmes.

En conclusion, M. le président, ce projet de loi va permettre de faire avancer la cause de la femme mauricienne et de faire reculer les injustices et les discriminations.

Je félicite le Premier ministre et tout le gouvernement pour avoir eu le courage de présenter cette loi. Je suis intimement convaincu de la justesse de ces amendements et de la nécessité de les introduire au plus vite. C'est pour cette raison, M. le président, que je voterai en faveur de ces amendements.

Merci.

ANNOUNCEMENT

NATIONAL ASSEMBLY – DOCUMENTS LAID – GOVT OF MAURITIUS/MSPA

Mr Speaker: Hon. Members. I have an announcement to make.

Hon. Members, in the course of question time earlier today, hon. Jugnauth handed over a document to the Table purporting to be an agreement between the Government of Mauritius and the MSPA on the implementation of the sugar reform.

On a perusal thereof, the Table took note that the said document is undated and unsigned. As a rule, a paper or document which is laid on the Table is duly authenticated by the Minister or Member who lays same.

The purpose of authentication of a paper or document is to ascertain the genuineness, correctness and authentication thereof. Once laid on the Table, the paper or document becomes part of the permanent record of the House and hence a public document open to inspection and used by Members. In the present case since this document is undated and unsigned, the genuineness, correctness and authenticity thereof cannot be ascertained. I, therefore, rule that this document cannot be laid and I want this ruling to be used as guidance for laying of document on the Table of the House in future.

(Interruptions)

Order!

(6.19 p.m.)

Mr S. Soodhun (Second Member for La Caverne & Phoenix): Mr Speaker, Sir, first of all, let me tell all the hon. Members who have till now affirmed their position that I have listened very carefully to them.

Mr Speaker, Sir, this issue goes beyond party politics and it is a good thing that we should have a free vote and each Member of this House can voice his/her opinion freely according to his/her conscience and values.

Mr Speaker, Sir, I won't be too long as many of my friends here, wish to share their points of view on such an important issue.

The situation is clear for each of us. From what I have heard from the non-governmental and religious organisations, it is clear that whatever the outcome of the debate of the Bill, we will have a large majority who will be against it.

It is clear, Mr Speaker, Sir, that all over the world, this has been an issue of great controversy. Indeed, it is an issue of great complexity involving life and death of our belief in God, the right to life and the moral issues of good and evil, the concept of what is a sin and what man can be permitted to do when addressing all these complicated matters.

Mr Speaker, Sir, let me first address the issue of wide consultation. Everyone will agree that such a Bill requires a very wide consultation and a participation of all stakeholders from the common man to the legislator, from the religious authorities to the Judiciary, and here, this does not seem to have been done.

Mr Speaker, Sir, I think that Government has gone too rapidly by proposing this Bill without proper consultation with non-governmental and religious organisations on this issue. We can say that the State and religion are two separate identities, but we must not forget that elsewhere, there have been lots of debates before an Abortion Law was adopted. And, if I am not wrong, it is only one month since this Bill has been circulated in Parliament. For such an important issue, it is a very short time. I am not blaming my hon. friend, the Attorney General, because I know, as a previous Minister, that it does not depend on the Minister, it depends on the Government.

Mr Speaker, Sir, I am a devout Muslim. I have consulted the mufti, that is, head of all Muslim priests, the ulema in Mauritius and I have also looked at different views given at the international level on this issue. Different schools of Muslim law have had debates and issues on

whether abortion is permitted or not, and if allowed, under what circumstances and at what stage of pregnancy.

Concerning the mother's life in danger, Muslims in general see abortion as a 'haram' - not permissible - and will consider abortion only in a very exceptional case, with very strict prior conditions to be met. All schools of Muslim law accept that abortion is permitted if continuing the pregnancy would put the mother's life in real danger. This is the only reason accepted for the abortion and too within the 120 days of the pregnancy.

Let me now address the issue of 120 days of the pregnancy. Abortion is not permitted after the foetus has a soul. Islam forbids, thus, the termination of a pregnancy after the soul, that is, the 'Ruh' is given to the foetus. Even here, there is a disagreement as to when this happens. Islamic Juridical Scholars, gives a clear indication in the matter, that is, the moment of ensoulment is 120 days.

However, we should note that many scholars, in other religions, believe that the ensoulment begins at the conception. Why does Islam consider the threat to a mother's life as an acceptable reason for abortion? It is because though abortion is considered to be forbidden, it gives priority to the saving of the life of the mother if it can prove beyond reasonable doubt and that her life is in a real danger. Here, it is the mother who is the originator of the foetus, she has a well-established life with duties and responsibilities. She is one of the pillars of the family and society. It is clear that allowing the mother to die would also kill the foetus in most cases.

Mr Speaker, Sir, concerning the foetus with deformity, let us now consider the case of a foetus with physical and mental deformity.

Mr Speaker, Sir, let me come to the amendment proposed concerning substantial risk that the continued pregnancy will result in a severe malformation or severe physical or mental abnormality of foetus, as assessed by appropriate specialists.

On that point, I would like to get some more information. If there are proper guidelines which will allow to determine what will be considered as the mental abnormality of the foetus. I would refer to the Select Committee on Science and Technology in its Twelfth Report in United Kingdom submitted to the House of Commons in 2007 on those aspects –

“The British Medical Association (BMA) and Royal College of Obstetricians and Gynaecologists (RCOG) have laid down guidelines by which the seriousness of a

handicap should be assessed. The BMA's recommendations are based on RCOG's and stipulate that the following factors be taken into account –

- the probability of effective treatment, either in utero or after birth;
- the child's potential for self-awareness and potential ability to communicate with others;
- the suffering that would be experienced by the child when born, and
- the impact on the family.”

Mr Speaker, Sir, coming to the topic of rape and incest, in the case of rape and incest, most of the learned scholars of Islamic *jurisprudence* clearly say abortion for such reasons should not be permitted, because abortion in this case wrongfully takes the life of an innocent human being.

This demonstrates that Islamic law has the flexibility to be compassionate in appropriate circumstances and more strict in others.

Islam does not permit abortion where an unwanted pregnancy is the result of unforced adultery.

However, it is important to note that all the scholars believe that an embryo deserves respect and protection at all stages of the pregnancy.

Moreover, we have seen in the past and there have been prosecution cases, that there has been no control on abortion. Mr Speaker, Sir, the proposed section 5 “Consequential amendments” 38 A concerning prescribed institutions may create a lot of *laissez aller*. Even with the law against abortion, we have seen in the past the number of abortion done. Some *brebis galeuses* will take profit from undue advantage of these legal provisions if adopted.

Section 235 A subsection 2(d) proposes the authorised termination of pregnancy in case of rape, or sexual intercourse with a female under 16. In these cases, we are talking about the victims, but nothing is being done to enforce the law as punishment for the rapist. And every day, there is a case of attempt on the chastity or rape, mostly against minor which is reported to the Police.

Will it be possible for the Judiciary to define if the female person has been victim of rape in 14 weeks? I don't think so.

Mr Speaker, Sir, the facts are clear. All the reasons I mentioned above show that Government has done things too hastily, without prior consideration to the position of the different stakeholders.

Mr Speaker, Sir, I sincerely think that these amendments will bring some kind of abuse of the legislation. I listened carefully to hon. François and other hon. Members. Lots of examples are given by my hon. friends in this House. I think that we are opening the door for this legislation of abortion itself. The Government has no control on the situation of abortion in our island at present. With such new provisions and implementation of medical abortion unit in the private clinics, there is a risk of abuse of the legal framework.

Mr Speaker, Sir, I do not think that we can, in the name of democracy and freedom, give liberty to kill some people who will find, in this legislation, all the reasons to the abuse of loopholes and make the question of abortion a lucrative business. I have carefully thought about all the potential implications of this legislation and I must say, *en mon âme et conscience*, I will vote against the proposed Bill in its present form.

Thank you, Mr Speaker, Sir.

(6.32 p.m.)

The Minister of Fisheries (Mr J. Von-Mally): Mr Speaker, Sir, allow me to add my voice to all those who are supporting this Bill which deals with a very delicate issue. At the very outset, I would like to congratulate my young colleague, hon. Yatin Varma, for having the courage to come forward with such a Bill.

M. le président, il y a des gens qui sont pour et qui croient qu'ils ont 100% raison. Il y en a d'autres qui sont contre ce projet de loi et qui pensent aussi qu'ils ont 100% raison. Mais je crois que dans ce cas précis, avec l'amendement à cette loi, c'est difficile d'avoir 100% raison parce qu'on est en train de discuter de la vie humaine. On est en train de parler de la liberté de la femme. Cette loi qui date de 1838, M. le président, on veut l'amender 174 ans après. Pourquoi voulons-nous l'amender? Essayons de *go down memory lane*, essayons de parler sans hypocrisie de ce qui s'est passé et de ce qui se passe actuellement dans ce qu'on appelle le *backyard*. Avec la loi de 1838, il y a eu et il y a toujours des avortements qui se font de manière clandestine; que l'honorable Dr. Satish Boolell appelle *backstreet abortion*, le business de 'baleine parasol'. Je crois qu'il fallait mettre un frein à cela. Peut-être que cet amendement ne va pas faire cesser tout cela. Mais au moins c'est un premier pas dans la bonne direction.

Comme le *Leader* de l'Opposition a dit, on ne pouvait pas laisser les choses telles qu'elles sont. Le *statu quo* n'est plus possible, M. le président. Nous sommes des êtres humains, nous avons nos défauts. Peut-être que la loi n'est pas idéale, mais il fallait faire quelque chose dans la bonne direction. Comme dit le proverbe chinois -

« *One must be poor to know the luxury of giving.* »

Moi, je dirais que quelqu'un doit entrer dans les chaussures d'une femme ayant des problèmes de grossesse pour comprendre ce qu'elle ressent. Je ne suis pas une femme, mais j'ai entendu parler les femmes. J'ai discuté avec beaucoup de femmes et je sais ce qu'elles ressentent quand elles font face à des problèmes où elles doivent se faire avorter.

M. le président, je ne crois pas qu'une femme ira se faire avorter de gaieté de cœur. Je ne crois pas qu'une femme va dire : « allons-y gaiement ! » que c'est un plaisir d'aller se faire avorter. Mais pour qu'une femme vous dise qu'elle doit se faire avorter, c'est dramatique. Et avant de prendre cette décision, elle doit réfléchir longuement. Je crois que c'est à elle de prendre cette décision. Avec cette loi de 1838, M. le président, vous avez une femme dont la vie est menacée par une grossesse et elle va à l'hôpital et demande au médecin d'interrompre cette grossesse. Si le médecin s'exécute et sauve la vie de la femme, avec la loi de 1838, et le médecin et la femme peuvent être poursuivis. C'est pourquoi je dis que le *statu quo* n'est plus possible. On sauve la vie d'une femme, on est mis en prison. C'est là où l'amendement à la loi va dans la bonne direction. C'est la femme qui va avoir cette liberté, c'est à elle que revient ce choix. Il y a eu des exemples dans le passé. Je pense au cas dramatique de cette ex-miss Mauritius qui avait un cancer, elle était enceinte, peut-être qu'elle aurait pu vivre plus longtemps si elle avait interrompu sa grossesse. Mais elle a préféré laisser vivre son enfant. Elle a dit : je veux porter cette grossesse à terme et elle l'a fait. Après elle est décédée. C'était une femme courageuse. Elle a fait ce choix. Mais aujourd'hui, avec cet amendement, une femme peut aussi faire ce choix. Auparavant, il n'y avait pas de choix. Si le médecin aide la femme, sauve sa vie, interrompt la grossesse, il peut être mis en prison. Essayons de penser autrement. Si le médecin, en voyant cette femme enceinte dont la grossesse menace sa vie, refuse d'interrompre cette grossesse, il peut toujours être poursuivi pour non-assistance à personne en danger. Avec la loi de 1838, le médecin est perdant des deux côtés. Mais ce n'est pas normal, M. le président. Avec cet amendement, on protège le médecin et la femme. Il y a un choix. C'est pourquoi je dis qu'il faut laisser de côté l'hypocrisie. Je sais qu'il y a des gens qui sont passionnés et qui parlent avec

leur cœur. Ils ont raison. Je ne suis pas contre ceux qui sont contre cette loi. Mais, je pense qu'il faut un commencement.

Mr Speaker: I hope that the hon. Minister is not referring to hon. Members who are against the law as hypocrites.

Mr Von-Mally: *No, Sir, I respect those whose opinion differs from mine.* J'ai dit au départ que je respecte tous ceux qui n'ont pas la même opinion que moi parce que j'ai dit que personne ne peut avoir cent pour cent raison dans ce débat. Je l'ai dit dès le départ, mais on peut discuter et on peut débattre de cela pour qu'on se sente peut-être moins coupable.

(Interruptions)

Ceux qui sont pour et ceux qui sont contre, il y en a qui sont sincères peut-être mais il y en a qui sont hypocrites, je ne pointe pas du doigt, je n'ai pas le droit.

(Interruptions)

J'ai dit qu'il y a peut-être.

Mr Speaker: Non, écoutez!

(Interruptions)

Mr Von-Mally: Non, je ne pointe pas le doigt à...

(Interruptions)

Mr Speaker: Hon. Minister, please avoid using the word 'hypocrite'!

(Interruptions)

Mr Von-Mally: Okay, je retire...

(Interruptions)

Mr Speaker: Let the hon. Minister speak! Carry on!

(Interruptions)

Mr Von-Mally: Non, je ne suis pas en train de pointer du doigt à personne. Non, non !

(Interruptions)

Mr Speaker: Order, I said!

Mr Von-Mally: This is not a Bill...

(Interruptions)

Mr Speaker: All this time, nobody objected to the word. I objected to the word and now everybody is...

(Interruptions)

I have given my ruling and the hon. Minister has withdrawn. The hon. Minister may continue now!

(Interruptions)

Mr Von-Mally: This is not a Bill...

Mr Speaker: Order! Order!

Mr Von-Mally: Mr Speaker, Sir, this is not a Bill where we should be one against the other. I am talking generally and I am not against anyone of my colleagues who have been against it. It is not my way of doing things.

(Interruptions)

Mr Speaker: The hon. Minister must look on this side.

Mr Von-Mally : M. le président, je disais que ce projet de loi qui date de 1838, il fallait l'amender, c'est un pas dans la bonne direction parce qu'avant, pendant 174 ans qu'il y a eu cette loi, il y a eu des *backstreet abortions* que ce soit à Maurice ou à Rodrigues. On ne peut pas se fermer les yeux et dire: laissons passer. Il ne faut pas laisser les choses telles quelles sont. Il fallait agir et on a commencé. C'est un pas dans la bonne direction.

M. le président, le débat, on l'a dit, doit dépasser nos convictions religieuses. Le débat doit se situer du côté de notre conscience, on doit prendre en compte notre conscience. Si on sent que quand on va voter cette loi, cela va être contre notre conscience, il vaut mieux ne pas le faire. C'est dans cette direction que je voulais parler, M. le président.

Avec cette loi de 1838, combien de personnes pauvres ont perdu la vie parce qu'elles n'avaient pas de moyens d'interrompre leur grossesse. C'est dramatique ! Mon ami, l'honorable Thierry Henry l'a si bien dit, celles qui avaient les moyens - et jusqu'à maintenant – celles qui ont les moyens, elles n'ont qu'à aller à la Réunion ou dans d'autres pays ou bien aller dans certaines cliniques pour interrompre la grossesse. Mais, pour celles qui sont pauvres, il faut que cette loi protège encore plus les pauvres. En mon âme et conscience, je pense qu'en votant cette loi je vais aider à sauver plus de vies que si elle n'est pas votée. Donc, en votant cette loi, je suis convaincu que je vais aider à sauver plus de vies. C'est pourquoi je pense être en paix avec ma conscience en allant dans cette direction. Il y a des gens aussi et je les respecte, qui disent qu'on pourrait conseiller, encadrer les femmes qui ont des problèmes et qui veulent se faire avorter. Il y

en a qui disent qu'il ne faut pas aller de l'avant avec cet amendement, encadrons ces femmes. Donnons-leur des conseils pour qu'elles ne se fassent pas avorter. Mais, M. le président, laissez-moi vous dire que l'un n'empêche pas l'autre. Avec cette loi, personne ne va forcer une femme à aller se faire avorter ou terminer la grossesse. Ce n'est pas une loi qui va dire : allons-y gaiement, allons avorter. C'est une dépénalisation de l'interruption volontaire de grossesse sous certaines conditions et on a énuméré quatre conditions. Je ne vais pas relire tout cela, c'est déjà dans le projet de loi.

Donc, M. le président, que l'on soit un religieux ou n'importe qui, on peut continuer à prodiguer des conseils aux femmes qui ont des problèmes. L'un n'empêche pas l'autre. Si on arrive, par nos conseils, à faire de sorte que personne ne se fasse avorter, *so be it* ! Donc, on peut le faire. La loi ne nous empêche pas de faire cela. Tant mieux ! Si demain on peut arriver à un point où il n'y ait pas d'avortement du tout, mais ce serait formidable. Cette loi n'est pas une loi pour promouvoir l'avortement, c'est une loi pour protéger la santé des femmes, pour faire de sorte qu'un enfant qui a neuf ans ou dix ans et qui se fasse violer ne voit pas sa vie gâchée. C'est mon point de vue.

Donc, M. le président, ce que j'aime bien dans cette loi c'est qu'on est en train de traiter la femme encore plus en adulte. C'est la femme qui doit décider. Le projet de loi lui donne le droit de décider soit d'interrompre sa grossesse soit de ne pas le faire. Si à travers des conseils on arrive à lui dire de ne pas se faire avorter, on peut encore le faire. Il va s'en dire, M. le président - et je suis heureux que dans les différents partis politiques, on a laissé libre choix aux membres de voter selon leur conscience et dans le Mouvement Rodriguais, mon collègue, l'honorable Christian Léopold a eu le libre choix. A Rodrigues, il y en a dans notre parti qui sont pour ou contre et on les a laissés libres de leur choix. C'est quelque chose de formidable. Moi aussi j'ai fait mon choix et en mon âme et conscience je voudrais apporter tout mon soutien à ce projet de loi parce que c'est un premier pas dans la bonne direction, qui je pense va permettre à la femme d'avoir un peu plus de liberté, permettre à notre pays d'avancer au lieu de rester figé dans une loi qui date de 1938.

Merci beaucoup, M. le président.

(6.49 p.m.)

Mr R. Issack (Fourth Member for Stanley & Rose Hill): M. le président, même si nous ne sommes pas d'accord, il faudrait être consensuel. Mais, je constate quand même que,

pour une fois, tout le monde a raison. Ceux qui sont pour ont raison et ceux qui sont contre ont également raison.

(Interruptions)

Nous participons à un débat qui suscite pas mal de passion. C'est un télescopage entre le rationnel et l'émotionnel. On se sent, à l'intérieur de chacun de nous, déchiré parce qu'il y a une prise de conscience avec le projet de loi, ou bien l'amendement à la loi que propose notre ami, le ministre de la justice, l'honorable Yatindranath Varma. Donc, il y a une prise de conscience et, en même temps, il y a une crise de conscience. Que faut-il faire? C'est la grande question ! Il faut être pour et il faut être contre, mais l'essentiel c'est que chacun de nous a la liberté de s'exprimer, de dire de ce qu'il pense, de croire en ce qu'il croit et de dire ce qu'il veut. Finalement, on passera au vote et ce ne sera pas une question de qui a gagné ou qui a perdu. Ce ne sera pas une question de victoire ou de défaite.

