

No. 14 of 2013



FIFTH NATIONAL ASSEMBLY

**PARLIAMENTARY
DEBATES
(HANSARD)**

**SECOND SESSION
TUESDAY 02 JULY 2013**

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(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
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<i>Deputy Speaker</i>	Peetumber, Hon. Maneswar
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MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 14 of 2013

Sitting of 02 July 2013

The Assembly met in the Assembly House, Port Louis

at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Prime Minister's Office –

- (a) Certificate of Urgency in respect of the Civil Establishment (Amendment) Bill (No. XV1 of 2013).
- (b) Financial Statements of the Prime Minister's Relief and Support Fund for the period 01 January 2011 to 31 December 2011.

B. Ministry of Finance and Economic Development –

- (a) Housing and Population Census for the Republic of Mauritius for the Year 2011 –
 - (i) Demographic and Fertility Characteristics – Volume II.
 - (ii) Educational Characteristics – Volume III.
- (b) The Financial Services (Consolidated Licensing and Fees) (Amendment No.3) Rules 2013 (Government Notice No.166 of 2013).
- (c) The Securities (Instruments) Regulations 2013 (Government Notice No.164 of 2013).
- (d) The Annual Report 2012 of the Financial Services Commission. (In Original).

C. Ministry of Local Government and Outer Islands –

The District Council of Pamplemousses – Renaming of locality Regulations 2013 (Government Notice No.165 of 2013).

D. Ministry of Health and Quality of Life –

- (a) The Medical Council (Medical Institutions) (Amendment No.2) Regulations 2013 (Government Notice No. 162 of 2013).
- (b) The Medical Council (Medical Institutions) (Amendment No.3) Regulations 2013 (Government Notice No. 163 of 2013).

E. Ministry of Industry and Commerce and Consumer Protection –

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No.13) Regulations 2013 (Government Notice No.167 of 2013).

ORAL ANSWERS TO QUESTIONS

TOLL ROAD PROJECT

The Leader of the Opposition (Mr A. Ganoo) (*by Private Notice*) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Toll Road Project as one of the revenue streams for the Public-Private Partnership for the Design, Construction, Financing, Operation and Maintenance of a Road Decongestion Programme to the tune of Rs30 billion, he will –

- (a) for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand, indicating –
 - (i) the roads which have already been built among those proposed for tolling, and
 - (ii) if a Preferred bidder was appointed on 21 December 2012;
- (b) state if he –
 - (i) has received complaints of alleged malpractice to the effect that one of the pre-qualified bidders had been –
 - A. allowed to amend its Best and Final Offer, and
 - B. proposed solutions to be brought to its flawed offers after submission thereof, and
 - (ii) is aware that allegations of bribery have been made publicly in relation thereto.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I wish to inform the House that quite some time back the Public-Private Partnership concept was introduced as one of the means to support capital intensive projects.

For the purpose, the relevant legal framework was put in place and a full-fledged PPP Unit was set up in the Ministry of Finance and Economic Development.

One of the main objectives of the PPP model is to transfer the functions of delivering a service and its associated risks from Government to a private organisation from a pre-determined period of time against some form of payment.

In 2009, Government decided that the Road Decongestion Programme, which is a critical component in Government strategy to address the problem of road congestion be implemented within a PPP configuration. Therefore all the processes adopted, including the procurement procedure stand to be governed by a well-defined model enshrined in the PPP Guidance Manual.

Mr Speaker, Sir, the RDA had initially identified the Ring Road and the Harbour Bridge as potential projects to be considered as PPP because of the high investments involved for the implementation of such projects.

Subsequently, it was decided that, in addition to the Harbour Bridge and Ring Road, the following projects should also be considered -

- (i) Existing M1 and M2 roads,
- (ii) Terre Rouge/Verdun Link Road.

During the feasibility study, it was found that it would be advisable to include a major connection between Coromandel and Montebello to decongest lower Plaine Wilhems and to improve all the junctions of M1 and M2 between Phoenix and Terre Rouge.

In its final shape, the design construction and operation components of the Road Decongestion Programme are as follows -

- (i) Harbour Bridge;
- (ii) Ring Road Lot 2 including tunnel;
- (iii) Grade separated junctions at Jumbo, Pont Fer and Dowlut roundabouts;
- (iv) Widening of M2 from Quay D to Terre Rouge;
- (v) Grade separated junctions at Mer Rouge, Baie du Tombeau, Riche Terre, Jin Fei and Terre Rouge roundabouts;
- (vi) Construction of a bridge over GRNW to link A1 at Belle Étoile to Montebello on M1;
- (vii) New link between Nicolay Road and Quay D;
- (viii) New interchange at Camp Chapelon and removal of Autopont at Bell Village;
- (ix) New ramp from A1 to M1 at Cassis and Pedestrian footbridge;
- (x) Terre Rouge/Verdun/Ebène Link Road, and
- (xi) Rehabilitation and resurfacing of M1 and M2 roads.

As operation components only, the following projects have been included in the PPP Road Decongestion Programme -

- (i) Terre Rouge/Verdun/Ebène Link Road, including its link to Valentina;
- (ii) Motorways M1 and M2 from Valentina to Terre rouge,
- (iii) Ring Road Lot 1.

Mr Speaker, Sir, in regard to part (a) (i) of the question, I wish to inform the House that -

- (i) construction of Ring Road Lot 1 has already been completed;
- (ii) Motorway M1 has been widened by the inclusion of a third lane from Pont Fer to Place D'Armes, except for the segment between Colville Deverell Bridge and Sorèze;
- (ii) construction of the Terre Rouge/Verdun and Ebène Trianon link roads is nearing completion, and

- (iii) as for the remaining components, construction will be undertaken during actual execution of the PPP contract.

After construction, all these roads will be tolled.

Mr Speaker Sir, in regard to part (a) (ii) of the question, a Preferred bidder was appointed by the Central Procurement Board on 21 December 2012. On the same date, a notice was issued to the second best evaluated offer who was appointed as Reserve bidder.

This appointment of a Preferred bidder and a Reserve bidder is an integral part of the PPP procurement process. It is worth pointing out that the selection of the Preferred bidder is tied up with conditions recommended by the CPB and these conditions have to be fulfilled so that the bidding exercise could reach the conclusive stage.

It is to be pointed out that as at date, no award has yet been made because as per the procedures in the PPP Guidance Manual, negotiations are being conducted to reach agreement on the conditions laid down by the Central Procurement Board. Should the negotiations with the Preferred bidder fail, negotiations may have to be initiated with the Reserve bidder against conditions which would be set by the CPB.

Mr Speaker, Sir, with regard to part (b) of the question, I am informed that, following the evaluation of the RFP submissions, PLAN Consortium had scored the higher mark (78) and Group Five STRABAG were second scoring 65.8 marks. The two bidders had both satisfied the Essential Minimum Requirements of the bids and were both responsive.

Following completion of the evaluation of the RFP Bids, the CPB identified issues in each of the two RFP Bids that would require extensive negotiations to obtain the most cost effective solution which would meet optimally the objectives of the Road Decongestion Programme. The RFP empowers the CPB with the right to request bidders to submit a Best and Final Offer known as BAFO. This is part of the process. Availing itself of this provision, the CPB decided to request the two ranked bidders to submit their BAFOs and on 12 September 2012, the two bidders were requested by the CPB to submit their BAFOs.

Mr Speaker, Sir, in regard to part (b) (i) of the question, I have not received any complaint from any of the two bidders. However, I have been informed that the Reserve bidder made representations to the Independent Review Panel, *inter alia*, on the following two issues -

- (i) One of the bidders has been allowed to amend its BAFO, and
- (ii) CPB has proposed solutions to be brought to the alleged flawed offers after submission thereof.