Tout le monde reconnaît que la vie est sacrée. Tout le monde le dit. Nous écoutons tout le monde. Nous écoutons nous-mêmes d'abord, mais nous avons écouté aussi la rue. Les Mauriciens s'expriment à la radio. Nous avons écouté l'Eglise, la mosquée, les temples, les érudits, les religieux, mais il va falloir que chacun de nous se fasse une opinion, prenne une décision par rapport aux propositions qu'on fait. Les amendements proposés eux-mêmes sont très clairs, très explicites, mais cela ne veut pas dire qu'on doit être d'accord avec tout ce qu'on nous propose. Mais cela ne veut pas dire non plus qu'on doit être en désaccord avec tout ce qu'on nous propose. Il y a des gens qui sont pour et il y a d'autres qui sont contre, mais il y a d'autres qui sont pour les deux. Ils sont contre et ils sont pour.

(Interruptions)

Ils sauront ! Un peu de patience ! Ils sont plus pressés que moi ! Il y a le 'oui' et le 'non' qui sont en duel à l'intérieur de nous-mêmes. Il y a quelqu'un qui a dit quand le 'non' et le 'oui' s'entrechoquent, c'est le 'noui'. Donc, c'est très difficile. En vérité, il est très difficile parce que nous sommes tous des humains et parce que nous sommes tous croyants, si je ne me trompe pas. Nous croyons en Dieu, donc il y a une question de raisonnement, il y a une question d'émotion, mais il y a aussi une question de foi. Alors, il est difficile pour moi, du moins, de me retrouver complètement.

Dans cette loi, évidemment, il y a une logique. Quand une femme est exposée au danger, parce qu'elle est enceinte, il y a urgence, sa vie est en danger et il faut intervenir. Donc, en ce

qu'il s'agit de la femme dont la vie est en danger, évidemment il faut prendre une position. Si demain n'importe quel homme parmi nous, son épouse ou sa bien-aimée est dans une situation où il faut prendre une décision pour sauver sa vie où la vie de l'enfant, ou bien elle est dans une situation tellement dramatique qu'il faut prendre une décision, entre deux maux, il faut prendre le moindre mal. A ce moment-là, on choisit la vie de sa femme.

Je ne peux pas parler au nom du christianisme, de l'hindouisme, des religions que nous côtoyons, que je côtoie, mais que je ne connais pas profondément. Même l'Islam, je ne connais pas profondément, mais j'ai fait quand même quelques réflexions, quelques recherches pour essayer de comprendre la position de l'Islam par rapport à ce projet de loi, par rapport à ces amendements à la loi. Mais il faut tout de suite se dire qu'on n'est pas là pour décriminaliser ou criminaliser, on n'est pas là pour donner une liberté totale pour dire que tout le monde, que toutes les femmes peuvent se faire avorter désormais. C'est une liberté contrôlée. C'est un choix. On n'impose rien, Vous avez le droit de choisir, mais choisir raisonnablement, choisir humainement et faire un choix qui est accepté par l'homme et aussi par Dieu, parce que selon l'Islam, il y a des circonstances où l'on peut avoir recours à l'avortement.

S'il y a, par exemple, la malformation d'un fœtus, l'enfant qui est en gestation, le bébé qui se trouve à l'intérieur du ventre d'une femme, et là je vois qu'il y a une *fatwa*, émise par *the Islamic Fiqh Committee of the Muslim World League*. Donc, c'est le comité de la jurisprudence islamique, de la ligue mondiale islamique, une *fatwa* émise à la Mecque. Lors de sa douzième session qui s'est déroulée à Makkah le 10 février 1990, il stipule que –

‘S'il est établi de façon certaine par un comité de médecins dignes de confiance, que le fœtus est mal formé et que cette malformation ne pourra être traitée par la suite par les spécialistes, l'avortement est permis avec l'accord des parents dans la limite des 120 jours de grossesse’.

Des médecins responsables, reconnus pour leur probité, leur ligne de conduite, leur sérieux, leur professionnalisme, mais pas n'importe quel médecin. Il ne faut pas oublier que – cela m'est arrivé – pour avoir un certificat médical, vous entrez chez un médecin, pas tous les médecins, mais il y a certains qui en font un commerce, vous donnez de l'argent et vous partez en bonne santé avec un certificat médical. Je ne sais pas si mon ami, l'honorable Dr. Satish Boolell, faisait référence à ce *jackpot*-là, mais il faut que nous ayons des médecins de probité. Moi, je suis sûr et

certain que tous les médecins qui se trouvent dans cette auguste Assemblée, sont de très bons médecins, des professionnels et des gens de probité.

Maintenant, il y a la femme, la jeune fille, victime d'un viol.

(Interruptions)

Il est docteur, même docteur en lettres ! La jeune fille, une pucelle violée, une femme mariée violée, imaginons un moment, parce que souvent nous pensons que cela n'arrive qu'aux autres, mais les autres c'est nous. Cela peut arriver à nous aussi. Imaginons un instant ! Hier, j'ai posé la question expressément à une femme, je lui ai dit : « si jamais un jour, ton voisin te viole, tu gardes l'enfant ? » Sa première réaction a été 'zamaï' ! Un viol, ce n'est pas violer une fille, ce n'est pas violer une femme, mais c'est violer une vie. Une personne violée est marquée à vie. Je fais référence à un article paru dans une presse algérienne : sur 1600 cas d'agression sexuelle cela résulte approximativement en 500 grossesses. Donc, il se peut qu'une jeune fille ou une jeune femme qui a été violée soit enceinte. Mais maintenant posons-nous la question : si demain cela arrive à une personne chère à vous, ce sera un viol collectif. Toute la famille sera affectée, et la fille et la femme, mais pensons aussi à l'enfant qui viendra, qui naîtra probablement de ce viol. Vous savez, le viol est devenu aujourd'hui une arme de vengeance. On a utilisé le viol comme arme pour l'épuration ethnique. En 1971, pendant la guerre entre le Pakistan et le Bangladesh, il y a eu à peu près 20,000 femmes violées. Il y a eu des femmes violées en Irak et en Bosnie Herzégovine. Ce n'était même pas des camps de concentration. On appelait cela des camps de concentration bordel. En Rwanda, des milliers de femmes furent violées. C'était l'épuration ethnique. Les érudits, les savants, les théologiens musulmans en Bosnie avaient autorisé que les femmes avortent. Il y a une femme au nom de Sabiha Husic, c'est une théologienne islamique, mais elle est aussi thérapeute, voire psychothérapeute, et voilà ce qu'elle écrit à propos des enfants des femmes violées –

«Ils ne parviennent pas à se trouver une identité sans racines, comment peuvent-ils se construire ?».

Donc, c'est un enfant qui est né détruit. Il faut le reconstruire.

« Rien n'est fait pour ces enfants qui sont nés sous le sceau du tabou. Leur père c'est l'ennemi, celui de l'autre bord. Or ces jeunes sont en train de devenir des adultes et ils ont besoin de réponses. Leurs mères sont dans le désarroi, ne sachant comment leur

expliquer la réalité. Elles ne savent pas s'il vaut mieux dire la vérité ou pas, elles ont peur de perdre leur enfant, que celui-ci passe à l'autre camp dans la quête de son père ».

Voilà l'enfant qui est né d'un viol, il est à la recherche de lui-même, de son identité, de ses racines, de son père. Il vit avec un traumatisme, il est tellement facile pour quelqu'un de dire : «non », là, maintenant !

Vous savez, les femmes violées de Bangladesh, pour pouvoir remonter leur moral, l'Etat les avait traitées de héroïnes. Pour prononcer ce mot 'héroïne' cela ne prend même pas quelques secondes. C'est tellement facile. Quand les femmes de Bosnie furent violées, on les avait traitées de martyres. Il est tellement facile de prononcer 'martyre' en moins de cinq secondes. Mais elles, elles vivront toute leur vie comme martyres, comme héroïnes, à porter ce fardeau. Et puis il y a un enquêteur, Frédéric Beschaud, parlant des femmes violées, il avait dit –

«Je demande qu'elles puissent obtenir leur droit à l'avortement et à la naissance volontaire. Nul n'a le droit moral de demander qu'elles endurent cet acte criminel toute leur vie, de les laisser à elles-mêmes toute une vie».

On prend une décision, d'accord, en quelques instants, en quelques minutes – « *The ayes have it or the noes have it* ». Vous votez, mais, après, la femme violée, elle porte cette stigmatisation pendant toute son existence et l'enfant qui va naître aussi aura peut-être à vivre un calvaire sempiternel.

Alors écoutez ce que Frédéric Beschaud dit –

«Nous faisons un travail de longue haleine pour les amener à se confier pour les libérer de ce poids terrible ».

Une femme violée, une jeune fille violée, porte un poids terrible. C'est le poids de l'enfer. Nous prenons des décisions en intellectualisant les débats, mais nous ne réalisons pas parfois que nous sommes en train de paupériser l'existence d'une personne. Mais, en lisant le discours de notre ami, l'honorable Shakeel Mohamed, j'ai compris qu'il y a quelque 2000 personnes qui ont recours à l'avortement. A peu près 2000 personnes. C'est illégal et quel risque prennent ces femmes !

Et maintenant, disons-nous une chose : si nous savions que nous votions ce projet de loi, ces amendements, ou pas, elles vont se faire avorter. Autant les encadrer, les sécuriser, sauver leur vie. Là aussi on sauve des vies. Alors, à nous de bien comprendre et de bien réfléchir, mais il y a aussi un mais, toujours, tout le temps. Ceux qui sont pour il y a une logique, mais il y a

aussi ceux qui sont contre et c'est cela la dichotomie, le déchirement à l'intérieur de soi. Dans la période préislamique, on tuait des filles à leur naissance, et cela c'était pire que l'avortement. Prendre un bébé, une enfant, une vie, l'enterrer, mais c'était plus que criminel, c'était plus que cruel, c'était satanique et voilà ce que le Koran dit à propos de cela-

«Et lorsqu'on demandera à la fillette enterrée vivante pour quel pêché elle a été tuée, quel est son crime ? ».

Pensons maintenant dans le ventre de sa mère, c'est une âme innocente, que ce soit accidentel ou criminel, mais c'est une âme innocente.

Vous voyez que ce n'est pas facile de comprendre, de prendre une décision, mais il va falloir prendre cette décision. Il y a une femme qui avait commis l'adultère, elle est allée voir le prophète Mohammed - paix soit sur lui – pour lui dire « j'ai commis l'adultère » et l'Islam, vous savez, est une religion très rigide, le prophète a donné des instructions. Donc, elle devait avoir sa punition. Mais vous savez ce que le prophète avait dit en infligeant cette punition à cette femme ? Ecoutez bien – *« mais pas avant que la femme en question n'eut accouché et complété la période d'allaitement. »* Voilà la valeur d'un enfant qu'une femme porte en son sein. Il faut reconnaître aussi cette vie. C'est un bébé, mais seulement, avant même de prendre une sanction contre la femme, il faut penser à l'enfant qu'elle porte. Attendons son accouchement, son allaitement. La priorité c'est l'enfant qu'elle porte.

Donc, M. le président, il y a un côté réel, il y a l'aspect émotionnel, mais aussi il y a la foi. Nous ne pouvons pas ne pas être proches des enseignements, des préceptes religieux. Nous ne pouvons pas non plus désobéir à Dieu. On est parfois amené à réfléchir, à faire une introspection pour se situer par rapport à soi-même. C'est tellement difficile parfois pour l'être humain de se comprendre, de se situer, de prendre une décision. Mais la vie c'est un choix. Il faut tout le temps choisir. Du matin au soir, du soir au matin; il y a un choix à faire.

En islam, l'islam accorde tellement d'importance au sens de la vie et à la vie elle-même. Vous savez, en temps de guerre, M. le président, il est ordonné au soldat musulman, au guerrier musulman, à ceux qui vont à la guerre, même les jihadistes - s'ils se disent, s'ils comprennent le sens, la signification du mot jihad; jihad c'est d'abord le combat qu'on mène contre soi-même - à chaque guerrier, à chaque soldat de ne pas toucher à une feuille. La feuille, c'est la vie. Vous n'avez pas le droit de détruire une branche. Vous attaquez uniquement l'ennemi: même pas les

femmes, même pas les enfants, même pas les vieillards. Vous attaquez ceux qui vous agressent. Et qui vous agresse ? Pas ceux que vous agressez !

Je crois que je peux me permettre de le dire, j'avais eu une discussion avec une amie - notre amie Françoise Labelle - à propos de l'avortement. Elle m'a parlé d'un cas qui m'a quand même secoué, qui m'a quand même bouleversé. Une perte! Ce n'était pas un avortement. Une perte. Mais le fœtus de quelques semaines avait déjà des orteils, avait déjà une vie. Elle était émue. Voyez l'Opposition - le gouvernement travaille de concert. Elle était émue quand elle m'a expliqué cela, et moi aussi cela m'a fait quand même un effet. Je me suis posé une question: mais c'est un enfant, c'est une vie, est-ce qu'on peut détruire ça? Vous savez, il ne suffit pas d'être féministe. Il faut aussi être femme. C'est une femme qui connaît mieux sa vie. C'est une femme qui doit décider de sa vie, de son existence, et c'est bien que la loi ne permet pas à ce qu'on impose quoi que ce soit sur qui que ce soit pour un avortement.

Mon ami Shakeel Mohamed, quelques instants avant que je ne prenne la parole, m'a dit une phrase qui est absolument vraie. En religion islamique dans le Coran, il y a un verset -

« *No compulsion in religion.* »

En Islam, vous n'avez pas le droit de vous imposer sur quelqu'un, surtout en ce qui concerne sa foi. Donc, n'imposons pas. Laissons les gens, eux-mêmes, comprendre et réaliser. Cette loi, c'est un choix. C'est à chacun de prendre sa décision en son âme et conscience. Je ne vais pas trop tarder, mais, maintenant, posons nous une question: quand une femme fait une perte, elle pense à l'enfant qu'elle a perdu pendant toute sa vie, et une femme qui se fait avorter pensera probablement plus encore à l'enfant qu'elle a fait partir. Et là, elle va non seulement penser mais elle va se culpabiliser. Encore une fois, posons nous une question: pour quelle raison les femmes avortent ? Et c'est cette partie de la loi qui me donne des appréhensions, la dernière partie. Pour les trois premières parties, je n'ai pas de problème avec ma conscience. Il y a beaucoup de personnes qui ont recours à l'avortement uniquement par peur et par honte. On doit se cacher. On doit cacher la vérité. On est superficiel dans sa vie, et ça j'ai peur avec cette troisième partie. Il y a, évidemment, dans les dispositions de la loi - la quatrième partie, quand vous lisez les amendements qu'on propose - toutes les précautions qui ont été prises.

Mais, j'ai peur quand même de la théâtralisation. Il y a aussi des fabulateurs, des fabulatrices qui inventent, qui font du cinéma ! L'honorable Sik Yuen a fait référence, en passant, à quelqu'un qui est venu le voir. Un étranger qui est à Maurice, qui lui a dit: 'On m'a

accusé de viol. Ça fait un an que j'attends.' Mais, si quelqu'un est accusé de viol - pour se faire avorter, elle prétend avoir été violée. Mais, si maintenant elle avorte et après un an, on découvre que c'était une mise en scène. Evidemment, il y aura la punition. Mais il faut quand même être très, très prudent.

Donc, finalement, puisque dans notre discours-programme on parle de référendum, je me demande s'il n'aurait pas été mieux qu'on fasse un référendum sur la question.

M. le président, j'ai livré mon état d'âme, j'attendrai le moment du vote pour prendre ma décision.

Merci.

(7.17 p.m.)

Mr E. Guimbeau (First Member for Curepipe & Midlands): M. le président, je voterai contre la loi Varma!

(Interruptions)

Oui, la loi Varma! La loi Yatin Varma!

(Interruptions)

Guimbeau pas faire la loi ici!

Premièrement, je vous donne les raisons pourquoi, M. le président - je ne suis pas mandaté pour le faire - et ici je rejoins l'honorable Mme Arianne Navarre-Marie. Je ne suis pas mandaté par l'électorat pour le faire tout comme ceux qui sont assis dans cette Chambre, M. le président. Ce projet de loi n'a jamais été mentionné lors de la dernière campagne électorale, non plus dans le programme électoral et, encore moins, dans les deux discours présidentiels. Ce n'est pas honnête, pour ne pas dire malhonnête, M. le président.

Aujourd'hui, imposer un tel projet surtout qu'il s'agit ici de la mort d'un enfant à naître, un sujet extrêmement sensible qui demande beaucoup de consultations, de dialogues et de réflexions, M. le président.

Deuxièmement, pourquoi je ne voterai pas la loi Varma! L'Article 4 de notre Constitution stipule – '*protection of right to life: No person shall be deprived of his life intentionally*'. L'article 4 de notre Constitution donne un droit légal à la vie. Donc, cette loi va à l'encontre de notre Constitution.

Qu'on le veuille ou pas, M. le président, l'embryon est un être humain. Le fœtus est un être humain. Autre chose. Qui suis-je, moi, Eric Guimbeau, pour venir décider si un bébé doit

naître ou pas ? Comment puis-je voter une loi aussi mal ficelée, avec autant de lacunes? Avec notre système de santé actuel, sommes-nous prêts à promouvoir une telle loi qui demande une expertise pointue et surtout sans faille.

Je propose, donc, ici trois alternatives. La première alternative, M. le président, la dissolution pure et simple de cette Assemblée Nationale afin...

(Interruptions)

'Zot rié! Conscience la pé manze zot!'

M. le président, je répète...

(Interruptions)

Causer ! Causer ! Conscience pé manze zot! Conscience pé fini zot! Attane toi...'

Je répète, M. le président, je propose la dissolution pure et simple de cette assemblée Nationale afin que ce projet de loi figure en bonne et dûe forme dans les prochains manifestes électoraux et que le peuple puisse en son âme et conscience, en pleine connaissance de cause lors de la prochaine joute électorale...

(Interruptions)

A l'heure actuelle des choses, M. le président, le gouvernement essaie, ici, de faire un enfant dans le dos du peuple...

(Interruptions)

...avec ce projet de loi et ceci n'est pas tolérable. Ceci n'est pas acceptable, M. le président.

Deuxième alternative, et là je rejoins un membre de la majorité, l'honorable Reza Issack, un référendum national sur toute la question où tous les *stakeholders* prendront connaissance d'un tel projet et décideront en connaissance de cause, en tenant compte de nos réalités...

(Interruptions)

Troisième alternative, M. le président : légiférer dans le bon sens. Légiférer pour le bien et non pour le mal. L'avortement signifie l'échec de la prévention. Donc, le gouvernement a le devoir de mettre en place les bases correctes pour que notre société évolue dans la bonne direction, celle du respect de la vie. Les instances internationales, comme la *CEDAW*, abondent toutes dans ce sens. La *CEDAW* ne mentionne aucune part l'obligation de l'avortement, contrairement à ce que certains, ici et dehors, veulent nous faire croire, M. le président. A écouter certains intervenants et organisations locales, ce projet de loi nous serait imposé par certaines organisations internationales - comme la *CEDAW*. Ceci n'est pas possible. Et c'est faux, M. le

président, car chaque pays est souverain et doit décider en fonction des données réelles du pays et non basées sur des suppositions. Ils nous induisent, donc, tous en erreur, ce qui est malheureux.

Successive US administrations have agreed and concluded that CEDAW is abortion neutral. J'ose espérer que nous gardons notre indépendance car nous ne sommes pas une république coloniale, agissant sous le dictat des Nations Unies et autres puissances coloniales. Avec cette loi, le gouvernement veut cacher ses erreurs et faiblesses. Le gouvernement veut préconiser la mort au lieu de la prévention. On connaissait que '*prevention is better than cure*', mais on ne connaissait pas, M. le président, que '*better killing than preventing*'.

La CEDAW préconise, entre autres, l'élimination de la discrimination envers les femmes au niveau de l'éducation, de la santé, de l'emploi dans les régions rurales, etc., mais pas l'avortement, M. le président.

Je voudrais aussi mentionner les points sur lesquels, le gouvernement a lamentablement failli avec comme conséquence, aujourd'hui, la proposition de la méthode extrême qui donne le choix d'éliminer l'enfant à naître.

Le gouvernement a failli dans son programme d'éducation sexuelle obligatoire, responsable et respectueux de chacun à l'école, sujet qui reste encore tabou à tous les niveaux. Il a failli dans son programme d'éducation appropriée aux jeunes. Il a failli dans son programme de prévention et de développement des structures d'accueil et d'adoption pour les enfants non désirés. Il a failli dans l'accompagnement pour toutes les femmes enceintes qui paniquent à cause de leur grossesse, dans l'accompagnement pour gérer les accouchements dans un milieu accueillant. Des méthodes de contraception pour les femmes sexuellement actives !

Qu'a fait le *Family Planning*, M. le président ? Il a failli dans l'accompagnement et la prise en charge de la femme violée qui se retrouve enceinte ; dans la mise en place des crèches et surtout des structures d'accueil, dans la prise en charge des grossesses chez les adolescentes. Ce n'est qu'une partie qui démontre où le gouvernement a failli, M. le président.

Le gouvernement aurait dû d'abord légiférer dans ce sens et venir de l'avant avec des propositions concrètes car toutes ces mesures mentionnées plus haut, font aussi partie des recommandations du CEDAW, mais le gouvernement a préféré choisir la solution la plus violente, la plus drastique. Au lieu de s'attaquer à la racine du problème, le gouvernement se voile la face et choisit la voie facile, celle de la fuite devant ses responsabilités, celle de la

culture de la mort. Comment allons-nous nous en sortir avec une telle loi qui n'est pas accompagnée de mesures préventives concrètes, M. le président ? Le problème est d'intérêt national. Il faudrait que nous tous ensemble, nous prenions nos responsabilités et nous œuvrions afin que nos filles, nos femmes se sentent encadrées, M. le président.

Il me semble alors tout à fait juste et judicieux d'utiliser le CSR afin de financer et de promouvoir les mesures préventives énumérées plus haut. C'est malheureux que nous en soyons arrivés là, M. le président, mais je laisse ici, nos dirigeants, face à leur âme et conscience.

Je voudrais, ici, M. le président, si vous permettez, de lire un petit témoignage, celui d'une maman qui s'est fait avorter. Je cite –

« On m'injecta de la solution saline très concentrée. A partir de ce moment, ce fut terrible. Mon bébé commença à se débattre. Elle souffrait. C'était une fille. La solution saline brûlait sa peau, ses yeux, sa gorge. Elle était dans l'agonie, essayant de s'échapper. »

« Pour diverses raisons, je n'avais pas réalisé qu'avec un avortement elle allait mourir. Je ne voulais pas que mon bébé meure. Je voulais simplement me débarrasser de mon problème. Mais c'était trop tard pour revenir en arrière. Il n'y avait plus moyen de la sauver. Je ne voulais pas qu'elle meure. Je l'ai supplié de ne pas mourir. Je lui ai dit que j'étais désolée, qu'elle me pardonne, que j'avais tort et que je ne voulais pas la tuer. L'avortement n'avait pas seulement tué ma fille, elle avait tué une partie de moi. Avant que l'aiguille ne traverse mon abdomen, j'avais une certaine estime pour moi-même, mais quand l'enfant que j'avais abandonné soudainement commença sa lutte en moi, j'ai commencé à me haïr moi-même ».

En d'autres mots, M. le président, *la case ti baba ine vinn l'abattoire*.

Mr Speaker : Excusez-moi, je regrette d'interrompre l'honorable membre. I will invite the hon. Deputy Speaker to take the Chair.

At this stage the Deputy Speaker took the Chair.

Mr Guimbeau : Je voudrais maintenant poser certaines questions qui me semblent très pertinentes et pour lesquelles j'espère obtenir des réponses de la part de l'*Attorney General*. Sous la *clause 4, subsection (1)* –

“No person shall provide treatment to terminate a pregnancy unless she –

(a) is a specialist in obstetrics and gynaecology who is registered as such under the Medical Council Act;”

M. le président, ce qui m'inquiète ici, on ne nomme aucune année d'expérience. Un an, deux ans, cinq ans ou dix ans d'expérience, on ne sait pas. Je pense que c'est extrêmement important, M. le président.

La subsection 1(b) –

« (b) provides the treatment in a prescribed institution;”

Laquelle ? Ce n'est pas mentionné. Les institutions auraient-elles toutes les facilités s'il y a des complications suite à l'avortement ? Il faut aussi que les institutions soient d'accord. Est-ce que les prix seront fixés pour une telle intervention afin d'éviter des abus ?

La subsection (2) –

“(2) The specialist referred to in subsection (1)(a) may only provide treatment to terminate a pregnancy where another specialist in the relevant field shares his opinion, formed in good faith, that –

(a) the continued pregnancy will endanger the pregnant person's life;”

How can one be positive that continued pregnancy will endanger a pregnant person's life, Mr Speaker, Sir?

Il n'y a aucun protocole mis en place, afin de trouver un consensus national, médical, pour savoir dans quelle circonstance une grossesse met en péril la vie de la maman. Nous patageons dans l'à peu près, M. le président. Ici aussi, la maman est soumise à l'avis du médecin ou des médecins et agira selon ses dires et, encore une fois, je crains un certain nombre d'abus de la part de certains médecins conciliants et sans scrupules.

Subsection 2 (b) –

“(b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;”

Une hypothèse de plus, M. le président, sans aucune garantie et rien de scientifique. Comment est-ce que le médecin peut déterminer que la continuation de la grossesse va entraîner *grave permanent injury to the physical or mental health of the pregnant person*? J'attends une réponse de l'*Attorney General*. Qui définit les termes ? En Espagne, un projet de loi similaire avait été promulgué et c'est le risque des troubles mentaux pour la femme qui est évoqué dans plus de 90% des cas, M. le président. Aujourd'hui, en faisant référence à un récent article de la presse

étrangère, l'Espagne va restreindre le droit à l'avortement. L'Espagne déciderait de faire marche arrière car il y a trop d'abus, M. le président.

Subsection (2) (c) says –

“There is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus, as assessed by the appropriate specialists.”

M. le président, ‘*substantial risk*’, il s’agit là de risque et non de certitude. Comment le ministre peut-il légiférer sur un risque, M. le président ? Comment se fait-il ? A partir de quel moment, il considère le risque *how do we qualify substantial risk* ? Il s’agit ici de la vie d’un enfant à naître et sa vie va dépendre d’un risque. Du bon ou du mauvais jugement d’un individu, en l’occurrence le médecin.

Deuxièmement, concernant le *severe malformation*, quels moyens les hôpitaux et les cliniques privées ont aujourd’hui pour détecter des anomalies chromosomiques génétiques. Il n’y a là aucun *guideline* pour définir le terme sévère et qui pourra juger qu’une formation est sévère ou pas, M. le président, et je vais me référer ici à un article de la pédiatre très connue, la doctoresse Radhika Jagatsingh.

(Interruptions)

Elle dit –

«Nous ne disposons pas des moyens nécessaires pour détecter les malformations sévères. »

(Interruptions)

Maintenant, M. le président, la trisomie 21 est classée où ? M. le président, cet enfant, est-il si méchant que cela ? Il a 19 ans. C’était sur le journal ‘Le Mauricien’, tout le monde a vu cela, M. le président. Est-ce que cet enfant n’a-t-il pas le droit de naître, n’a-t-il pas le droit de vivre ? Voilà une question que je pose à l’*Attorney General*.

(Interruptions)

Non, la trisomie, M. le président.

(Interruptions)

Dans le cas de malformation comme la trisomie 21, on va droit vers l’eugénisme.

(Interruptions)

M. le président, je ne sais pas si c'est la conscience des honorables membres qui les gêne mais je pense que j'ai le droit de m'exprimer comme tous ici.

(Interruptions)

You will have to bear with me, Mr Speaker, Sir, I am doing my job.

(Interruptions)

Dans le cas de malformation comme la trisomie 21, on va droit vers l'eugénisme qui existe aujourd'hui en France où 96% des enfants dépistés trisomiques sont avortés sans tenir compte des erreurs médicales, M. le président. Beaucoup de médecins qui ont peur de prendre le risque de faire naître un enfant malformé, dans le doute, ils conseilleront l'IVG, une forme de pré-euthanasie, M. le président.

Je reçu une lettre de ma sœur, Marie Laurent France qui me fait un témoignage personnel – 'Quand j'ai attendu Marie Alix, le médecin m'a dit qu'elle avait probablement une trisomie 18, la forme mortelle de la trisomie. J'ai refusé tout test sachant que nous accepterions notre enfant comme il était et sachant que le test pouvait entraîner une fausse couche. Marie Alix est née sans handicap mais elle aurait été accueillie avec autant d'amour avec un handicap.' Aujourd'hui, elle a neuf ans, M. le président. Par contre, le médecin lui, est un peu moins riche aujourd'hui et nous avons eu de tel cas à Maurice où l'erreur médicale n'est pas à écarter.

Il n'est aucunement spécifié jusqu'à quel terme cet acte peut être pratiqué dans les sous-sections 2 (a), (b) et (c) de la clause 4. Si la maman est à 25 semaines et il y a un risque pour la vie maternelle, va-t-on pratiquer un avortement ou favoriser un accouchement prématuré ? C'est dommage que le gouvernement n'ait pas pensé à venir spécifier une viabilité pour nos bébés.

La sous-section 2 (d) concernant le *case of rape*, M. le président, pour les cas de viol, je suis extrêmement abasourdi quand je constate que le criminel violeur, lui, il écope d'une peine minimale tandis que la victime est traumatisée à vie et le bébé innocent peut trouver la mort. Je propose ici à l'*Attorney General* que la loi soit amendée en cas de viol. Les violeurs méritent la prison à vie, la perpétuité, M. le président et non quelques années comme c'est le cas actuellement. Je suis contre la peine de mort, M. le président. Le nombre de viol ne va faire qu'augmenter avec la légalisation de l'IGV et c'est évident, M. le président.

Je vois aussi dans cette sous-section, le remplacement de la contraception par l'avortement dans le cas de relation sexuelle avec mineur de moins de 16 ans. Comment cela va-t-il se faire en pratique ? Les méthodes utilisées pour l'avortement n'ont pas été spécifiées, M. le

président. Quelle méthode utiliser si l'avortement se pratique à la 22^{ème} semaine ? Irons-nous contre l'Article 7 de notre Constitution ? Deuxième Article, M. le président ! *Protection from inhuman treatment*, il est stipulé dans la section 7 –

« No person shall be subject to torture, to inhuman or degrading punishment or other such treatment. »

Cette loi, M. le président, n'est pas constitutionnelle. Quand on parle de torture, de *degrading punishment*, *inhuman punishment*, je ne peux, ici, m'empêcher de penser à certaines fureurs, M. le président.

Et là je voudrais – à la même occasion, je voudrais féliciter l'honorable Madame Perraud - présenter une photo de ce qu'on appelle *des boules de sang* d'un avortement. M. le président, qu'on le veuille ou pas, ce sont des humains, on a beau dire ce qu'on veut, des boules de sang ou comment l'appeler, mais nous avons à faire à des êtres humains. Je vous laisse face à votre conscience, M. le président.

Ce que vous avez vu là, c'est un humain. L'avortement est tout simplement un abattage, une dissection de l'enfant à naître, M. le président. D'autre part, nous savons que l'avortement médicamenteux est de plus en plus utilisé. Cela ne va-t-il pas tout simplement devenir une méthode de contraception banalisée sans aucun égard pour la vie humaine qui sera perdue.

Subsection 3 (a) says –

“Subject to subsections (4) and (5), the specialist referred to in subsection (1)(a) shall not carry out a termination of pregnancy under this section except with the informed consent of the pregnant person.”

Ne soyons pas naïfs, M. le président ! Nous savons tous que la parole du médecin ou du spécialiste c'est une parole sacrée. Comment une femme en détresse pourra-t-elle ne pas suivre les conseils de son médecin ? C'est du jamais vu, M. le président ! Et c'est ce qui m'inquiète surtout quand nous avons affaire à certains médecins conciliants ou peu scrupuleux en quête de gros sous et je viens de vous citer un exemple.

Je vais extrapoler deux minutes sur les césariennes, M. le président. Le taux de césariennes préconisées par l'OMS ne doit pas dépasser la barre de 15% mais en privé à l'île Maurice nous atteignons la barre de 54% et en public 41.5%. Ce sont des statistiques du ministère de la santé. Et c'est basé sur le consentement de la mère suite aux conseils du médecin. C'est du *big business*, M. le président. Sera-t-il ici question du même type de

consentement pour l'avortement ? Quelles sont les méthodes d'évaluation et de règlement que le gouvernement a mis en place pour surveiller le taux croissant de césariennes à ce jour? Zero !

Le gouvernement ouvre ici une porte grande ouverte pour abus incontrôlable et le ministre ne propose ici aucune mesure de contrôle. Est-ce qu'il y aura un comité compris de médecins, juristes et psychologues afin de passer en revue tous les avortements faits trimestriellement en prenant compte des raisons de l'avortement, de l'identité du médecin et vérifiant aussi les *fees* réclamés.

Saurons-nous réaliser notre erreur et faire marche arrière ? Nous n'avons aucune réponse à toutes ces questions, M. le président. C'est le flou total qui perdure et cela devrait nous inquiéter tous, ceux ici présents.

M. le président, si l'île Maurice protégeait ses enfants et ses femmes au lieu de légaliser une loi meurtrière, elle serait un exemple pour le monde. C'est ainsi que je voterai en mon âme et conscience la victoire de la vie sur la mort. Avortons la loi, pas la vie, M. le président !

Je vous remercie.

(7.40 p.m.)

Ms S. Anquetil (Fourth Member for Vacoas & Floreal): M. le président, l'interruption volontaire de grossesse est une des luttes sans merci de nombreuses générations d'hommes et de femmes qui est constamment remise sur le tapis dans la société à travers le monde. L'IVG n'est pas qu'une affaire de femmes, cela concerne autant les hommes dans une société égalitaire. Depuis quelques semaines, le débat sur la modification au code pénale a été lancé dans notre parlement afin de permettre l'accès à l'interruption volontaire de grossesse sous quatre conditions spécifiques que nous connaissons. Cette démarche, à mon avis, représente une avancée de taille dans notre société mauricienne.

M. le président, ce débat passionne. Plusieurs parlementaires sont déjà intervenus. Mon intervention sera brève. Je n'ai aucune intention de répéter ce qui a été déjà dit. Je vais, à mon tour, donner mon avis sur le sujet.

Je tiens à saluer la démarche progressiste et l'engagement de notre Premier ministre, le docteur Navin Ramgoolam et de son gouvernement d'aller de l'avant avec un tel amendement de la loi qui vient garantir à de nombreuses femmes mauriciennes leur droit de survie.

M. le président, l'avortement est pratiqué depuis toujours sur toute la planète, le plus souvent clandestinement et dans des conditions sanitaires déplorables. Oui, l'avortement

clandestin se pratique dans notre pays tous les jours et depuis des années n'importe comment et par n'importe qui.

M. le président, cet amendement de la loi vient corriger une injustice dans la législation, une injustice qui condamnait sans réserve les femmes ayant une grossesse non désirée à avorter dans une clandestinité dangereuse, dans des cliniques de rues insalubres ; de surcroît dans des conditions profondément humiliantes surtout pour les classes les plus défavorisées.

M. le président, il s'agit, en effet, d'une injustice sociale qui pénalise surtout les jeunes filles et les femmes les plus vulnérables de notre société qui ne peuvent pas avoir accès aux cliniques privées ou se rendre à l'étranger.

M. le président, aucune femme ne recourt avec plaisir à l'IVG et le recours à l'IVG ne doit plus culpabiliser les femmes. L'IVG dans certaines conditions n'est pas un comportement imposé par l'Etat, mais un droit. Il s'agit d'un combat pour le libre choix de poursuivre ou d'interrompre sa grossesse. La décision doit revenir à celle qui aurait dû toujours l'avoir, c'est-à-dire, aux femmes qui vivent cette situation dans leur chair.

M. le président, la nouvelle législation sera très restrictive. Elle autorisera l'IVG qu'en cas de danger et menace pour la santé et la vie de la mère ; d'anomalie grave du fœtus, et de viol et d'inceste. Il est clair qu'en dehors de ces conditions, l'avortement reste un délit.

M. le président, ce projet de loi va mettre fin aux avortements clandestins pratiqués sous aucun respect de la dignité et de la santé des femmes dans les conditions les plus exécrables occasionnant des dommages considérables, des dangers incalculables et des situations dramatiques.

M. le président, comment condamner sans discernement une femme n'ayant pas eu le courage de garder un enfant anormalement constitué. M. le président, comment obliger à une fillette de neuf ans violée de porter à terme le fruit issu d'un viol commis par un récidiviste notoire. Vous êtes vous déjà interrogé sur le déroulement de la parade d'identification des violeurs et dans quel état psychologique se trouve la jeune victime ?

M. le président, comment accepter de faire naître un enfant dont l'embryon est atteint d'une profonde, d'une lourde, d'une grave et incurable malformation et qui ne survivra pas. M. le président, qui se soucie de ces femmes qui décèdent chaque année à cause de l'interdiction d'avorter ? Je refuse catégoriquement de garder le silence sur ces femmes qui meurent.

M. le président, mais comment puis-je me désolidariser de ces vies gâchées, de ces vies perdues qui peuvent et qui doivent être sauvées. M. le président, comment puis-je rester insensible devant ces destins brisés. Notre combat doit être un combat pour la santé et la protection des femmes et pour leur liberté dans leur choix. Mon rôle de parlementaire est de servir aussi les intérêts des femmes mauriciennes et encore plus celles issues de la classe ouvrière. Si on dresse le profil économique et social de ces femmes qui ont recours à l'avortement clandestin, on verra qu'il s'agit majoritairement de jeunes filles et de femmes qui vivent dans la précarité.

M. le président, soyons honnêtes, une femme vivant dans le désespoir total, une femme vivant dans une véritable détresse, qui veut avorter le fera dans n'importe quelle condition quitte à courir le risque de mettre sa santé ou sa vie en danger et quoiqu'en dise la loi.

Avant de terminer, je voudrais saluer également l'action du chef de l'opposition, l'honorable Paul Raymond Bérenger, pour son soutien en faveur du projet de loi. M. le président, oui, je voterai en faveur de l'entrée de la dépénalisation de l'IVG dans certaines conditions dans notre pays.

Je vous remercie pour votre attention.

Mr Ameer Meea: Mr Deputy Speaker, Sir, I move for the adjournment of the debate.

Mr Quirin rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

At 7.51 p.m. the sitting was suspended.

On resuming at 9.13 p.m. with the Deputy Speaker in the Chair.