After identifying the bidder who submits the best offer, the next phase of a PPP process, as prescribed in the PPP Manual, is the negotiation phase. The CPB noted certain issues that should be

addressed in the negotiation phase. These issues included, *inter alia*, addressing the identified shortcomings on the PLAN Consortium's design for the grade separation of the Phoenix, Dowlut and Jumbo Roundabouts. The right of the CPB to request for clarification from a bidder during the evaluation process is set out in the RFP document. This information was important to the CPB to confirm its understanding of the proposed design and thereby to determine the extent to which these issues would need to be addressed during the negotiations stage.

The clarification letter was thus issued on 16 November 2012 and a response was received from PLAN Consortium on 23 November 2012. The PLAN Clarification Response contained a design solution which addressed the CPB's concerns. It is important to note that the scoring of the PLAN Consortium's BAFO Response was not amended in any way after receipt of the PLAN Clarification Response.

Mr Speaker, Sir, I am further informed that after examining the representations made, the Independent Review Panel ruled that these representations were not entertainable on the ground that no award of contract has yet been made. In the face of the IRP ruling, the aggrieved bidder has applied to the Supreme Court for a review of the ruling of the IRP. The case has yet to be determined.

Mr Speaker, Sir, in regard to part (b) (ii), I am aware that allegations of bribery have been made in the press. I understand that the ICAC and the Police have initiated investigations into those allegations. I invite the hon. Leader of the Opposition or any other hon. Member to report to the appropriate authorities any suspicion or proof of bribery, if they have same, for appropriate action.

Mr Speaker: Supplementary questions!

Mr Ganoo: Mr Speaker, Sir, I come to part (a) of the question. The hon. Minister has, in the past, in this very House, informed the House that this project would be financed on the basis of 80% and 20%, that is, 20% would be financed by the selected bidder. Can the hon. Minister inform the House, as at now, since the bidders would be financing 20% and Government 80%, whether Government has been able to mobilise those funds and, if so, how because 80% of Rs30 billion amounts to Rs24 billion? Can the hon. Minister, therefore, inform the House on what terms these funds have been mobilised and whether Government will be giving a sovereign guarantee for this loan?

Mr Bachoo: Mr Speaker, Sir, in fact, yes, we had given. I had made a statement to the House that 80% of the financing will come in terms of a loan which will be given to the Preferred or to the appointed bidder. This is the decision which has been taken, but the Ministry of Finance and Economic Development is still working on that because we have not yet awarded also and once the award is made, the Ministry of Finance and Economic Development will come with the proposition. But I would like to inform the House and the country at large that this is not a grant, this is only a loan which we are advancing to the one who has obtained the contract.

Mr Ganoo: So, the hon. Minister is confirming that, up to now, although the project has started, although so many roads have already been completed, as he just mentioned himself, he is confirming to the House that he is not in a position to inform the House what will be the source of these funds of Rs24 billion?

Mr Bachoo: Mr Speaker, Sir, in fact, as far as the other projects which are being completed are concerned, we have got enough funds available in our own budget programme. This is number one. And number two, I would like again to inform the House that we are giving the loan to the promoter because we know that by doing so, the loan will cost us cheaper than if the promoter had taken himself and that would have impacted on the toll tax which he would have to pay later on. But one thing I would again like to mention, it's not that we are not doing anything, the Ministry of Finance and Economic Development, at its end, is doing the work that is needful.

Mr Ganoo: Now, as regards the appointment of the Preferred bidder on 21 December 2012, Mr Speaker, Sir, can the hon. Minister confirm to the House that, in fact, this letter appointing the Preferred bidder, issued on 21 December 2012, was, in fact, issued on 21 December last year which was a Friday in the late afternoon and it was signed, in fact, by the Deputy Manager of the RDA in the absence of the Manager who was on leave?

Mr Bachoo: Yes. When the Manager is absent, it is normally the Deputy who takes over. Whatever time the letter was issued, the fact remains that there is a Preferred bidder, a Reserve bidder and this work has not been done by the RDA. This exercise has been conducted for the past few years. It is not taking us one or two months, it is almost two to three years. This decision was taken by the CPB, communicated to the RDA and the RDA had to transmit it to the authorities concerned.