PUBLIC BILLS

Second Reading

THE MAURITIUS FAMILY PLANNING AND WELFARE ASSOCIATION (TEMPORARY PROVISIONS) BILL

(No. IX OF 2012)

Order for Second Reading read.

The Minister of Health and Quality of Life (Mr L. Bundhoo): Mr Deputy Speaker, Sir, I beg to move that the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill (No. IX of 2012) be read a second time.

Mr Deputy Speaker, Sir, the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill 2012 aims at setting up an interim Management Committee which will temporarily, in lieu of the National Executive Committee, assume the function of administering the Mauritius Family Planning and Welfare Association and be vested with all the necessary powers for that purpose.

For recall, the MFPWA, formerly known as the Mauritius Family Planning Association, was established in 1958 and was given a legal status with the enactment of the Mauritius Family Planning Act in 1967. The main objective of the Association was to provide family planning services to the population. The objects of the Association under the MFPWA Act of 2005 are to promote family welfare, protect good health both mental and physical, advise the population on sex education and promote sexual and reproductive rights as a basic human right.

Mr Deputy Speaker, Sir, the Association is managed by National Executive Committee comprising a Chairperson, a Treasurer and 11 other members elected at the Annual General Meeting as well as a representative of this Ministry, three members co-opted by the Committee and the Executive Director. It should be noted that the representative of my Ministry and the co-opted members on the National Executive Committee and the Executive Director do not have the right of vote under the existing provisions of the Mauritius Family Planning and Welfare Association Act. My Ministry has thus no say in the election of the managing committee nor in the day to day running of the Association.

The main sources of revenue for the MFPWA have been by way of annual grants, namely Rs3 m. from the International Planned Parenthood Federation, that is, the IPPF to which the MFPWA is affiliated and Rs2.8 m. from the Government. The MFPWA has also been the Principal Recipient on behalf of NGOs under the Global Grant Fund for the year 2010-2011 and it has so far received a grant of about Rs7.6 m. to implement HIV and AIDS related activities. Moreover, the Mauritius Family Planning and Welfare Association is eligible for *ad hoc* funds for implementing specific projects under the United Nations Population Fund.

Mr Deputy Speaker, Sir, Mauritius received the UN Population Award in 1990 for its success in the population programme. In fact, Mauritius is quoted in different international fora as having been successful in population control and reproductive health including family planning, but this did not happen by mere coincidence. There has been strong popular adhesion on the part of each and every citizen. Here, we must recognise the valuable contribution of the MFPWA and also *Action Familiale* in achieving this success.

Since quite some time there have been growing management problems, internal conflicts and lack of good governance at the institution. In August 2011, a representative of the IPPF was in Mauritius and raised concern about the internal conflicts of the institution, particularly between management and the National Executive Committee. He indicated that under such conditions the IPPF will consider the withdrawal of funding to the Mauritius Family Planning and Welfare Association.

The representative of my Ministry on the National Executive Committee has reported that there are constant conflicts among members of the National Executive Committee and the Executive Director. Long and irrelevant discussions form part of the meetings, with no progress towards planning and strengthening the activities of the Association in order to achieve its goals.

Subsequently, Mr Deputy Speaker, Sir, in August 2011, a meeting was held at the level of my Ministry with the Chairman and three members of the National Executive Committee as well as the Executive Director of the Association, in order to convey the concerns of my Ministry and those of the IPPF on the prevailing state of affairs at the MFPWA. An appeal was made to the National Executive Committee as well as to the Executive Director to resolve their internal conflicts and foster a team spirit, but to no avail. Concurrently the IPPF reached the same conclusion and decided to suspend its annual grant to the institution as from January 2012.

As stated earlier, the institution has also been the Principal Recipient on behalf of NGOs under the Global Fund Grant for year 2010-2011. So far, it has received a grant of about Rs7.6 m. to implement HIV and AIDS related activities. However, following alleged cases of malpractices at the MFPWA and Country Coordinating Mechanism, which is responsible for monitoring the implementation of programmes and activities financed by the Global Fund, commissioning the KPMG Consultant Ltd. to investigate into the matter. The Consultant noted various shortcomings in the procurement procedures at the MFPWA, including malpractices such as non-adherence to standard operating practices, lack of internal control and cases of

insubordination and negligence. The Country Coordinating Mechanism therefore decided that the Mauritius Family Planning and Welfare Association would not be the Principal Recipient for NGOs under the Global Fund Project as from January 2010.

Mr Deputy Speaker, Sir, the IPP Federation has now informed the Mauritius Family Planning and Welfare Association that the outstanding grant for 2011 will not be allocated since the Association is not meeting the conditions for the release of the grant namely, providing information on the progress relating to the review of the constitution of the Mauritius Family Planning and Welfare Association and the recruitment of a Finance Officer at the Association. The IPP Federation has informed that once a positive response is obtained, a verification mission from the Africa Regional Office will visit Mauritius to recommend lifting of the suspension of the grant.

In view of the prevailing situation the Government decided in December 2011- I mean myself and before that under my predecessor - to request the office of Public Sector Governance (OPSG) to undertake an investigation into the alleged cases of mismanagement and internal conflicts at the Mauritius Family Planning Welfare Association and to make appropriate recommendations.

Furthermore, Mr Deputy Speaker, Sir, I am informed that enquiries are being conducted by ICAC on alleged cases of corruption, and by the police on alleged cases of malpractices.

Mr Deputy Speaker, Sir, not later than last week, precisely on 21 May 2012, I was informed that the chairman of the newly elected National Executive Committee has submitted his resignation.

Mr Deputy Speaker, Sir, as a responsible Government, we need to protect the interests of both the Association and its employees. We should also ensure that no organisation, through its actions, brings disrepute to the image of the country as well as to international institutions that are supporting us. In these circumstances, it is deemed necessary, Mr Deputy Speaker, Sir, to temporarily suspend the National Executive Committee of the Mauritius Family Planning Welfare Association. In this respect, we have come up with the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill, which is suspending the National Executive Committee of the MFPWA, and is setting up an interim Management Committee vested with all necessary powers to ensure continuity. Members of this House are surely aware that a similar arrangement was made as far back as July 2002.

The interim Management Committee shall consist of-

- (a) a representative of my Ministry, who shall be the Chairperson;
- (b) a representative of the International Planned Parenthood Federation, and
- (c) 3 other suitable persons to be appointed by the Minister after consultation with the International Planned Parenthood Federation.

Mr Deputy Speaker, Sir, the International Planned Parenthood Federation has already confirmed its interest and readiness to form part of the interim Management Committee proposed to oversee the changes at the Mauritius Family Planning and Welfare Association.

The interim Committee will only be in place until all the conditions imposed by the International Planned Parenthood Federation would have been met, relevant enquiries by the office of Public Sector Governance, the Independent Commission Against Corruption and the police are completed.

Mr Deputy Speaker, Sir, I wish to point out that the objectives and functions of the MFPWA, as stipulated in the Mauritius Family Planning and Welfare Association Act 2005, have to be reviewed in order to respond to the changing demographic profile and new health challenges. In this context, my Ministry will consider changes to be brought in the organisational structure of the MFPWA in consultation with all relevant stakeholders, and in the light of the report which will be submitted by the office of the Public Sector Governance.

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

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo) rose and seconded.

(9.24 p.m.)

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Deputy Speaker, Sir, I wish, first of all, to state that I totally agree with the hon. Minister in the setting up of an interim committee to look after the interests of the Mauritius Family Planning Welfare Association. I wonder which welfare, which planning has been done so far because we do go and realise that this kind of problem has been existing since the year 2002, I think, when we have had to remove the committee and bring in the Chief Medical Officer as Chair of this organisation.

Far too often, we allow NGOs, and this is not an NGO. If we are to classify NGOs, we would have a classification that goes with it, a kind of Business-Oriented NGOs, which are the BONGOS. This one is a GONGO, a Government-Oriented NGO, where Government is

sponsoring this organisation to the tune of Rs2,850,000 per year, with a lot of money coming in from the IPPF which, I think, is to the tune of Rs3 m., plus fund raising, CSF and everything that goes in towards fund raising. This situation has gone long enough, and if it were not for the IPPF threatening to cut the provisions of money to this organisation, there would have been absolutely no change.

While I say that I agree, I would like to ask the hon. Minister whether he could kindly inform us when this case has been referred to the ICAC. Maybe Government does not trust ICAC. We, in the Opposition, do not trust ICAC. Maybe the Government does not trust the police, and maybe the police should have an enquiry. We have been informed that there are three organisations going forward with the enquiry. One might be from the Ministry, one from the ICAC and the other one with the police. Having taken cognizance of the public sector governance - lots of lovely words - which means actually that money is going down the drain with absolutely nothing in exchange for it, now we have the famous report which was ordered last year, as far back as June 2011. It is about a year now that absolutely nothing has been done.

Now, when we are coming up with an Interim Committee, and we are trying to appoint members to that committee, which shall be chaired, as in the past, by somebody from the Ministry, we want to be reassured that no member of the previous committee shall be allowed to sit on the new one, that this is a fresh start for the association. This is an association with history, with founding fathers who devoted themselves to family planning and control in Mauritius. This is not the same vocation that now exists. What we wish is that nobody who was a party directly or indirectly, or a silent and innocent bystander at all those meetings that took place, be allowed to be on the Interim Committee. Furthermore, we will be most grateful if the Interim Committee – and this leaves us to the word of being “interim” - shall not develop a certain amount of permanency which would allow them to continue from where the previous left.

I would also wish to be reassured about why the Interim Committee has been selected, and whether no other method in the existing Mauritius Family Planning Act exists for the removal of members who have been found wanting. It has been brought to my knowledge that there are a number of situations where this association has been found wanting. Procurement is but one. When you deal with procurement and you go about the wrong way, there is only one destination. It's the Beau Bassin prison and nowhere else. There has also been collusion in the buying of air tickets. There have been trips for the boys, white money kept coming in with a lot

of manoeuvring from the part of the members. There are ways and means which are allowed in the Act for the removal of those who have failed.

Like I said, it is a GONGO. I am sure Government is, but an innocent partner. There is only one Government representative on this association who has actually an observer status; the rest are elected. How does one become a member of the Mauritius Family Planning and Welfare Association? One has to be recommended by two of the others who are there. We don't have to go that far. We only have to go as far as the 11 members who bring in relatives, and this becomes a different type of NGO: FONGO – Family Oriented NGOs. They are all there to support this association. And those who do not wish to play ball are obviously booted out.

I would like to ask the Minister, if he is honest in his venture, to ask for an enquiry at his Ministry's level and to try to apportion the responsibilities of those who have been there. I agree, there should be an interim committee. It is far too easy for presidents and members of Board to resign and get out after having enjoyed the fruits of Family Planning Association. They seem to have concentrated on planning for themselves rather than planning for the country. And, in addition, when we voted the Budget, we still voted two million eight hundred and fifty thousand rupees to them. We would like to have a certain degree of transparency, a certain degree of accountability, a certain visibility. It is not fair to this House and to the public at large that only now when we are called upon to vote for this interim committee - and we all will vote hopefully - that we are apprised of the fun and games that have been going on in an association which has a sense of history. Those who have been found wanting and who have shortcomings should pay, not only to serve as an example to others, but also to ascertain that Government money cannot be wasted on organisations with lame ducks.

I have spoken, thank you.

(09.31 p.m.)

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): Mr Deputy Speaker, Sir, I am glad that the hon. Minister of Health and Quality of Life has deemed it fit to bring this Bill to the House. In fact, it is a (Temporary Provisions) Bill, a temporary measure which will allow an interim management committee to administer the MFPWA in lieu of the National Executive Committee.

Mr Deputy Speaker, Sir, I think that I am well placed to say that the National Executive Committee could not have been allowed to continue functioning. The MFPWA had almost

stopped functioning because of the way the National Executive Committee was acting towards the management of the Association. In fact, Mr Deputy Speaker, Sir, I should say that at the time I resigned as Minister of Health, I had already given instructions to review the MFPWA Act after I had taken cognizance of the unhealthy situation prevailing at the Association. I had several meetings with the Executive Director of the Association. I had meetings with the Regional Director of the IPPF even with its legal adviser. They were all dissatisfied and expressed the deep concern about the way the Association was being run, especially as the hon. Minister himself has just mentioned that the major part of the funds come from the IPPF.

Mr Deputy Speaker, Sir, I should also say that each time that I had had these meetings I also convened the then Chairman of the National Executive Committee, but it is sad to say that each time he had excuses not to turn up and participate in those meetings. Mr Deputy Speaker, Sir, it is sad to see that such an Association, I term it as one of the largest NGOs which has had a success story, come to a point where it could not even fulfill its objectives owing to the fact that the Chairman and some Board Members were directly intervening in the day to day management of the Association. They were constantly undermining the authority of the Executive Director to the point that they were giving instructions to the staff behind the back of the Executive Director and asking them to do things which were not according to rules and procedures.

Recruitment of new volunteer members was being tampered with. Application for membership was being dealt with in a haphazard manner, without any rationality and this, on purpose as Members of the National Executive Committee are elected at the Annual General Assembly. Obviously, the outgoing National Executive Committee was each year accepting new members who will not and never challenge them. So, each time at the time of election, new members were being recruited.

With this state of affairs, the few members who had at heart the interest of the Association and the population had no other choice than to resign. Several times the IPPF drew attention to the fact that its funding should go towards the financing of projects. It was also prepared to provide guidance and auditing facilities free of charge, but Board Members were reluctant and they were not agreeable. In view of this situation, Mr Deputy Speaker, Sir, the only decision to be taken was to review the whole legislation.

As I said earlier, Mr Deputy Speaker, Sir, it is really sad to see such an Association which had been very successful in the late 60s and early 70s in family planning come to such a point as

to forget its initial objectives. Let us not forget and I wish to mention it here, the Titmuss report in the 1960s which recommended Government to encourage a limited family size. The MFPA was set up for that specific purpose and in the 1970s the MFPA took up the challenge and managed to bring an impressive decrease in population growth from 3% to 1.3%. Today population growth is below 0.5%. This is a remarkable achievement, Mr Deputy Speaker, Sir.

The MFPWA had even shown the famous author V. S. Naipaul that he was wrong in describing Mauritius as the overcrowded barracoon. So, let me say that I welcome this temporary provisional Bill which, I am sure will allow the Association to breathe some fresh air. But, at the same time, I hope that the temporary measure does not become a permanent measure and that the hon. Minister brings fairly quickly to this House a new Bill which will give back to the MFPWA its *lettre de noblesse*.

Thank you, Mr Deputy Speaker, Sir.

(09.37 p.m.)

Mr Bundhoo: Mr Deputy Speaker, Sir, allow me, on behalf of Government, to thank the two hon. Members for positively agreeing with the temporary suspension of the National Executive Committee of the Mauritius Family Planning and Welfare Association Bill.

I would like to assure hon. Dr. S. Boolell for the points that were raised, that is, the very reasons why we are bringing the Bill to the House. Had we not paid heed to the issues that he raised, we would not have brought the Bill to the House. That is the first point of explanation that I wish to give to him.

Secondly, I also wish to assure the House at large that we are only providing a quarter, that is, only 25% of the grant to the Mauritius Family Planning and Welfare Association in order to maintain pay and other basic utilities pending the appointment of the interim committee.

Also, I would wish to reassure both Members, hon. Mrs Hanoomanjee and hon. Dr. S. Boolell that, as we stated earlier, inquiries are going on and we will wait for the outcome of the inquiry as much as possible, but at the same time, we will not be able to wait eternally for the inquiries to be going on and on. But, meanwhile, as we are appointing a new interim committee, I can assure the hon. Members also that the new interim committee will be made up of all new members, as I said earlier, with the collaboration of the IPPF as stated in the provisional Bill that we are proposing to the House.

I would also wish to reassure everybody and especially about the last remark and observation made by hon. Mrs Hanoomanjee, that the very reasons why we are bringing the Bill is to take the opportunity to rethink, to reengineer, to restructure the whole of the Mauritius Family Planning and Welfare Association. I must say something here, when the previous Minister in 2002 brought the suspension, my good friend, hon. Faugoo who was the then Minister of Health, when he brought back the Bill to the House, he reorganised it. This is when he included to the Mauritius Family Planning the words 'Welfare' to the Association with new objectives. But, quite unfortunately, I must say - I am not, here, making any judgment on Mr Ashock Jugnauth, on hon. Satish Faugoo, on hon. Mrs Hanoomanjee or on myself. None of us have dared to look at the structure within which the MFPWA is organised and administered. This is exactly what we intend to do in the months to come and, at the same time, the inquiry outcome will be known.

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

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill (No. IX of 2012) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill (No. IX of 2012) was read the third time and passed.

Second Reading

THE FOUNDATIONS BILL (No. X of 2012)

Order for Second reading read.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker Sir, I move that the Foundations Bill (No. X of 2012) be read a second time. In the 2012 Budget Speech, I announced that Government would soon set out the

legal framework to enable the creation of Foundations in our jurisdiction in order to widen the spectrum of available instruments.

Indeed, it is important for us to continue to innovate and bring our jurisdiction at par with other competing offshore centres. With this in mind, I passed the Limited Partnership Act recently, and I plan to introduce in the House, within the next few weeks, the Private Occupational Pensions Bill, and then before the end of the year a Limited Liability Partnership Bill.

Mr Deputy Speaker, Sir, the Foundations Bill, upon enactment, will enable the global business sector to offer an additional financial vehicle to high net worth individuals and corporate entities both local and foreign that prefer to entrust the management of their assets to a legal entity. The Bill is in line with our ongoing efforts to increasingly promote Mauritius as an International Financial Centre of global repute and to diversify our product range. Such legislation exists in most of the jurisdictions that are competing with us, including Jersey, the Isle of Man and the Bahamas.

Currently, there is no legislative framework for the setting up of Foundations; some 40 of these entities have been incorporated under the Companies Act to enable them to carry out the CSR objectives. This proposed law will make up for that shortcoming.

Foundations are utilised for asset management in countries practising civil law, whereas Trusts provide a similar legal framework in countries following common law. Mauritius, professing a hybrid of these two laws, will now have the Foundations Act to supplement the Trusts Act in a bid to reach out to a wider clientèle across the globe. The Foundations Act will therefore secure business opportunities for Mauritius in countries where the concept of Trust is not well understood or popular.

A Trust involves a Settlor transferring the title of his assets to a Trustee for management, in the interests of specified beneficiaries. For the same reasons, a Foundation involves a Founder transferring the title of his assets to an entity legally created for that purpose. Here, the functions of a trustee are performed by the Council of the Foundation and are defined in the Charter of the Foundation. The equivalent under Trusts is the trust deed between the Settlor and the Trustee.

A Settlor under the Trust Act relinquishes the ownership of the assets and is not allowed to interfere in the operational management of these assets. Settlor's interference makes the Trust null and void. Although, under Foundations, the client also relinquishes the title of his assets, the

Founder, that is, the client, can still have a legitimate say in the operational management of assets by becoming a member of the Council. Council members collectively manage the Foundation's assets contributed by one or more Founders.

In general, Foundations may not offer as much secrecy as Trusts do. As an incorporated entity, a Foundation opens itself to public scrutiny. Thus Foundations offer greater transparency in property and estate management, which is consistent with Government policy.

Under the Foundations Bill, a Foundation registered abroad can be redomiciled in Mauritius. Similarly, a Foundation registered in Mauritius can be redomiciled abroad. This latter provision enables the clients of the global business sector to shift the management of their assets closer to home if that option gives them greater sense of comfort and security. Flexibility in domiciling Foundations makes the product all the more attractive.

Mr Deputy Speaker, Sir, this Bill provides for Foundations to be either charitable or non charitable or both. For tax purposes, Foundations will be treated on similar lines as a Trust. A Charitable Foundation will be tax exempt while a non charitable Foundation will be taxed as a Trust. In the event that a Foundation has both charitable and non charitable objects, it will be taxed on all its profits as a non charitable Foundation in order to avoid the problematic issue of apportionment.

Mr Deputy Speaker, Sir, I shall now explain the main features of the Bill. Part I sets out the purpose and objects of the Foundation. It also sets out who is a Founder.

Part II of the Bill deals with the mode of establishment of its charter, articles and property of a Foundation, the powers and obligations of a Foundation as well as the duties and powers of the Council. A Foundation may be established through registration or by means of a duly executed will. The Foundation shall acquire legal personality when it has been registered and issued with a certificate of registration by the Registrar. Provision has also been made for the appointment and qualification of a secretary and the appointment of auditors. Every Foundation shall, at all times, have a registered office in Mauritius to which all communications and notices may be addressed and which shall constitute the address for service of legal proceedings on the Foundation.

This part also specifies that every Foundation shall have a Council which shall administer the property of the Foundation and carry out the objects of the Foundation. The Council of a Foundation shall, at all times, have at least one member who shall be ordinarily resident in

Mauritius. Also, the Council shall have the duty to act honestly and in good faith and to exercise the necessary care, diligence and skill, and it shall have the power to appoint such officers as may be necessary for the effective discharge of its duties and obligations. Officers and members of the Foundation Council shall be personally liable in the event of fraud, wilful misconduct or gross negligence committed by that person.

Part III deals with the name of the Foundation and the restriction in the use of certain words in the name of a Foundation.

Part IV and V concern the registration, the keeping and inspection of register. A Foundation registered under this Act shall have a separate legal personality as from the date of issue of a certificate of registration. Any action conducted by the Foundation prior to registration may be ratified, after the date of registration by a resolution of the council. The duty of the Registrar is to maintain a record and all the relevant documents of each foundation registered under this Act. A person may, on payment of the prescribed fees and with the authorisation of the Registrar, inspect the register and the relevant documents.

The capacity of the Foundation to undertake a business and the disclosure of interest by concern parties are dealt with under Part VI. The beneficiary of a Foundation has the right to obtain information in relation to the Foundation.

Part VII relates to the keeping of records and accounting. A Foundation shall have proper books of accounts to be kept at its registered office or any other place as may be determined by the council and it shall be available for inspection by any authorised person.

Part VIII deals with the removal and restoration of a Foundation on the register. It should be noted that the register will be kept by the Registrar of Companies. If the Registrar believes that a Foundation registered under this Act no longer satisfies the requirement prescribed for a Foundation, then the Registrar shall, by way of a written notice, inform the Foundation and have the name of the Foundation removed from the register after giving reasonable opportunity to the Foundation to make representations on the matter.

The cases when a Foundation can be liquidated and wound up are defined in Part IX. A Foundation shall be liquidated provided that a notice of liquidation has been signed by a member of the council, delivered to the Registrar and published in two daily newspapers. For the distribution of assets upon liquidation and winding up this is provided under the clause 44 of the Bill.

Under Part X, the Registrar is the one who is responsible to issue a certificate of current standing. The certificate of current standing shall contain the statement as to whether the foundation is in the process of being wound up and dissolved or any proceedings to remove the Foundation from the Register have been instituted. Moreover, every officer, protector, member, any other supervisory person, or auditor shall not disclose any confidential information available to him to any person, or make use or act on such information, except for the purposes of the Foundation as mentioned in the Bill. This Part also deals with the re-domiciliation of Foundations.

The relevant fees to be paid by the Foundation are listed in the schedule.

Mr Deputy Speaker, Sir, once the Foundation Bill is enacted and published in the Gazette, we will do our best to proclaim it as soon as possible.

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

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo) rose and seconded.

(9.53 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, after hours debating on a Bill for legalising abortion and on family planning, we are now going to debate a Bill which will give birth to a new statutory entity, a Foundation. We, on this side of this House, are fully supportive of the Bill, subject to some clarification that we are going to ask later on and it is a much awaited Bill by the industry. Again, Mr Deputy Speaker, Sir, I am tempted to use the same expression I used when we debated the Bill on Limited Partnership: “*que de temps perdu.*”

We are today in 2012 and it is important that we make a chronology of event when it all started till today. It all started around 2001 when the Government of the day set up a Steering Committee to look into the financial sector and that Committee recommended that we needed product diversification in order to take Mauritius to a new level and one of the products identified in those days was the Trust. When the Trusts Act came before this Assembly in 2001 there were a lot of criticisms from local practitioners, because some said that it was incompatible with the Civil Code.

So, the Trusts Act amended the Civil Code and, at the same time, by amending the Civil Code, opened the doors for future legislation to come in which will have hybrid features like we

have in the Foundation. After that 'The Financial Services Promotion Agency' together with the Society of Trust and Estate Practitioners of which I was the then Chairman started working together to come up with the Bill for the Foundation. And going through my papers, I came across an email in April 2005, where the Association of Offshore Management Companies, as they were then known, actually sent an email around to all stakeholders asking for comments on the proposed Bill which was also being supervised by the Financial Services Commission. I am talking about April 2005 and then the election came and we did not hear anything about the Foundation Bill. There was a change in the FSC, the Financial Services Promotion Agency (FSPA) was dismantled, replaced by the Board of Investment and we had to wait till 2009, four years later, for the Financial Services Commission to set up a global Task Force and yet another subcommittee to develop new products was set up and various stakeholders were given the opportunity to come and discuss the Foundation Bill. In fact, as far back as April 2009, the draft Foundation Bill, as approved by the Financial Services Commission and the Task Force, was circulated for comments. We still had to wait another three years before this Bill came before this House and I have to say: better late than never. So, I am very happy that at long last, the Government is bringing forward this Bill, even though, in the meantime our competitors such as Jersey came up with a Foundation Bill and Seychelles came up with a Foundation Bill in 2009.

Mr Deputy Speaker, Sir, what are we talking about when we talk about a Foundation? A Foundation is basically an entity, a legal person, who receives funds for a purpose or for the benefit of individuals called beneficiaries. We have one person called a Founder, he transfers property unto that Foundation and then the Foundation based on its charter, will use that fund for a purpose which can be charitable or non-charitable or for beneficiaries who can be individuals or corporation. The important thing about the Foundation is that once the founder has transferred the property to the Foundation; that property no longer belongs to the founder. That's very important, because it enables certain tax planning to take place, it enable certain estate planning to take place at the level of the founder. It is also important to note that, once this Foundation is created, we don't have the concept of shareholders, unlike a company. For a company, we have shareholders who put the money and then we have a Board of Directors and shareholders who supervise the company. In the case of a Foundation, once the founder puts the money and settles the money into the Foundation, there is no shareholder. Even if we have beneficiaries, they do not have any beneficial entitlement to the property. They can only have an expectation one day

to receive something, to receive a distribution out of the Foundation. The Foundation itself is managed by a council. The council is similar to a Board of Directors. The duties and responsibilities of the council are set out in the Bill, but they will also be set out in the charter and if the Board decides to adopt articles, they will be set out in the articles as well.

The Foundation will also be required to have a Secretary and this position of Secretary is very important. It will have to be either a management company licensed by the Financial Services Commission or such other person as may be approved by the Financial Services Commission. Why is a Secretary important? Because he would be the link, as it was between the Council and the Regulator. So, being a regulated entity, the Secretary himself will have a duty to ensure that the Council is carrying out its function properly. Here, I am a bit puzzled that in the law there is no minimum qualification requirement for that Secretary. As for management companies, fair enough, they are licensed, but there is also 'other person as may be approved by the Financial Services Commission'. So, I hope that, in giving its approval, the Financial Services Commission will at least require the Secretary to have the minimum qualification which a Secretary must hold under the Companies Act.

The hon. vice-Prime Minister mentioned confidentiality, and said that the Foundation will be more transparent than a trust, in terms of filing of documents. Unfortunately, this is not totally true, Mr Deputy Speaker, Sir, because at the root of the Foundation there is a document called a charter. The charter is like the trust deed for a trust, and the constitution for a company. This charter is not required to be filed with the Registrar for Foundation. Only extract of the charter is required to be filed. It's more transparent, but not totally. Then, the other problem comes to who can inspect those registers. It's not open to the public. It's only someone authorised by the Secretary - so, again, the Secretary has a very important role - or the Financial Services Commission.

I won't have any qualms with this if we were talking about an offshore Foundation, about a Foundation set up by a non-resident, where it was important to have confidentiality. But then, if we talk about domestic Foundation, and if we go further to talk about charitable foundation, how is a person going to know what a person who is representing himself as a Foundation can do and cannot do? How will a beneficiary who needs to enforce this Foundation know that he is the beneficiary if he does not have access to these public documents? So, confidentiality, yes, but I

think this is something that, maybe after teething problem, will have to be revisited, especially for those Foundations where the founder is a Mauritian citizen.

Talking about Charitable Foundations, as you are aware, Mr Deputy Speaker, Sir, nowadays there are a lot of companies, associations, calling themselves *fondations*, and a lot of them are charitable foundations; *fondations* which raise funds or use CIS funds. Once this Bill becomes law, we will have to make sure that those entities who call themselves *fondations*, but who are not registered as a Foundation under the Bill, should not be able to use the term 'Foundation,' except if it is by way of an Act of Parliament, where the Act of Parliament itself calls them 'Foundation'.

When it comes to charity, it is very important to have transparency because very often a Charitable Foundation is able to collect money from the public. When we deal with public money we should always take extra care. This is why under the Civil Code, for example, under section 910, before making a donation to a charity you need the consent, the approval of the Attorney General. Now this has been disapplied, as it is disapplied in the case of Charitable Trust, except for one difference. In a Charitable Trust, when you have a trust which is set up for charitable purposes, which are identical for the Foundation, the Trusts Act requires all Charitable Trusts to have an enforcer. If that Charitable Trust is set up by a Mauritian, that enforcer has to be approved by the Financial Services Commission. That is very important because as enforcer because he holds the stick; he is the one who is going to ensure that the trustees of a Charitable Trust are using the funds the way they have to be used.

Unfortunately, in the case of Charitable Foundation, we don't have any concept of enforcer. We don't have any person who has this role of making sure that the Charitable Foundation is being used correctly. Again, in the case of the Trust Act, the Attorney General has wide powers to go to court, has wide powers to ask for variation of Charitable Trusts. Here, the hon. Attorney General does not have any power. So, maybe the Government would like to amend section 43, subsection 2 of the Foundation Bill and add, in the list of people who can petition to court, the Attorney General who should be allowed to petition, for example, for the winding up of a Charitable Foundation, if there are grounds for doing so. Then, in subsection 3 of section 43, one of the grounds for winding up a Charitable Foundation could be where the Charitable Foundation is not carrying out the purpose for which it was set up. At the moment, we don't have this power under the law, but I hope this will happen.

One more observation on the Bill, Mr Deputy Speaker, Sir, is in relation to immovable property. I remember - because I was part of the drafting team for the Trusts Act 2001 - the single clause which attracted most debate and most criticism was about the Trust being able to hold immovable assets in Mauritius. I remember that the public notaries made an outcry and said that we can't have a Trust for immovable property in perpetuity. That is against public order. But here, today, the Foundation Bill allows you to do that, because a Foundation can be set up to do anything, to carry out any purpose, and the Foundation can be of perpetual duration. So, you can have a Foundation which holds immovable property.

Those of the Muslim faith know what happens when Muslims set up waqf which is, again, another creature which you can be used for asset planning for the Muslim community. We know how difficult it is where the Waqif has settled immovable property on to a waqf, and down the road the beneficiaries, the children, the descendants of the Waqif - the person who set up the waqf - want to change the Waqf, want to sell the property because some of it is on prime land. They want to be able to dispose of this asset. They are not able to do it, because there is no such power under the waqf - nama - which is the agreement setting up the waqf. There is no power given to dispose of that asset. So, again, it's the same problem that we may encounter in the future about a Foundation being able to hold immovable property.

Then, we have another problem with the Non-Citizens Property Restriction Act. Unfortunately, hon. Sayed-Hossen is not here today, but he himself has gone to the police, I understand, and made statements against Trusts which were being used by non-citizens to circumvent the Non-Citizens Property Restriction Act, and were able to hold immovable assets in Mauritius without getting the approval of the Prime Minister's Office or the Board of Investment, as the case may be. Again, in this Bill, today, I don't see anything, any restriction about foundation whose beneficiaries are non residents because you wouldn't know also - because of the secrecy that we have just spoken - the identity of the beneficiaries if you are not the Registrar of company or you are not someone authorised by the Financial Services Commission or the Secretary. So, you wouldn't know who are the beneficiaries, if the beneficiaries are non-Mauritians. If you look at the Non-Citizen Property Restriction Act, as currently drafted, there is no reference and that is understandable to foundation. There is only reference to company and trust. So, going forward probably we will have to amend the Non-

Citizen Property Restriction Act to make sure that non-citizen beneficiaries do not circumvent the law and hold immovable assets in Mauritius without the appropriate consent.

Mr Deputy Speaker, Sir, I mentioned that all new legislation will go through a teething phase and it is only with experience that we will know, in practice, what problems we will have. The foundation is a welcome addition to the array of products which can be offered by Mauritius to both local and foreigners. It will be particularly useful for our clients which have Civil Law backgrounds. Liechtenstein which is cited as a model, has Stiftung which is the origin of foundations. They have that since 1926. Panama made a whole offshore industry thrive on their foundations which they set up in 1995 and now, I hope with the foundation that we have, we will be able to attract new array of clients especially coming from civil law countries.

But it serves no purpose, Mr Deputy Speaker, Sir, having the best legislation if proper training is not given to practitioners. This is a very technical Bill and I have tried to be as simple as I could, in my intervention not to bore hon. Members, but there is a lot of technicalities and I hope that Government will organise a training session for the industry to explain to them what is the foundation and how it can be made use of.

Finally, Mr Deputy Speaker, Sir, I think that it has been, now, 11 years since the steering committee on the establishment of new regulatory framework for financial sector in Mauritius, was set up. I was lucky to be one of the co-opted members of that steering committee back in February 2001. It has been 11 years. I think that it is important that 11 years down the road that we have a new committee being set up to review the whole financial sector and come up with a global approach going forward with respect to the financial sector.

Thank you, Mr Deputy Speaker, Sir.

(10.13 p.m)

The Attorney-General (Mr Y. Varma): Mr Deputy Speaker, Sir, “Moving the Nation Forward” is the motto of Government and in that endeavour, we shall leave no stone unturned.

The introduction of the Foundations Bill is more than welcome and the hon. vice-Prime Minister and Minister of Finance deserves all our congratulations.

Mr Deputy Speaker, Sir, just to rebut one point that was raised by the Second Member of Constituency No. 2 about the winding up of the foundation. Actually, provision is made under clause 43 of the Bill which states clearly at sub clause (2) -

“(2) A petition under subsection (1) may be presented by –

- (a) the Foundation;
- (b) a beneficiary;
- (c) a creditor;
- (d) a liquidator;
- (e) the Registrar; or
- (f) the Commission”

That is there is provision under this legislation for the winding up of the Foundation.

Mr Deputy Speaker, Sir, this new piece of legislation will add to the island’s offering as a centre for international wealth management and attract new business from high net worth and institutional investors. It will provide our financial services industry with an additional tool to explore new business opportunities.

The Foundations Bill provides for the establishment of foundations which are an alternative to trust as vehicles for holding assets.

Mauritius has a reputation as a credible and trustworthy international financial centre of substance. As foundations offer greater familiarity and comfort for individuals and families from civil law countries, we will be offering a flexible alternative to that of the traditionally used trust.

Foundations, Mr Deputy Speaker, Sir, have long been associated with Civil Law jurisdictions, most notably Austria, Switzerland, Panama and Malta. Recent years, however, have seen many Common Law jurisdictions such as the Bahamas, Jersey, Isle of Man and Guernsey introduce legislation allowing the establishment of foundations.

Foundations were originally used for charitable or religious purposes. In modern times they have quickly evolved to become a much sort of financial product especially for worth management, tax planning, asset protection and succession planning.

Mr Deputy Speaker, Sir, what do we actually mean when we refer to foundations?

There are a number of jurisdiction-specific features of foundations, but broadly speaking, a foundation is a self-owning legal entity separate from its founder, officers and beneficiaries which has a Council that is responsible for its administration. The Foundation may hold assets in its own name, is capable of suing and being sued and usually has rights, powers and privileges of a natural person. This is in contrast to a trust which does not have separate legal personality, does not beneficially own assets and cannot be made personally liable for trust debts.

A foundation is created by a founder who dedicates property to the purpose of the foundation and sets out in the charter or its articles how the assets should be enlisted and how they are to be dealt with. A foundation may have named beneficiaries or be established for charitable purposes. The particularity of the Mauritian foundation is that its objects may be charitable or non charitable or both and may be to benefit a person or a class of persons, or to carry out a specific purpose or both. It is widely held view that international users, especially those from Civil Law jurisdictions, may find it easier to understand and use the foundation rather than the trust.

Indeed, Mr Deputy Speaker, Sir, it has been observed that international users prefer the foundation because of its similarity to corporate structures with which they are more familiar. Indeed, in a number of jurisdictions there is a requirement for the foundation to be registered and this would be the case in Mauritius as well.

Also the Charter of the Foundation is quite similar to the constitution of a company and the Foundation Council members are akin to a Board of Directors. Furthermore, there is scope for flexibility regarding provisions such as winding up.

That said, Mr Deputy Speaker, Sir, there are also striking resemblances between Foundations and Trusts and, in their basic form, Foundations serve a very similar purpose to private and charitable Trusts. The founder will be considered to have a similar role as the “Settlor” who makes endowments for the benefit of beneficiaries.

Mr Deputy Speaker, Sir, I must also highlight that the Foundations Bill fully satisfies the required international standards for tax transparency and exchange of information requirements provided for under the Exchange of Information Framework for the purposes of the Peer Review Group of the Organisation for Economic Cooperation and Development as Foundations are required to keep adequate records.

To sum up, Mr Deputy Speaker, Sir, I would say that Foundations are very flexible and adaptable vehicles which no doubt would appeal to a broad spectrum of clients. This new financial product would offer more options to our financial services industry.

I will end, Mr Deputy Speaker, Sir, by simply saying that this piece of legislation lays the foundation for the expansion and further development of our financial services industry.

Thank you.

(10.22 p.m.)

The Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah): Mr Deputy Speaker, Sir, allow me to congratulate my colleague, the vice-Prime Minister, Minister of Finance and Economic Development for introducing the Foundations Bill in this Assembly under the very able leadership of the hon. Prime Minister, Dr. Navin Ramgoolam, who is bent on bringing about transformational changes, relentlessly to introduce the Republic of Mauritius into the selected group of nations that deserve international recognition.

As my colleague and good friend already pointed out, Foundations are legal structures used mostly by Americans in contrast to Trusts which are used mostly in Anglo-Saxon jurisdictions, having common law system.

Several jurisdictions in Europe have Foundations with different legal status and powers. In many of them, Foundations are set up for charitable purposes only, whereas this current Foundations Bill caters for both. Foundations are an entirely new legal concept and wealth management vehicle for Mauritius. As explained by my colleague, the Minister of Finance, a Foundation functions like a company through councillors instead of directors and like a Trust has beneficiaries instead of shareholders. Foundations are separate legal entities and reflect the wishes of the founder, who may be an individual or another legal entity.