Mr Ganoo: Can the hon. Minister confirm, therefore, or does he find it normal that a letter appointing a Preferred bidder of a mega contract of Rs30 billion is issued without the knowledge and approval of the PPP Committee and Cabinet also?

Mr Bachoo: According to the PPP Act, Cabinet will come at a later stage and the PPP...

(Interruptions)

But this is the law! The law is like that before awarding. We are not awarding the contract.

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: Mr Speaker, Sir, we are not awarding the contract. Even me, being Minister, I was not aware of the Preferred and the Reserve bidder. At times, if you ask me the name, I can forget because these are the responsibilities of the CPB. We, as a Government, we have got faith in our institutions. Let the institutions work. CPB has taken months and months to do the work. They have done the work. I don't have any comment to make on the working of the CPB. Any time the CPB can issue, but according

to the PPP, according to the law of the land, these things will come to Cabinet before giving the final award. The final award has not yet been made. We are still at the stage of BAFO. Let all the stages be completed and definitely before awarding the contract, Cabinet will be apprised of it.

Mr Ganoo: I beg to differ with the hon. Minister. Is the hon. Minister aware that the law provides...

(Interruptions)

Mr Speaker: Please, don't interrupt the hon. Leader of the Opposition!

Mr Ganoo: Section 3(a) of the Public-Private Partnership Act states -

“There shall be a Committee to be known as the Public-Private Partnership Committee which shall deal with all matters relating to a Public-Private Partnership Project.”

Which means that the issue of a letter to a bidder acknowledging that he is the Preferred bidder, is a matter which concerns the Public-Private Partnership Committee, and the Committee should have been made aware of the issue of this letter.

Mr Bachoo: Mr Speaker, Sir, I have mentioned that all the steps will have to be followed. This is what I have been made to understand by the RDA. All steps should be followed. But before the granting of the award, Cabinet will be made aware of. That is what I am aware, but the PPP definitely has got a big role to play into it.

Mr Ganoo: Is the hon. Minister aware also that the PPP Committee never made any assessment of this project so far?

(Interruptions)

Mr Bachoo: Mr Speaker, Sir, as I have just mentioned that this is a mega project which is being dealt with by the CPB, that does not fall under the purview of my Ministry. My Ministry does not look into the day-to-day affair of that mega project. If I am going to poke my nose, if I am going to open my mouth, they will say that I am intervening in what ...

(Interruptions)

Mr Speaker: No interruption, please!

Mr Bachoo: That is the reason why my Ministry keeps itself away from all these projects because these are being undertaken by the CPB as well as by the RDA. As I mentioned, any flaw, any mistake committed, they will have to take the responsibility.

Mr Ganoo: Is the hon. Minister aware that section 3 (b) of the same law provides that the PPP Committee shall make an assessment of a project which shall be submitted to it? So, this project had to be submitted to the PPP Committee to enable it to give its recommendations at the very outset.

Mr Bachoo: Mr Speaker, Sir, well, I have been informed that the PPP Unit and the CPB are involved fully and their approval will be sought before giving the award which I have mentioned.

(Interruptions)

Mr Ganoo: If the hon. Minister is saying that the PPP Committee was fully aware and on board, how does he account that in all the PQs that have been asked on this subject so far - and he has answered many of them - he has never mentioned that the PPP Committee was aware, was roped in and was involved in the assessment of this project?

Mr Bachoo: The question was never asked to me. You are asking me the question now, I have enquired and I am answering you.

(Interruptions)

Mr Ganoo: Is the hon. Minister aware that the letter which we have just referred to was issued on 21 December? Is he aware that by some strange coincidence on the next day on which the Preferred bidder was appointed, the law was amended and became effective on 22 December 2012 and restricted application for review before the IRP by removing the following words in the law “terms at any time”? So, the next day that the letter was issued, the law became effective to deny the other bidder the possibility to apply to the IRP for review and redress!