The Bill sets out the powers and obligations of the founders, the appointment and qualification of a secretary as well as the appointment of auditors, who are the key players in a Foundation. In the US, many Foundations have been set up by large corporations as charitable entities to promote education, health, research and other social activities as part of their respective corporate social responsibilities. Private Foundations in the US control over \$628 billion in assets and made more than \$44 billion charitable contributions in 2007, namely in the field of education. Foundations have been set up for the advancement of higher education by providing scholarships and awards devoted to the promotion of excellence amongst professors and students.

To implement their respective CSR programmes, several large companies have set up subsidiaries to deal with this matter. This Bill will give them an additional vehicle to promote the CSR programme and, here, Mr Deputy Speaker, Sir, in this Bill section 7(1) (b) specifically charts out the way to enable the creation of charitable foundations for the development of education. Most of our competitors such as Jersey, Bahamas, Isle of Man have as Foundations

one of their financial services products and among the leading common law jurisdictions for the domicile of Foundations. Even Seychelles recently, in 2009, introduced its Foundations law to enhance its competitiveness as a financial sector.

The introduction of a Foundations Act in Mauritius will supplement the Trust Act and reach out to a wider clientèle across the globe. It will open up significant business opportunities with clients from parts of the world, where the concept of Trust is unknown and be a more readily acceptable vehicle to authorities of such countries. The setting up of Foundations will give a boost to our global business sector by further promoting Mauritius as a platform for wealth management, succession and estate planning as well as pension funds. This piece of legislation will further reinforce our reputation as an international financial centre of substance and credibility.

Let me, Mr Deputy Speaker, Sir, focus on Foundations which are of a charitable nature. The Bill is long overdue as Foundations have played important roles in many societies. Throughout history and in many countries, successful businessmen and wealthy families, for a number of reasons, ranging from the religious to the purely humanist, have created endowments, Trusts and Foundations for the improvement of the lives of their fellow human beings. At a time when Government did not intervene in the day-to-day life of people, these Foundations stepped in to provide education, health, shelter for the poor, the sick and the have not's.

In many countries, Foundations have been set up to provide education and to support and fund research. In many countries, educational institutions, hospitals, orphanages and research are funded by Foundations. Cancer, heart and diabetic Foundations, university endowments are a few examples of these benevolent organisations. The recent University of Mascareignes Bill has made provision for the setting up of an endowment which would enable the institution to explore the other funding resources.

Many universities in other countries have long depended on grants from Foundations to provide them with operating capital and pay for new projects. Today, I guess the whole world knows about the Bill and Melinda Gates Foundation and the Lumina Foundation are the largest and most influential education funders. Foundations also have a leading role in promoting research by identifying research areas and bringing people together to discuss their respective ideas.

At present, as the country becomes more prosperous, there are individuals, families and organisations who would like to contribute to the welfare of societies by providing generous donations for specific causes which they hold dearly in their hearts. In Mauritius, there are already a number of individuals and organisations that are willing to support various kinds of projects. They already exist, they have the money and they know which causes they want to fund, but what was missing was an Act of Parliament to provide the legal framework for these activities to operate with respect to their values and the mission of the founders and the donors.

The present Bill has come at the right time and provides the necessary framework. From then on, we know that this Act will encourage donors to come forward to set up their foundations with the knowledge that the objectives of the Foundation will be fulfilled both in the short and the long term. We know in the field of higher education in US and UK, Foundations and endowment money have played a major role in developing the universities and more especially the great universities. It is important to know that 40 years ago, Harvard as a young university had an endowment of over \$1 billion now there are \$39 billions of endowment at Harvard University. In 2003, it stood up at \$18 billion. It was \$11 billion for Yale and Princeton had \$8 billion of endowment.

Oxford and Cambridge universities had about \$2 billion provided by benefactors. I must also quote these other institutions: the London School of Economics and Imperial College, which are recognised and well-known as world-class universities, have endowments to the tune of £38 million and £49 million respectively.

I am further informed, Mr Deputy Speaker, Sir, that in the year 2011, the endowment at Harvard University stood at \$31.7 billion. I asked my good friend, the hon. Minister of Finance what is the Mauritian budget. He told me it is to the tune of \$3 billion. This is the Mauritian budget and here we are considering the Endowment Fund of a University. I am not suggesting that we are going to get very close to Harvard, but I think it is good for us to learn from that experience. This is the type of vision that the hon. Vice-Prime Minister and Minister of Finance has for this country. Harvard, with its own enactments in 2011, had endowments to the tune of US\$31.78 billion while our budget is whatever it is in terms of dollars. Endowment for Yale stood at US\$19.37 billion; Princeton had US\$71.1 billion and MIT had US\$9.7 billion.

The significance of Foundations is the amount of income it generates for the foundation and the development of the institutions and projects the Foundation support. No wonder the top

universities of the world are the ones which are more generously endowed. But then we have to learn from successful universities. I won't be too long, but I need to quote a report that I have seen. It compares endowments in the UK and the US and there are great lessons to learn from it about the way forward.

This Bill will make the setting up of the Foundation simpler and encourage more benefactors and donors. It will generate a sense of community in society and in universities among the Alumni. We do have very bright Alumni here in this country. I can name but a few, I have two in mind: François Woo and Arnaud Dalais. I had the chance to talk to them today and they are willing to assist in the process of endowments in this country. Those, with an inclination to give, will enable institutions to provide a number of services, improve the financial position and the reputation of the institutions. More importantly, with the setting up of Foundations, institutions will be able to secure a diversity of funding.

As the House is aware, it is a stated Government policy to create a knowledge-based economy and become a regional leader in the field of knowledge. I see a tremendous opportunity provided by the Vice-Prime Minister and Minister Finance with the enactment of this Foundation Bill.

Charitable Foundations play a critical role in the success of knowledge-based economies. Allow, Mr Deputy Speaker, Sir, to quickly go through literature and summarise the main advantages of charitable Foundations and there are five main points: first, charity systematisation. I must admit, I am quoting from literature. Currently, the main problem encountered by successful business people and wealthy families are that they are in the presence of random requests for donations or financial support submitted by organisations and individuals. Very often, Members of Parliament have to go through this tedious process. By having its own charitable Foundation, the family can identify types of charities to which it is ready to allocate funds alongside establishing clear rules of providing financial support.

Secondly, there is this need or the wish of building public relations to strengthen the business and family reputation. Charity plays a very important role in the activities of successful business people and wealthy families. Having one's own charitable Foundation is useful for strengthening family reputation since it has its own unique mission and values which while being a complete legal entity.

Thirdly, there is this unique opportunity for long-term charity planning. Charitable Foundations set strict rules for charitable activities for many years to come. Families often establish Foundations that invest the initial amount donated during first years of the Foundation's operations and use generated proceeds for charity purposes. The charitable Foundation also may determine members of the Foundation Council and the Board as well as set the rules for appointment of new managers.

Fourthly, very importantly, control of the utilisation of funds unlike occasional charitable activities by establishing a charitable Foundation, the family can engage in charitable projects directly and determine conditions of providing assistance. Therefore there is complete situation control which gives confidence that assistance is provided in the most efficient manner.

Fifthly, participation in public and/or international projects: charitable Foundations can raise additional financing and participate in international or public projects and strengthen the family reputation or expand opportunities for charitable activities.

Mr Deputy Speaker, Sir, as I said, I see a tremendous opportunity here. I see an opportunity to build for the future and I need to congratulate the hon. Vice-Prime Minister for having thought of bringing up this new structure.

Allow me before I end, Mr Deputy Speaker, Sir, to quote from a discussion paper dated May 2003 that was produced by a certain Trust entitled University Endowments – UK/US Comparison.

I must thank the hon. Vice-Prime Minister and Minister of Finance, who actually kind of forced me in a way to go and do some research about these endowments. As I did mention earlier on, the British universities end up getting endowments to the tune of about US\$2 billion. This is not too bad for the top two universities namely Cambridge and Oxford which managed to raise that amount of fund which is not bad as I said, but then in the US, they were able to raise funds to the tune of US\$30 billion and more. They thought that it would be wise to go and study how the US has done so well and they came to some conclusion.

I would like to quickly go through this. I need to mention this for the benefit of the House and hopefully to the population at large in Mauritius. Let me quote -

‘In addressing the endowment question, consideration should firstly be given to making charitable donations being less complex and moving to the US system.’

There are other things that we might have to do at a later stage, but it clearly demonstrates that the Vice-Prime Minister and Minister of Finance is on the right track. This is proof in one sector. If you have successful universities, there is no doubt that your economy is going to flourish and the size of the economy is going to grow and is going to lead the world. So I think he is on the right track.

Secondly - this is something closer to us - there needs to be a cultural shift in attitudes to charitable giving, and this is what he is doing again. What the vice-Prime Minister is doing today is bringing about a shift in the way we do our own business, the way we run our affairs.

I am sure my good friend here, the Minister who is in charge of the Environment, would not mind. I was discussing with him about the importance of charity and charitable institutions, and endowments. He told me naturally: "Hey, listen, I would like to be able to participate in that venture." Today, it is not possible.

I need to take this example. I know this gentleman who had spent some time in a public hospital, who spent I think two or three days in the ICU. He was so happy about the service he was offered in that hospital that he wanted to give some money to the hospital. But then, you cannot give money to the hospital, *parce que* there was no structure in place. Do you know what he did, Mr Deputy Speaker, Sir? He bought I think Rs6,000 worth of sweets because he considered that his stay there would have cost Rs6,000, which, I must admit, was on the lower side, and distributed it to the staff. He could not give Rs6,000 to the hospital. I must admit that this gentleman happens to have been my father. He was so happy by the service he was offered.

But today, what is being created here is an instrument where people can contribute. I am sure many good people here would be willing to give something back to their country. But how do you give Rs100,000 or Rs1,000 to the University of Mauritius? This is not possible today. And I think, once again, the vice-Prime Minister is leading the way in this field.

Thirdly - this is something akin to the universities - what has been proposed here is that universities need to give fund-raising a much higher priority, which is not currently the case, which requires focus leadership and active participation by vice-chancellors and senior managers, as well as recruitment and training of high calibre fund raisers. I think the whole essence of what is happening here is that we are not going to find the fruits tomorrow, but we are planting a very important seed here. I do not have any doubt that whatever we do in this country, we do well.

Mr Deputy Speaker, Sir, I need to bring to the attention of Members of this House that, some years ago, we started financial services in this country. We happened to be No. 1 provider of foreign direct investment to India. Today, it is a major cause of concern. Of course, we discussed. But whatever we do, we do right. And what is more important, my good friend, hon. Uteem, is that we do things. We can argue about who thought about things. But who has a pleasure today to have his name by this Bill? It is none other than hon. Xavier Duval.

So, with this, Mr Deputy Speaker, Sir, I would like to thank you for your attention. I do not have any doubt that this is something that is not only important to my Ministry, but it is going to be yet another very important instrument for the financial services sector to shine even in brighter light in the years to come.

I thank you for your attention.

(10.44 p.m.)

Mr P. Jugnauth (First Member for Quartier Militaire & Moka): Mr Deputy Speaker, Sir, I am very happy to see the Foundations Bill before this House today, since I started and monitored its preparation at the time I was then Minister of Finance, back in the year 2011.

Going through the Bill, I can still recall the contents of the notes that were sent to me while the Bill was being discussed at that time. It is a Bill that bears my conviction that we should continue adding substance to the Mauritius Financial Services Jurisdiction, at a juncture where our global business sector is, in fact, the subject of attack, especially abroad.

In fact, Mr Deputy Speaker, Sir, when I was Minister of Finance, I felt the urgency for such legislation when, during my investment promotion missions I led abroad with the Board of Investment, interested parties in the global business sector had queried about the possibility of registering limited partnerships in the Mauritian jurisdiction, and also setting up foundations for wealth management.

The House would recall that I had already presented the Limited Partnership Bill at first reading when I was still Minister of Finance. That same Bill was discussed and adopted in October 2011. As I said earlier, the Foundations Bill was already well advanced in its preparation when I left the Ministry of Finance. Like for the Limited Partnership Bill, I appreciate that the present Minister of Finance has carried on the started business, and has presented the Foundations Bill to this House today. I would have hoped, in fact, that the same spirit would have prevailed for other ideas and initiatives that one can always have, even on this

side of this House. But what is most important is for Mauritius. We should not have our own ego, but we should move on with ideas that are good and beneficial for the country.

Mr Deputy Speaker, Sir, yesterday as Minister, and today in the Opposition, I am convinced that Mauritius has yet many opportunities to tap in the global business sector. For that to happen, we need to be innovative and determined to fight all odds on the international scene. And I have absolutely no doubt that this piece of legislation will further broaden the already comprehensive legislative framework that governs our global business sector.

Indeed, the Foundations Bill provides the statutory framework to help Mauritius join the league of jurisdictions that offer a platform for wealth management and other activities such as services, succession and State planning, as well as pension funds. Such legislation will significantly contribute to enhance the attractiveness of our financial services jurisdiction. It will no doubt strengthen our competitiveness as a financial hub, and it will help to build more substance, thus enhancing the status of Mauritius as a credible jurisdiction for genuine and clean financial activities.

Other jurisdictions are very proactive in refining existing products, as well as creating new ones. Private foundations are extremely popular in other jurisdictions such as the Liechtenstein, Panama, Seychelles, recently Jersey, and in civil law jurisdictions where the trust concept is largely unknown. The private foundation is used by very high network individuals in the same way as the trust is used in common law jurisdictions.

This initiative is in line with our longer term vision of transforming Mauritius as a wealth management centre of choice in this part of the world. And, the Foundations Bill, after enactment, I am sure, will bring us at par with many competing jurisdictions. It will allow us to position Mauritius as a wealth management, State and tax planning, asset protection, segregation of assets and registration of charities, destination in countries based on the civil law system like France and the USA.

The objects of the Foundation that is being introduced in Mauritius may be both non-charitable and charitable, which will certainly assist in attracting more charities to be registered in Mauritius, thus further increasing business and boosting our image as the international financial centre, and foundations can equally be established by will. As is the practice in other jurisdictions, foundation registered in Mauritius will have a council that will administer the property of the foundation, and carry out the objects of the said foundation.

At a time where we need to diversify, the use of our jurisdiction is being felt the most. The introduction of the Foundation legislation will allow operators in the financial services industry to also diversify the clients' base and activities. For instance, as provided in the Bill -

“All foundations will have to appoint an administrator who will have the duty of administrating and looking into all legal aspects of the said Foundations.”

This, therefore, represents, Mr Deputy Speaker, Sir, a good opportunity for our operators offering fiduciary and management services. I also hope, as has been suggested by my colleague, hon. Uteem, that, at least, the proper training is given to people who will be servicing this sector. It will also help to attract new operators to establish their presence locally.

Although it shares some of the characteristics of both a company and a trust, a private Foundation is neither a corporate entity nor a trust, but more of a hybrid between a trust and a company having several aspects in common with one or the other. Unlike a company, Foundations have no shareholders though they may have a Board, an assembly and voting members. A Foundation may hold assets in its own name for the purposes that are set out in its constitutive documents and, however, like a company, a Foundation, as a distinct legal entity, enjoys limited liability and unlimited duration.

Similar to a trust, a Foundation can be established by will or by charter, as set out in the proposed legislation, executed by a founder who may be a natural or a legal person. And by way of the charter a founder may reserve powers to itself such as the ability to revoke the foundation, amend the charter itself or add to remove beneficiaries.

A Foundation may have beneficiaries and beneficiaries may be nominated at the time of the Foundation's establishment or the charter may provide the procedures for naming them at a very later date. Vested beneficiaries are entitled to be notified of their interests and to receive a copy of the charter and accounts.

A Foundation can also have a protector as stipulated in the Bill. The protector can play an active or passive role depending on the Foundation's charter, for example, the protector may have the authority to appoint and remove Foundation Council members or his consent may be required before the Foundation's Council moves forward with certain changes.

However, unlike a trust, the administration and operation of a Foundation are carried out in accordance with the Statutes or Articles of Association rather than fiduciary principles. It is,

therefore, not surprising, Mr Deputy Speaker, Sir, that Foundations have become very popular across the globe especially in civil law jurisdictions where the trust concept is less well-known.

The obvious appeal of private Foundations is that it is a separate legal entity and it is a product which is better known to clients who have a civil law background. A Foundation, being a separate legal entity, can hold assets of any kind and enter into any agreement whereas for the trust, very often, an underlying SPB has to be resorted to when the intention is to hold property in some civil law jurisdictions which, in fact, do not recognise a trust. Assets are placed into a Foundation that become the property of the Foundation itself both legally and beneficially and are separate from the founder and any beneficiaries whereas for a trust, the trustees have an obligation to manage the assets as best as they can for the interests of the beneficiaries. It provides, in fact, comfort to the client that the Foundation is an incorporated body, with clear statutory laws and regulations governing it rather than discretionary powers. And there is no question about the validity of the Foundation as it is a legal entity.

Furthermore, a Foundation makes it possible to hold various types of assets under a single roof, for example, multiple investments and bank accounts may be consolidated within a Foundation.

Besides wealth management and Estate planning, there are a variety of other potential uses of private Foundations and just to name a few: avoidance of forced heirship rules, maintenance of corporate control, separation of voting and economic benefits, Employee Share Option Schemes, pension funds, art collections constitute an important tool in international income and capital gains and are used by corporations for Employee Benefit Plans, Retirement and Stock Option Schemes, insurance plans and special financing arrangements. Clearly, therefore, Mr Deputy Speaker, Sir, legislation on private Foundations would contribute, in fact, to sharpen further the competitive edge of Mauritius in the global world of financial services.

Let me conclude by saying that despite the economic turmoil in Euro and elsewhere which is, in fact, already impacting and will impact heavily on business choices, the Mauritian jurisdiction can increasingly become a destination of choice for international investors and business people. The challenges facing us on the economic front are, in fact, also bringing in new opportunities which we have to intelligently tap through proactive endeavours. And by enacting this innovative legislation, Mauritius will be offering new avenues to the global business community besides consolidating our country as an offshore jurisdiction of substance.

It will obviously also give a boost to our operators in the financial services sector to conduct business for the benefit of economic growth and employment creation.

With these words, I thank you for your attention.

(10.57 p.m.)

Mr Duval: Mr Deputy Speaker, Sir, let me thank both sides of the House for welcoming this Bill this evening. I will just raise a few matters and then we will finish. Firstly, I think, although I may say we had seen its benefits for the offshore sector, but I also thank the hon. Members, especially, hon. Jeetah and hon. Uteem who saw the potential for Mauritius to bring good to the country by using foundations whether charitable or whatever. So, it is a legislation that will enhance both the corporate sector here, in Mauritius, and for our offshore also.

I also think it is important that we have this Foundations Bill today because it is more easily understood than a trust. We may, in English system, understand the concept of just giving away a property which is no longer yours. But a lot of other jurisdictions have problems with trusts and I think, therefore, this Foundation today, which is an incorporated Body, will help us to better sell our jurisdictions. It was a shame that since the elections, until I took over, no Bills had been passed on Financial Services, Mr Deputy Speaker, Sir. There must be some reasons for that which escape me.

Now, on some of the points that hon. Uteem raised, I think it is important that we need in terms of putting registration requirements and the onus on Foundations to submit documents etc. We will try to find equilibrium so that the Foundations remain attractive and are not over-onerous to operate. This is what we will try to do. I have looked also at some of the major legislations overseas and I think what we have done is more or less successful, but obviously, if we need to do some fine-tuning at a later stage, we will do so.