Mr Bachoo: Mr Speaker, Sir, I am just reading what the Ministry of Finance and Economic Development has sent to me. The right to challenge and the delays within which challenges are to be submitted have remained unchanged. The amendments are not related to PPP project and the challenge would still have been considered premature even without amendments. That is about the challenge, it was rejected, it was considered to be premature, but no change was made as far as the Ministry of Finance and Economic Development manual was concerned.

Mr Ganoo: Is the hon. Minister aware that the IRP, in this case, after giving its ruling, made the following observations, and I will quote -

“It is a matter of regret that despite the fact that the application for review has been lodged, the panel was informed by the Public Body - that is, by the RDA - that it was still negotiating with the Preferred bidder in the teeth of a notice of a suspension of procurement proceedings duly issued on this Public Body.”?

Mr Bachoo: Mr Speaker, Sir, I am again repeating, the PPP Committee has approved the feasibility study and the project document. After successful negotiations, the whole matter will be referred to the PPP Committee for clearance; this is number one. Number two: I have been informed that as far as the IRP is concerned, the IRP has also written to the bidder who had protested that, in fact, award has not been made. And so long as award is not made, you cannot contest, and that is the reason why the matter is lying at the Supreme Court. I am not in a position to pass judgement on what is going on at the Supreme Court.

Mr Ganoo: Is the hon. Vice-Prime Minister aware, Mr Speaker, Sir - now I come to the evaluation process - that during the evaluation process on 16 November 2012, a letter was sent to one of the pre-qualified bidders who will be selected eventually as the Preferred bidder, requesting the latter to provide a revised traffic model illustrating the forecast traffic as its BAFO response model, that is, the CPB adversely commented on certain proposals made by this bidder and urged the latter to redesign, to adjust its proposals, giving solutions, suggestions and recommendations in the letter sent to this bidder who will afterwards be chosen as the Preferred bidder?

Mr Bachoo: Mr Speaker, Sir, I also enquired on this and I was told that the CPB noted certain issues that should be addressed in the negotiation phase, but, in fact, the clarification request did not come from my Ministry or the RDA. It came from the CPB. According to the regulations that the CPB has the full right to ask for any clarification and, in this particular case, clarifications were asked on the Grade separated Junctions of Phoenix, Dowlut and Jumbo Roundabout. The right of the CPB to request for clarifications from a bidder during evaluation process is set out in the RFP document and this information was important to the CPB to confirm its understanding of the proposed design and thereby to determine the extent to which these issues would need to be addressed during negotiations stage. The marks which that particular consortium obtained were not increased nor decreased, but the right of clarification remains. The monopoly of the CPB is that they have the right to ask for clarification. This is the information which I received.

Mr Ganoo: This was not clarification. This was suggesting to them other designs. Does the hon. Vice-Prime Minister agree that by allowing this bidder to revise its best offer, this, on the contrary, was in breach of our procurement rules, was improper, biased and did not comply with the requirements of the bid. This total lack of fairness and unacceptable favouritism enabled the bidder concerned to be selected as the Preferred bidder?

Mr Bachoo: Mr Speaker, Sir, the matter is before the Supreme Court on this issue, but let me inform the House that the CPB requesting for clarifications under a PPP model is a normal process. The process is an interactive one to allow the client to obtain the most cost-effective solution while meeting the objective of the project. This is what the CPB maintains and this is what we believe in. Let the Court decide because the matter is already before the Court; that is why I say it is *sub judice*, I cannot comment on that.

Mr Ganoo: Doesn't the hon. Vice-Prime Minister agree that these – what he calls - clarifications were allowed, in fact, after the bid was closed; after the date of the submission of the BAFO? Therefore, in fact, this bidder which became the Preferred bidder has submitted a non-compliant bid which should have led to its disqualification.

Mr Bachoo: Mr Speaker, Sir, I have just mentioned this is the responsibility of the CPB and the CPB insists that according to the existing regulations, it has the right to ask for clarification because here we want to get the best thing for our country. If the CPB has been entrusted with the responsibility, I cannot pass comment on the actions of the CPB.

Mr Ganoo: The hon. Vice-Prime Minister has admitted that there have been many allegations of bribery in this case. In fact, this was splashed out in many of our dailies and our papers and the hon. Vice-Prime Minister has said that the ICAC is enquiring into this matter as far as I can remember. Doesn't the hon. Vice-Prime Minister think that Government - in view of the many allegations that have been made concerning this particular project - should take the decision of reviewing this whole project?

Mr Bachoo: Mr Speaker, Sir, X or Y writing an anonymous letter - there are hundreds and thousands of anonymous letters in this country. Once these rumours spread, ICAC and the Police took over the case. That is why I make an appeal to anybody in this country. If they have got any sense of doubt on this, they should go to the authorities concerned. Mr Speaker, Sir, I have already mentioned that. Once again, I am going to make an appeal to everybody that Government is investing massively. Firstly, we are investing, and secondly, so much of work is being done, it is normal that anybody would cast aspersions.

(Interruptions)

Hence, in such a case they have to go to any instance. I know what they are talking about. I know what rumours are spreading outside.

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: All these are meant to deter Government from going ahead.

(Interruptions)

Then, they will come forward and say that Government is not doing anything!

(Interruptions)

I maintain and insist that if there is any case of corruption anywhere, they should go ...

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: ...and depone in any institution that they like.

(Interruptions)

Mr Speaker: Have you any more questions, hon. Leader of the Opposition?

Yes, hon. Bhagwan!

Mr Bhagwan: I don't know if the country believes what the hon. Vice-Prime Minister is saying, if we have to go through his track record. Can I ask the hon. Vice-Prime Minister whether he does not agree that since day one of this project there have been attempts at the level of the RDA of his Ministry *pour tracer le pas* for Bouygues/Colas to get this contract? Is this not the way things have been handled, the way files have been treated and the way information has been treated and channelled to the CPB? Doesn't the hon. Vice-Prime Minister agree, at least, for all these reasons that Government has to review this project?

Mr Bachoo: Mr Speaker, Sir, in this very House – our memory is not short - it was rumoured that the Chinese were to get the contract. In this very House, there was a PNQ where the then Leader of the Opposition stated clearly that out of the three bidders, two of them were on the blacklist. In this very House the then Leader of the Opposition stated that being given that the consultant is a South African, there is a fear that the South African Company which has taken part in the process might be favoured. So, there are all these rumours from day one and hon. Bhagwan's statement that nobody believes, so, I prefer not to answer to his question.

(Interruptions)

Mr Speaker: Order, please!

(Interruptions)

I say order! Hon. Jugnauth, you may put your question!

(Interruptions)

I do not want any interruption now! I say enough is enough!

Mr Jugnauth: L'honorable Vice-Premier ministre a déjà dit dans le passé qu'il y aura un élément de subside en ce qui concerne le péage. Est-ce que le Vice-Premier ministre peut nous dire si son ministère a déjà fait une projection quant à l'estimation de l'*annual service fee* qui va être payé, au moins une estimation ?

Mr Bachoo: It is not my Ministry. In fact, it is the consultant as well as the CPB and the RDA. Mr Speaker, Sir, I am just waiting for the award because I am not in a position to know what will be the toll aspect. Once we come to know, it is only then there will be adjustment. We will see how much money we are going to spend. When this project started, the hon. Member was the Minister of Finance and he was aware of what were the parametres which he had worked.

(Interruptions)

Mr Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Mr Speaker, Sir. The hon. Vice-Prime Minister has shifted all the responsibilities on the CPB. May I inform the House and ask a question...

(Interruptions)

Whether he is aware...

(Interruptions)

Mr Speaker: Hon. Member, do not waste time!

(Interruptions)

Your duty is not to inform, but to put questions! Please, be straightforward. Put the question!

(Interruptions)

Dr. Sorefan: Yes. Mr Speaker, Sir. Is the hon. Vice-Prime Minister aware, as per a review commissioned by the World Bank in 2010 on the Mauritian PPP Legal and Institutional Framework, it revealed that CPB does not have the required knowledge and understanding of a PPP project? Can the hon. Vice-Prime Minister inform the House how come such a mega project has been entrusted to the CPB?