Concerning the point raised on the CSR companies, actually, operating as Foundations, there are about 40, so, it is not a major problem. We will see whether we can entice them to get a change to a new form of incorporation or we will leave it as it is, but it is not a major problem.

The point that the hon. Member raised on charitable Trust having an enforcer and the charitable foundation not having an enforcer, this function is more or less covered by the Council member who has to ensure that the objects of the Foundation are abided by. Anyway, I think that it is covered. Also, do not forget that there is the MRA to check whether everything has been abided by.

Section 39 of the Bill does provide the power for the Registrar to wind up a foundation, the hon. Member raised a point about what would happen if a charitable foundation was no longer acting as a charitable foundation. Then the Registrar of Companies would have the right to step in and remove that foundation from the register.

As far as the purchasing of properties by foundations that may have a local management and a local council, but beneficiaries that are foreign, I am advised that it is fully covered by the Non-Citizens (Property Restriction) Act. So, as you know, if you contravene the Non-Citizens (Property Restriction) Act your purchase of any property would be null and void and would go to the curator. I am told that it is covered and there is no need therefore to amend the law in that respect.

As far as training is concerned, of course, Mr Deputy Speaker, Sir, I do hope that the FSC carries on training, but not just for this because it is not such a complicated Bill, in fact, we are used to trust and it is about the same. It is not so complicated. So, I hope that the FSC does carry out plenty of training. The same concerns the point concerning the Secretary of the foundation. The work is not as difficult or onerous as Secretary of a company. There are very few filing requirements etc. So, the FSC will come up with an appropriate standard for allowing persons who are not management companies to act as Secretary to these foundations.

Mr Deputy Speaker, Sir, I was a little bit surprised when I went to the USA some time ago - I think a few weeks ago - that people had not heard that we had passed the Limited Partnership Act. It was still unknown in the USA. Some way along the line the industry also must assume *ses responsabilités*. We are working here and it is 11.00 p.m. to pass this Bill, now they say: 'okay, you can market it also', yet when the revenue comes in, it comes in the pockets of the private sector! So, some way along the line everybody *doit assumer ses responsabilités* and we will be happy to market it and promote it. I am going next week to a forum on Africa in UK where we are going to talk about our financial services and probably also the same forum in Washington where we are again promoting the financial services. We are doing our best, but it does require that everybody chips in and puts in the effort so that the sector flourishes.

Thank you, Mr Deputy Speaker, Sir.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Foundations Bill (No. X of 2012) was considered and agreed to.

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

Third Reading

THE FOUNDATIONS BILL (NO. X OF 2012)

On motion made and seconded, the Foundations Bill (No. X of 2012) was read the third time and passed.

ADJOURNMENT

The Ag. Prime Minister: Mr Deputy Speaker, Sir, I move for the adjournment of the House to Friday 08 June 2012 at 3.30 p.m.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

MATTERS RAISED

(11.08 p.m.)

CLUB MÉDITERRANÉE, ALBION – TAXI PERMITS

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Mr Deputy Speaker, Sir, I would like to raise an issue which I had raised on three occasions concerning the allocation of taxi permits at Club Méditerranée at Albion. Application was published in October 2007 and was heard by the licensing committees on three of its meetings. Then there was a case which went to the Supreme Court and the leave for judicial review was refused. The Board of the NTA, at its meeting held on 30 September 2009, agreed to continue with the processing of applications. The hon. Minister had replied to the House on three occasions on which we asked questions that the licences were being processed. The reply given was around September 2009 and we are now in 2012.

So, we are asking the hon. Minister if he can ask the National Transport Authority, as it has been so many years - since 2007 - since these people have applied and that, at least, justice is done to them. The fear of these people working there is that outsiders, people not living within

the region are canvassing to have a fresh application launched after what has been done since 2007.

May I ask the hon. vice-Prime Minister to, at least, give instruction to the NTA to clear this issue as rapidly as possible.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, normally I cannot give instructions directly, but I have already requested them to look into the issue and I do hope that they will do the needful.

(11.11 p.m.)

VALLEE PITOT - METHADONE DISTRIBUTION

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, I would like to raise an issue which relates to the Ministry of Health. It is in relation to the distribution of Methadone, which is being done at the moment in a Community Centre in Vallée Pitot, which is just next to the Surtee Sunnee Primary Government School. Several people have complained about this and even also the *Force Vives* have raised this issue on radio and elsewhere.

Last year, I raised this very same issue at Adjournment time and the then Minister of Health told me that new premises have been identified and that shortly they will stop distributing Methadone in the Community Centre next to the Primary School, they will be moving to a new location, which had already been identified. It has been over a year now and nothing has been done, we still have the Methadone distributed next to a primary school. So, may I ask the hon. Minister of Health to look into the matter because this is causing a lot of problems in Vallée Pitot.

The Minister of Health and Quality of Life (Mr L. Bundhoo): I wish to thank the hon. Member to have raised this issue. First, I would like to assure the House that, despite of so many criticisms being levelled against the distribution of Methadone, the hon. Prime Minister was right to have introduced Methadone. It is due and thanks to the distribution of Methadone that, today, for the first time in the history of Mauritius, the number of people having HIV has gone down.

We are going to review the point of distribution, but we are not going to review what we are doing with regard to Methadone. But the question is: how do we make it as safe as possible

in order to continue to achieve the success that we have been achieving so far under the chairmanship of the hon. Prime Minister, who chairs the HIV Aids Committee?

(11.13 p.m)

ST HUBERT, QUATRE SŒURS & BOIS DES AMOURETTES – FOOTBALL GROUNDS

Mr M. K. Seeruttun (Second Member for Vieux Grand Port & Rose Belle): M. le président, le sujet que je vais aborder concerne le ministre des collectivités locales, et par extension le ministre responsable de la *NDU*.

Cela concerne les terrains de foot de la région de St Hilaire, Quatre Sœurs et Bois des Amourettes. Il y a eu des travaux qui ont été effectués sur les grillages de ces terrains. Malheureusement, je dois informer le ministre que depuis que les travaux sont terminés les contacteurs sont partis, mais les débris sont restés toujours sur les terrains. Aujourd'hui les terrains sont impraticables et ce n'est plus possible pour les footballeurs de pratiquer le foot sur ce terrain. Personne ne sait vers qui se tourner pour régler ce problème.

Je fais un appel au ministre d'intervenir et d'envoyer ses hommes pour superviser le travail et pour s'assurer que les débris soient enlevés et que les terrains deviennent praticables. Merci.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, the whole of the Constituency No. 11 is a *chantier de travail*. So much of work is being done. We need a bit of time to clear the sites.

(11.14 p.m.)

PLAINE VERTE – BOULODROME

Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East): M. le président, je vais soulever ce soir les innombrables problèmes que font face les boullistes du Boulodrome, à la rue Abdool Raman et du jardin de la Plaine Verte et cela concerne le ministre des administrations régionales.

Pour commencer, les lampadaires sont cassés. Le boulodrome n'est pas nivelé, aussi quand il pleut il y a un problème d'évacuation sur le terrain. Le gradin est dans un état piteux,

les bancs sont cassés et il faut complètement refaire le gradin. Le terrain doit être clôturé pour empêcher les chiens errants d'y pénétrer. Il faut aussi construire un vestiaire - la requête m'a été faite. Il faut aussi mettre une prise d'eau pour ces gens là. Et en dernier, il faut essayer de défricher les arbres qui gênent les boullistes qui y pratiquent leur sport.

Pour étayer mes dires, M. le président, je vais déposer deux photos, qui m'ont été remises par les boullistes durant l'une des mes récentes visites, sur la table de l'Assemblée. Je demande au ministre concerné d'essayer d'adresser ce problème dans le plus bref délai.

Merci, M. le président.

The Minister of Local Government and Outer Islands (Mr H. Aimée): I will inform the Municipal Council of Port Louis to take care of what the hon. Member has just mentioned.

(11.16 p.m.)

FUNERAL GRANT

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, allow me to raise an issue concerning the Ministry of Social Security. It is about the funeral grant.

Mr Deputy Speaker, Sir, since the beginning of the year we are having so many requests from poor families of my constituency for assistance in case of death in the family.

Très souvent, M. le président, dans ces cas là on sait qu'il y a la ministre de la sécurité sociale qui peut aider. Il y a aussi ce qu'on appelle le *funeral grant*, mais malheureusement, ces derniers temps on n'arrive plus à savoir quels sont les critères pour être éligible d'un tel *grant*.

Il faut que je souligne aussi l'attitude de certains officiers du ministère qui, très souvent, sont très négatifs par rapport à la requête des habitants de ma circonscription.

Des fois cela prend deux jours, mais d'autres fois cela se passe très vite. De plus en plus maintenant on rencontre beaucoup de difficultés avant d'obtenir ce *grant* du gouvernement. Cela peut prendre deux mois, et même des fois au bout de deux mois, c'est refusé carrément.

On ne sait plus, M. le président, quels sont les critères, si la politique du gouvernement a changé par rapport à ce *funeral grant*. Je voudrais inviter la ministre à nous faire un *statement in the House so as to clarify the situation concerning this funeral grant*. Thank you, Mr Deputy Speaker, Sir.

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs S. Bappoo): M. le président, les critères sont les mêmes dépendant des revenus des familles les plus vulnérables et les plus pauvres. Il n'y a rien eu comme changement.

Concernant l'attitude des officiers, s'il y a eu des problèmes, l'honorable membre peut me faire savoir quels sont les bureaux de la sécurité sociale qui sont concernés afin que je puisse faire une enquête et aussi s'il y a eu des cas spécifiques. Mais je dois dire que ce sont les mêmes critères pour les familles vulnérables. Il n'y a pas eu de changement.

At 11.18 p.m. the Assembly was, on its rising, adjourned to Friday 08 June 2012 at 3.30 p.m.

WRITTEN ANSWERS TO QUESTIONS

AGALEGA ISLAND - MPs - VISITS

(No. B/200) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Agalega Island, he will state if consideration will be given for the provision of the necessary facilities to the Honourable Members of the National Assembly for the Constituency No. 3, Port Louis Maritime and Port Louis East to effect visits thereto.

Reply (The Minister of Local Government and Outer Islands): I would like to reiterate the reply I made to a Parliamentary Question (B/314) on 17 May 2011.

I said then that I very much appreciate and warmly welcome the proposals of the hon. Members of Constituency No. 3 to visit Agalega, an Island which really deserves our attention. In fact, in one of my speeches before the House, I deplored the fact that there were Members of Constituency No. 3 who were elected and remained five years in this house, but never thought it necessary and useful to pay visits to the Agalean community.

This being said, I wish to inform the hon. Members of Constituency No. 3 that, Agalega Island, being part of the Republic of Mauritius, any Mauritian citizen is free to travel to Agalega, subject to availability of passenger seats on board ships travelling to and from Agalega.

In fact, I am informed by the Outer Islands Development Corporation that the Mauritius Pride effects two voyages per year to Agalega, one around the first quarter of the year and

another one in November. Passengers travelling through Mauritius Pride normally stay over a period of 2 nights/3 days in Agalega. Outer Island Development Corporation has always offered proper and decent accommodation to persons visiting Agalega.

The House may also wish to note that currently, the Dornier flies to Agalega only in case of emergencies, in view of the current state of the airstrip. The Dornier can take only two persons on the Mauritius-Agalega leg and three to four persons on the Agalega-Mauritius leg. However, Government is taking necessary measures to upgrade the airstrip at Agalega which would definitely improve air access to the island. The recommendable means to go to Agalega for the time being is by ship.

VICTIM RIGHTS BILL - INTRODUCTION

(No. B/206) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether he will state if Government proposes to introduce a Victim Rights Bill with the objective of safeguarding the rights of the victims of crime and, if so, when.

Reply (The Attorney-General): As stated in the Government Programme 2012-2015, “Moving the Nation Forward”, Government has placed law and order and the protection of its citizens as one of its foremost priorities.

As far as victims’ rights are concerned, the Programme provides for the introduction of a Police and Criminal Evidence Bill with Codes of Conduct that will regulate the conduct of police and other investigators and address a number of issues relating to criminal enquiries, including victims’ rights. Legislation will be introduced to assist and protect victims and witnesses in order to better safeguard the rights and interests of victims, and a special witness scheme will be developed for Courts to provide certain facilities to special categories of witnesses.

It is expected that the Police and Criminal Evidence Bill, which contains inter alia provisions aiming to protect victims of crime, will be introduced in this House in November this year. Extensive consultations have already taken place with stakeholders, including the legal profession, and I shall be holding further consultations with a view to finalising the draft Bill.

MAMADE ELAHEE MUNICIPAL STADIUM - POLLUTION

(No. B/233) 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 Mamade Elahee Municipal Stadium at Cité Martial, in Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if it is in a bad state and that there is presence of dust thereat due to the bad state of the turfing which is a source of pollution causing inconveniences to the inhabitants living in the surroundings thereof and, if so, indicate if remedial measures will be taken.

Reply: I am informed by the City Council of Port Louis that the Mamade Elahee Municipal Stadium at Cité Martial is neither in bad state nor there is presence of dust thereat causing any pollution.

I am further informed that no complaint whatsoever has been received from any inhabitants living in the surroundings of the stadium regarding any dust pollution.

I am informed that the turf of the stadium is in a good condition and it is being regularly mowed.

WWMA - SEWERAGE PROJECTS - VARIATION WORKS

(No. B/234) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the sewerage projects, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to if there are projects where the variation works have exceeded the contract amount and, if so, indicate in each case, if the prior approval of the Central Procurement Board was sought and obtained before approval thereof and payment therefor.

(Withdrawn)

CEB - BLACK OUT - 13 DECEMBER 2011

(No. B/235) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the black out which occurred on 13 December 2011, he will -

- (a) table copy of the report submitted to his Ministry by the Central Electricity Board, and
- (b) for the benefit of the House, obtain from the Central Electricity Board, information as to;

- (i) the estimated financial losses incurred by the country as a result thereof;
- (ii) the remedial measures taken, if any, by the Board to restore electricity supply within the least possible delay in future, and
- (iii) if the persons responsible for the delay in restoring the electricity supply have been identified and if so, the actions, if any, taken against them.

(Withdrawn)

JEWELLERY DEALERS - FIRST-HAND & SECOND-HAND JEWELLRIES - SALE

(No. B/236) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to jewellery, he will, for the benefit of the House, obtain from the Controller of Assay, information as to the -

- (a) number of dealers thereof registered in respect of each type of activities in relation thereto;
- (b) number of declaration of ownership issued for trade in first-hand jewellery and second-hand jewellery, and
- (c) total mass of jewellery traded in or sold as second hand.

Reply: The House may wish to note that commercial jewellery transactions are governed by the Jewellery Act 2007 and the Jewellery (Dealer's Registration and Transactions) Regulations 2012 which came into the effect on 02 February 2012. This followed a statement made by the hon. Prime Minister in reply to PQ B/702 by hon. Ramano on 19 July 2011.

As regards part (a) of the question, I am informed that there are 511 dealers who are registered with the Assay Office, as follows -

- 507 are registered under Type 1 to deal (sell, buy, import, manufacture and export) in jewellery, precious or semi-precious stones, and
- four dealers are registered under Type 2, whereby they can, in addition to dealing in jewellery, precious or semi-precious stones as I have just mentioned, export melted precious metal, scrap precious metal and second-hand jewellery.

As regards part (b) of the question, I presume that the hon. Member, when mentioning trade in first-hand jewellery and second-hand jewellery in the question, is referring to Trade In jewellery whereby generally no cash is involved and/or exchange of existing jewellery is effected against new jewellery and purchase of second-hand jewellery whereby purchase is effected against cash.

In fact, the Regulations provide that the dealer has to issue an Ownership Declaration Form to a customer who has to sign same when he comes to Trade In jewellery.

The duly signed Ownership Declaration Form has to be kept by the dealer on his business premises. The dealer is not required to submit to the Assay Office the number of Ownership Declarations Forms issued. Consequently, the Assay Office does not have records of the number of declarations of ownership issued for Trade in first-hand jewellery and second-hand jewellery.

As regards purchase of second-hand jewellery against cash, the Regulations provide that the Controller, that is, the Director of the Assay Office, has to certify the name and address of the person in whose name the declaration of ownership is to be issued. I am advised that 5,419 Ownership Declaration Forms have been endorsed at the Assay Office during period February to 30 May 2012.

As regards part (c) of the question, the dealer is not required to submit such information to the Assay Office. However, every dealer has to keep in his custody a true written record on his business premises of every transaction he makes in relation to jewellery, including Trade-In jewellery and Purchase of second-hand jewellery and which has to be made available for inspection by officers of the Assay Office and any police officer.

CANE DEMOCRATISATION FUND - SETTING UP

(No. B/237) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the proposed setting up of the Cane Democratisation Fund, he will state where matters stand.

(Withdrawn)

FOOD SECURITY FUND - SET UP

(No. B/238) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Agro-Industry and Food Security whether, in regard to the Food Security Fund, he will, for the benefit of the House, obtain from the Fund, information as to the -

- (a) date on which it was set up, and
- (b) amount of money -
 - (i) earmarked therefor, and
 - (ii) disbursed as at to-date, indicating the number of beneficiaries thereof.

(Withdrawn)

**MUNICIPAL COUNCIL OF VACOAS/PHOENIX / MAYOR - FOOD
SECURITY FUND/ AGRICULTURAL RESEARCH AND EXTENTION
UNIT - FUNDS**

(No. B/239) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Agro-Industry and Food Security Whether, in regard to Mr N. A., Mayor of the Municipal Council of Vacoas/Phoenix, he will, for the benefit of the House, obtain from the Food Security Fund and from the Agricultural Research and Extention Unit respectively, information as to if it has advanced funds thereto and, if so, indicate -

- (a) when;
- (b) the quantum thereof;
- (c) the purpose therefor, and
- (d) the conditions attached thereto.

(Withdrawn)

TERTIARY EDUCATION COMMISSION - PRESS REPORTS - INQUIRY

(No. B/240) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the inquiry commissioned by the Tertiary Education Commission to look into the press reports in connection therewith in 2011, he will, for the benefit of the House, obtain from the Commission, information as to the -

- (a) composition thereof;
- (b) terms of reference thereof;
- (c) cost thereof;
- (d) when the first hearing thereof was held, and
- (e) when the final report thereof was submitted, indicating -
 - (i) the measures taken, if any, by the Board following the findings thereof, and
 - (ii) if a copy of the final report will be tabled.

Reply: I am informed by the Tertiary Education Commission that –

With regard to part (a), the Independent Enquiry commissioned by the TEC Board in August 2011 comprised Prof Ved Prakash Torul, President of the Commission for Conciliation and Mediation as Chairperson and Mrs Gayatree Jugessur-Manna, Acting Solicitor General as Assessor.

With regard to part (b), the terms of reference of the enquiry were as follows -

- To investigate, enquire and make recommendations into the source of leakage of strategic and confidential information to the press with regard to -
 - i. the appointment of staff at the TEC;
 - ii. the open distance learning policies, and
 - iii. the advertisement concerning the post of head quality assurance and accreditation division.

With regard to part (c), the cost of the enquiry was Rs280,000 inclusive of secretarial costs.

With regard to part (d), the first hearing was held on 22 September 2011.

With regard to part (e) (i), the final report was submitted to the Chairperson of the TEC Board in February 2012. The TEC management has taken a number of measures to reinforce security measures and to improve the handling of records and files.