Mr Bachoo: Mr Speaker, Sir, according to the law of this country, the CPB has the right to take the services of any expert and, in this particular case, for the last three years, they are working day and night to see to it that Mauritius gets the best deal.

Mr Lesjongard: May I ask the hon. Vice-Prime Minister to confirm to the House whether for such a mega project where billions of rupees are being injected, no feasibility study has been carried out to ascertain the viability of such a project with regard to decongestion of traffic in this country?

Mr Bachoo: Mr Speaker, Sir, in fact, that has been the responsibility of the Transaction Adviser; firstly, to undertake a comprehensive feasibility study for the project prescribed under section 5 of the PPP Act, to look after the Needs Analysis, the Solution Options Analysis, the Project Due Diligence, the Value Assessment, the Economic Valuation and Procurement Plan. All these have taken much time and that explains that this is a very scientific work which is being done. Again, a full feasibility study has also been carried out, which I have just mentioned. This has received the approval of the PPP Committee.

Mr Ameer Meea: Mr Speaker, Sir, the hon. Vice-Prime Minister stated that Government will contribute to the tune of 80% of the project, that is, about Rs24 billion.

Mr Bachoo: It is a loan.

Mr Ameer Meea: Can I ask the hon. Minister how the company will secure that loan which is public money? What guarantee will the company give to Government to this amount of Rs24 billion?

Mr Bachoo: Mr Speaker, Sir, I have just mentioned that it is important for Government, at least, for such a mega-project, to come forward and be of help. We are giving only 80% as loan. If they were to take the loan outside in the world market, the price would have been very, very high...

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: ... and that would have been passed on to the toll tax. That is the reason why we are securing the loan; we are giving it to them through a special mechanism, special purpose vehicle, and later on, if anybody wants to take over, they will take it over. So, we do not have any problem. It is not a grant; it is a loan which we are giving.

Mr Speaker: Last question to the hon. Leader of the Opposition!

Mr Ganoo: Is the hon. Minister aware that in South Africa...

(Interruptions)

Mr Speaker: Hon. Hossen! I say no interruption now! Hon. Leader of the Opposition, put your question!

(Interruptions)

Silence!

Mr Ganoo: Is the hon. Minister aware that in South Africa on the *Gautrain* project, the same consultant, the same transaction adviser together with the same contractor Bouygues, were responsible for a project after which claims of billions and billions of rands were made against the South African Government. I am sure the Minister must have heard of this mega-scandal in South Africa and it is for this reason that I request him whether he does not think that he should liaise with the hon. Prime Minister for Cabinet to take a decision to instruct the CPB to appoint a consultant to undertake a due diligence of what has taken place so far. In the past, our Government and the CPB have undertaken such due diligence on the evaluation carried out by other consultants and this is the way forward in order to address all the *zones d'ombre* that we have heard about this project.

Mr Bachoo: Mr Speaker, Sir, yesterday it was a SINOHYDRO, today it is Bouygues/Colas, then this means that our Government cannot move ahead...

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: The example quoted by the hon. Member is in South Africa, but let me inform him that throughout the world, there is a list where all developing countries and developed countries are having recourse to this PPP type of project. I am going to lay a copy on the Table of the House and as a Government we are vigilant, we are careful and we are going to see to it that nobody plays with us because, here, that involves billions of rupees. We are more concerned than even them.

Mr Speaker: Time is over!

(Interruptions)

Silence! The Table has been advised ...

(Interruptions)

I will not accept interruptions! The Table has been advised that Parliamentary Question No. B/600 addressed to the hon. Vice-Prime Minister, Minister of Finance and Economic Development will now be replied by Dr. the hon. Prime Minister. In keeping with practice, Parliamentary Question No. B/600 will be replied at the end of Prime Minister's Question Time, time permitting. Hon. Prime Minister, PQ No. B/582!