With regard to part (e) (ii), I am informed by the Tertiary Education Commission that it is seeking legal advice on the advisability of releasing the report in view of statements given to the enquiry panel by staff of Tertiary Education Commission under confidentiality.

BEL OMBRE GOVERNMENT SCHOOL – CPE PASS RATE

(No. B/241) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Education and Human Resources whether, in regard to the Bel Ombre Government School, he will state -

- (a) over the past five years, the;
 - (i) number of pupils who have attended/are attending thereat;
 - (ii) percentage pass rate at the Certificate of Primary Education examinations;
- (b) if he has received complaints regarding the;
 - (i) frequent transfer or absences of the teachers posted thereat, and
 - (ii) project for the fencing thereof.

(Withdrawn)

LE MORNE HERITAGE TRUST FUND - RECRUITMENT

(No. B/242) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the Le Morne Heritage Trust Fund, he will, for the benefit of the House, obtain from the Trust, information as to the -

- (a) present number of employees thereat, indicating the respective grades thereof, and
- (b) when the last recruitment exercise thereat was carried out, indicating the -
 - (i) procedures followed therefor;
 - (ii) number and grade of the posts advertised for;
 - (iii) names and addresses of the successful applicants, and
 - (iv) if consideration was given to the applicants residing in Le Morne, and if not, why not.

(Withdrawn)

PURCHASING POWER - COMPENSATION

(No. B/243) Mr C. Fakeemeeah (Third Member for Port Louis Maritime and Port Louis East) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether he will state the additional measures that Government proposes to take to compensate the loss in purchasing power.

Reply: The inflation rate for the last calendar year was 6.5%. However, following the tripartite consultation exercise, Government agreed to provide an increase equivalent to 11% for those in lower income brackets.

Further pensioners and recipients of social benefits were granted an increase of 6.6%.

This has, therefore, amply benefited low income earners as well as pensioners and recipients of social benefits.

This year the inflation rate is expected to be around 4.5% which is far less than last year. Employees and beneficiaries of social assistance schemes would be compensated for any loss in purchasing power at the end of the year.

Accordingly, the question of implementing additional measures to compensate the loss in purchasing power does not arise at this juncture.

MUNICIPAL COUNCIL OF PORT LOUIS - PAVEMENTS/FOOTPATHS

(No. B/244) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Local Government and Outer Islands whether, in regard to the pavements/footpaths, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to –

- (a) if private parties are allowed to construct/renovate same, and
- (b) consider the advisability of putting up new pavements/ footpaths thereat to facilitate the use thereof by persons moving on wheelchairs.

Reply: I am informed by the City Council of Port Louis that pavements and footpaths adjoining major construction sites are normally damaged in the course of ongoing works.

I am informed that in such cases the promoters usually reinstate the pavements/footpaths to their original state at their own costs.

With regard to the last part of the question, I wish to inform the House that legislation in force makes it compulsory for the provision of access facilities to disabled persons to all government buildings.

BANK FISHERMEN - ONE-OFF GRANT

(No. B/245) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Fisheries whether, in regard to the bank fishermen, he will give a list thereof who have benefitted from the one-off grant.

Reply: I am tabling the information asked for by the hon. Member.

UNEMPLOYMENT – YOUTH - STATISTICS

(No. B/246) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to youth unemployment, he will state the latest available statistics thereof, indicating –

- (a) if his Ministry has commissioned a study in relation thereto, and
- (b) the specific measures taken, if any, to address the challenges thereof.

(Withdrawn)

MORCELLEMENT RAFFRAY, PAILLES - CENTRE COMMUNAUTAIRE

(No. B/247) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Gender Equality, Child Development and Family Welfare whether she has received a petition from the inhabitants of the Morcellement Raffray, Les Guibies, Pailles, for the setting up of a *Centre Communautaire* thereat and, if so, will she state if consideration will be given thereto and, if not, why not.

Reply: I am informed that on 28 January 2012 the Guibies Senior Citizens Welfare Association sent a request to my colleague, the hon. Minister of Social Security, National

Solidarity and Reform Institutions for a '*Centre Communautaire*' to be set up in the region of MorcellementRaffray, Pailles.

The request was subsequently referred on 13 April 2012 to the Sugar Industry Labour Welfare Fund (SILWF), which operates under the aegis of my Ministry. Representatives of SILWF met members of the Guibies Senior Citizens Welfare Association on 17 April 2012, and they were invited to use the nearby existing Camp Chapelon Community Centre, Pailles whenever needed for their activities.

The policy of my Ministry is to promote community welfare through a host of leisure and educational activities at community level, through a network of 132 community centres and 57 social welfare centres across the island. In view of the current economic situation, it is not proposed to set up a new centre at this point in time.

CAUDAN INTEGRATED JUNCTION – EIA LICENCE

(No. A/122) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Environment and Sustainable Development whether, in regard to the Caudan integrated junction, he will state if an Environment Impact Assessment report has been submitted in relation thereto, indicating if an Environment Impact Assessment licence has been granted therefor, and if so, indicate the conditions thereof and if not, why not.

Reply: An EIA report for the Design and Upgrading of a Grade Separated Junction at Caudan was submitted to this Ministry by the Road Development Authority on 25 January 2011.

Given that the design and construction of a Grade Separated Junction is not a scheduled undertaking warranting an EIA, the application was not processed and consequently no EIA licence was granted for the said project.

The Ministry informed the Road Development Authority accordingly and raised no objection to the project subject to the following conditions –

- (i) necessary measures shall be taken during construction phase so as not to cause any form of nuisance by way of noise, vibration and dust pollution to the public and surrounding environment. Regular sprinkling of water shall be carried out to avoid any dust nuisances;

- (ii) the noise level shall be within the permissible limits as per the Standards for Noise promulgated under the Environment Protection Act;
- (iii) provision shall be made for the proper disposal of storm water through hydrocarbon separators into the road drainage network prior to open discharge to the receiving environment. The hydrocarbon separators shall be regularly cleaned and maintained;
- (iv) waste materials including debris shall be properly collected and disposed of to the satisfaction of the Local Authorities, and
- (v) the felling and transplantation of trees shall have the prior approval of the Conservator of Forests.

MASS TRANSIT SYSTEM - STUDIES

(No. A/123) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the project for the implementation of the mass transit system, he will give a list of the studies carried out as at to-date, indicating in each case, the –

- (a) name of the consultants therefor;
- (b) cost thereof;
- (c) date of submission of the report in connection therewith, indicating the recommendations thereof, and
- (d) reasons for the non-implementation thereof, as at to date.

Reply: The list of studies carried out for the implementation of the Mass Transit System, as at to date and all available relevant information is being placed in the Library.

TRANQUEBAR - FOOTBALL GROUND

(No. A/124) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Youth and Sports whether, in regard to the proposed construction of a football ground in Tranquebar, in Port Louis, he will state where matters stand.

Reply: The construction of the football ground in Tranquebar in Port Louis is being undertaken by the National Development Unit (NDU) of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.

The project will be implemented in two phases. During the first phase, the levelling, turfing and fencing of the football pitch will be undertaken and lighting works will be carried out during the second phase.

As at date, the plot of land identified for the construction of the football ground has been cleared. The design and scope of work have already been finalised and the National Development Unit is awaiting the outcome of a global tender exercise for football grounds around the island to start implementing the project.

HARRIS STREET, PORT LOUIS - SPORT COMPLEX - CONSTRUCTION

(No. A/125) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Youth and Sports whether, in regard to the proposed construction of a sport complex in the Harris Street, in Port Louis, he will state where matters stand.

Reply: Only the following works remain to be completed at the sport complex in Harris Street, Port Louis -

- (i) asphaltting of yard and parking spaces;
- (ii) upgrading of volley-ball/basket ball pitch, and
- (iii) reconstruction of part of reinforced cement concrete boundary wall and provision of entrance gate.

MGI - RECRUITMENT

(No. A/126) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Education and Human Resources whether, in regard to the Mahatma Gandhi Institute, he will, for the benefit of the House, obtain from the Institute, information as to the names of the recruits thereat, since July 2005 to-date, indicating in each case, the respective -

- (a) residential address;
- (b) post occupied;
- (c) qualifications, and
- (d) salaries and terms and conditions of employment.

Reply: The information asked for is being tabled.

SIFB - PLANTERS - PREMIUM & COMPENSATION

(No. A/127) **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 planters cultivating an area not exceeding 10 hectares of land, he will, for the benefit of the House, obtain from the Sugar Insurance Fund Board, since 2005 to date, information as to the total amount of -

- (a) premium paid thereto, and
- (b) compensation received by them, indicating the number of event years and the reasons therefor.

Reply: With regard to part (a) of the question, I am informed that the total premium paid for the period 2005 -2011, in respect of planters cultivating an area not exceeding 10 hectares of land is Rs940,967,808.

Concerning part (b) of the question, the total amount of compensation paid over the same period for the same group of planters was Rs915,039,915.

With the exception of Year 2010 the other six years were declared event years in view of cyclone, drought and/or excessive rainfall.

LA SALETTE ROAD-CAP MALHEUREUX - STREET LIGHTING

(No. A/128) 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 extension of the street lighting system from the La Salette Road to Cap Malheureux, he will, for the benefit of the House, obtain from the Pamplemousses/Rivière du Rempart District Council, information as to where matters stand.

Reply: I wish to refer the hon. Member to the reply I made to PQ No. B/886 on this issue.

As already indicated in my reply, the Central Electricity Board has already been approached by the Pamplemousses-Rivière du Rempart District Council with a view to extending the street lighting network along Chemin 20 pied from La Salette Road up to the junction of Petit Raffray to enable it to fix the street lighting lamps thereat.

I am informed that the matter is being closely followed up by the Council.

GOODLANDS - FIRE STATION - CONSTRUCTION

(No. A/129) 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 at Goodlands, he will, for the benefit of the House, obtain from the Government Fire Services, information as to where matters stand, indicating if the approval of the Project Plan Committee has been obtained therefor.

Reply: I am informed by the Fire Services Department that the Project Plan Committee has recommended the proposed construction of a new Fire Station in Goodlands for inclusion in the Public Sector Investment Programme (PSIP).

I am further informed that preliminary details such as write up details of the requirements of the proposed Fire Station have already been submitted to the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.

BEAU BASSIN & PETITE RIVIERE - ROADS RESURFACING

(No. A/130) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Constituency No. 20, Beau Bassin and Petite Rivière, he will give a list of the projects being implemented by the National Development Unit, indicating in each case, the -

- (a) roads earmarked for resurfacing, and
- (b) names, regions and implementation dates thereof.

Reply: The information requested is being compiled and will be placed in the Library of the National Assembly.

**CANOT VILLAGE AND IN MAINGARD, BEAU BASSIN – FOOTBALL
GROUNDS**

(No. A/131) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the proposed construction of football grounds at the Canot Village and in Maingard, Beau Bassin, in Constituency No. 20, Beau Bassin & Petite Rivière, he will state where matters stand.

Reply: Tender for the construction of new football grounds throughout the Island, which includes the football ground at Maingard, was launched on 22 February 2012 and the closing date was 03 April 2012. The bid evaluation exercise is ongoing.

As regards the proposed construction of football ground at Canot Village, two sites have been identified and the Ministry of Housing and Lands has been requested to initiate acquisition procedures.

**MUNICIPAL COUNCIL OF PORT LOUIS – WELFARE DEPARTMENT –
OVERTIME - ALLOWANCE**

(No. A/132) **Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the Welfare Department of the Municipal Council of Port Louis, he will, for the benefit of the House, obtain from the

Council, a list of the Officers attached thereto who have been paid overtime allowances over the past three years, indicating, in each case -

- (a) the total amount thereof paid on a yearly basis, and
- (b) who approved the roster for the carrying out of overtime.

Reply: The information requested by the hon. Member and pertaining to the list of the officers of the Welfare Department who have been paid overtime allowances over the past three (3) years and the total amount thereof paid on a yearly basis are being placed in the Library of the National Assembly.

With regard to part (b) of the question, I am informed that -

- (i) there was no such roster as overtime was paid to employees posted on their respective sites of work and who had performed duties over and above their normal working hours;
- (ii) at the time of approval of activities by the Public Welfare Committee for the last three years, approval was also conveyed in principle for the performance of overtime related to such activities, and
- (iii) payment for overtime was approved in the first instance by the Chief Welfare Officer and thereafter by the Chief Executive of the Council.

BATS - CULLING

(No. A/133) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Agro-Industry and Food Security whether, in regard to bats, he will state if there has been an increase of 139% of the population thereof over the past five years, and, if so, indicate the remedial measures that will be taken, indicating if consideration is being given for amendments to be brought to the Wild Life and National Parks Act to allow for their culling and, if so, when and, if not, why not.

Reply: It is proposed to amend the Wildlife and National Parks Act (1993) for the setting up of a Special Technical Committee to advise whether control is necessary in case a protected

species becomes a threat to the economy, health, national security and food security. The Bill will soon be posted on the website of my Ministry for public comments.

I am informed that surveys carried out by the National Parks and Conservation Service in 2010 indicates that there has been an increase of 123.4% in the endemic fruit bat population since 2006. The Mauritian fruit bat is endemic to the Mascarene Islands and is found only in Mauritius. It is a protected species under the Wildlife and National Parks Act (1993) and advice has been sought from the International Union of Conservation of Nature (IUCN) on the control of the bat population.

The IUCN has delegated two bat experts namely, Professor Paul Racey and Dr. Anthony Hutson who were in Mauritius last week, to investigate on the conservation status of the Mauritian fruit bat as well as advising on the remedial measures relating to fruit bats and fruit production. The experts will submit their report in a fortnight.

A meeting was held at my Ministry on 31 May 2012 with the experts and the following recommendations are under consideration -

- i. Netting of fruit trees remains the most effective way in preventing fruit damage.
- ii. There is no example around the world where culling has reduced fruit damage.
- iii. Native fruit trees should be grown around fruit orchards to act as alternative hosts for the bats.
- iv. Native forest restoration should be intensified to provide for a reservoir of native fruits.
- v. A concerted strategy over the short term, medium term and long term has to be worked out to protect the Mauritian fruit bat from being endangered and in parallel to ensure better fruit crop management.

With a view to protect fruit plantations, fruit growers have been advised by Agricultural Research and Extension Unit (AREU) to carry out netting and pruning of fruit trees.

ROUTE DES PAMPLEMOUSSES, PORT LOUIS – LIGHTING SYSTEM

(No. A/134) 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 Route des Pamplemousses, in Port Louis, from the Abercrombie roundabout to the Khadafi

Square, he will state if he has been informed that the lighting system thereat is inadequate either because of lack of lighting points or that the existing ones are of low capacity or are shielded by overgrown trees, thus impairing visibility 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 a review of the whole street lighting system thereat and for the trimming of the trees.

Reply: I am informed by the City Council of Port Louis that there are fifty two (52) street lanterns of 150 watts Sodium High Vapour Pressure type along Route des Pamplemousses starting from the Abercrombie roundabout up to Khadafi Square. These lanterns are fixed at regular intervals of approximately 30 metres and no dark spot has been noted.

I am also informed that regular maintenance is carried out by the Council to ensure that the lighting system is in good condition and overhanging branches which occasionally shield lanterns are lopped.

ABATTOIR ROAD – POTHoles & STREET LANTERNS

(No. A/135) 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 Abattoir Road, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if it is in a bad state and that there are potholes at different places thereat and, if so, indicate if remedial measures will be taken, including the installation of additional street lanterns thereat.

Reply: I am informed by the City Council of Port Louis that Abattoir Road consists of two stretches as follows -

- (i) starting from Tombeau Bay Road up to the Motorway, and
- (ii) starting just after the Motorway passing through the Roundabout at Military Road near ABC Motors – ending with Farquhar Street.

I am informed that a few potholes have been noted near the junction of Pump Street close to the Auction Market, while the wearing course on a strip of the road between the roundabouts at Military Road up to the junction of St Martin Street is partly worn out.

I am informed that necessary reinstatement works will be completed by next week.

As regards additional street lanterns, I am informed that a survey will be effected, and should the need arise, action will be taken by next week to fix the required lanterns.

MHC - WEBSITE

(No. A/136) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the website of the Mauritius Housing Company Limited, he will, for the benefit of the House, obtain from the company, information as to if it has received representations to the effect that same is presently unavailable and, if so, indicate if urgent remedial measures will be taken.

Reply: I am informed that no representation has been received by MHC Ltd as regards the non-accessibility of its Corporate Website www.mhc.mu which is hosted by the Mauritius Telecoms since 2002 and which appears on all major search engines.

However, one representation was received by email at the MHC on 26 May 2012 informing that <http://mhc.mu> was not functioning properly. The <http://mhc.mu> is a link which points out to the MHC Corporate Website for ease of access by users. The provision of such links is a free service from the Mauritius Telecoms. Upon receipt of the complaint it was established that the link was broken while the corporate website was still accessible. The Mauritius Telecoms was requested on 28 May 2012 to re-establish the link and same was reinstated on 29 May 2012.

An immediate reply was sent to the complainant informing him to make use of the Corporate Website and that the link he was trying to access was not valid. However, the mail bounced and there was no other way to reach him.

I am informed that the MHC is envisaging to implement a Network Service Monitoring System which will monitor all IT Network services of the Company, including the link to its website. The system will automatically alert, through email and SMS, the Network Administrator should a network service fail.

**MINISTER OF HEALTH & QUALITY OF LIFE - FOREIGN MEDICAL
PRACTITIONERS - EMPLOYMENT**

(No. A/137) 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 foreign medical practitioners employed by his Ministry, he will give a list thereof, indicating in each case, the -

- (a) post held;
- (b) field of speciality;
- (c) date of employment, and
- (d) duration of contract.

Reply: The information asked for is being placed in the Library.

APPENDIX**P.Q. NO. B/223****TERTIARY INSTITUTIONS – STUDENTS - ASSISTANCE****A. PRESCRIBED CRITERIA FOR SCHOLARSHIP UNDER HRKAD FUND**

The Scholarship Scheme aims to provide access to Tertiary Education to qualified students from families with household income (including his/her own income) not exceeding Rs 10,000 per month and satisfying the following eligibility criteria:-

(i) The family should be facing severe hardship following death or serious incapacity of wage earner

OR

(ii) Orphans under the legal responsibility of a guardian

OR

(iii) Students from single parent families where one parent is unknown.

OR

(iv) Whose parents have been legally divorced and subject to the income of the student and the parent with whom the student is staying (plus any alimony) does not exceed Rs 10,000 per month.

OR

(v) Who has one parent being rehabilitated for drug addiction in a recognized institution.

OR

(vi) who are abandoned children receiving social aid (approved on 4 May 2012)

OR

(vii) where the whereabouts of one parent is unknown (approved on 4 May 2012)

B. ADDITIONAL MANDATORY REQUIREMENTS:-

- (a) The Scholarship is aimed at students who are citizens of the Republic of Mauritius;
- (b) The course should not be less than the equivalent of one academic/full year of study and should be recognized by the Tertiary Education Commission.;
- (c) The student should not have benefited from any other scholarship for the same course/programme.

C. PROCESSING OF APPLICATIONS

Applications are made to the Secretariat of the HRKAD Fund at the Ministry of Education & HR. The application forms are scrutinised by a committee under the Chairmanship of Tertiary Education Commission and comprising of representations of the Ministry of Education and Human Resources, the Ministry of Finance & Economic Development, the Ministry of Social Security, N S & R I.

D. FUNDS DISBURSED

To-date a total number of 1222 scholarships have been awarded and Rs 116.7 million have been disbursed under the scheme.