BEAU BASSIN POLICE TRAINING SCHOOL – HEALTH & SAFETY INSPECTION

(No. B/582) 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 Beau Bassin Police Training School, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a Health and Safety Officer has recently carried out an inspection thereat and, if so, indicate the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed that the Safety and Health Officers of the Ministry of Civil Service and Administrative Reforms, as part of their normal duties, carry out regular inspection in all Government Departments including those of the Mauritius Police Force.

In this context, I am informed by the Commissioner of Police that an inspection was carried out at Beau Bassin Police Training School on 05 April of this year. The inspection report with recommendations was submitted to the Commissioner of Police on 12 April of this year. The Police have already started implementation of the recommendations submitted in the report.

As for the kitchen, I am informed by the Commissioner of Police that, pending the construction of a new kitchen, it has been temporarily located in another building in the compound of the school. It is expected that the construction of this new kitchen will be completed in the course of next year.

Mr Ameer Meea: Mr Speaker, Sir, can I ask the hon. Prime Minister if he is aware of the very bad state of this complex and that, in fact, the report that has been done is very damning concerning the hygienic state of the kitchen as he just mentioned. Therefore, can I ask him: what is the time frame that we are looking for to get things done?

The Prime Minister: There were twenty-six recommendations, Mr Speaker, Sir. Twelve of them have been addressed so far, the rest are being addressed gradually as they are coming up, but I spoke of the time frame for the kitchen should be ready in the course of next year.

SSR INTERNATIONAL AIRPORT – NEW TERMINAL - OPERATION

(No. B/583) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the new terminal of the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain from Airports of Mauritius Ltd., information as to the

- (a) variation costs incurred therefor if any, giving details thereof;
- (b) name of the consultant therefor;
- (c) date of coming into operation thereof, and
- (d) operations that will be carried out thereat.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Airport Terminal Operations Ltd, that is, ATOL that the contract for the construction of the new terminal at Sir Seewoosagar Ramgoolam International Airport is a fixed sum contract amounting to USD 305.8 M, out of which USD 8.9 M is a provisional sum for items to be finalised in the course of construction.

I am also informed that, during the foundation works, adverse subsoil conditions were encountered, namely volcanic caves over a significant portion of the site, requiring additional piling works. The Contractor was granted 3 months extension of time as per the contract conditions.

Additional works have further extended the completion date of the contract to 31 May 2013. These include the construction of a new passenger boarding bridge to accommodate the A380 aircraft, additional commercial areas and two new passenger lounges.

The final provision of the sum as per the initial contract amounted to USD 6.1 M, which brings the initial contract amount to USD 303 M. However, additional works relating, among others, as I have said, to the improvement of the commercial areas; to the construction of one additional bridge for the A380 aircraft, this has cost USD 4.2 M. Consequently, the expected final cost for the terminal is USD 307.2 M. This represents an increase of only 0.5 percent.

In regard to part (b) of the question, I am informed that *Aéroports de Paris Ingénierie* (ADPI) was designated as Design Consultant, and following a bidding exercise, Louis Berger Group was appointed as independent Engineer for the management of the project.

Mr Speaker, Sir, in regard to part (c) of the question, I am informed by ATOL that, since the end of May 2013, it has started the testing and trial operations with the participation of all the stakeholders as part of the operational readiness. The date of coming into operation of the new terminal is scheduled for early September 2013.

In regard to part (d) of the question, all existing passenger facilitation services will be transferred to the new terminal, including the processing of domestic flights and the border control activities. The existing terminal will be closed for refurbishment, and upon completion it will be integrated to the new Passenger Terminal. This would result – at the end we will have eight passenger boarding bridges.

I would also like to inform the House, Mr Speaker, Sir, that the new terminal project has been implemented over a period of three years and it has been completed without any cost overruns. Additional costs, as I have said, representing less than 0.5% of the total cost have been incurred following additional works that had to be undertaken.

Mr Bhagwan: Being given the massive investment which has been carried out and also the reputation of our country being given it is a high international airport, can I know from the hon. Prime Minister whether action is being taken, at least, in terms of additional training being given to the staff who would be operating at different levels of the new airport, at least, to keep a standard of the reputation of Mauritius which is at stake, especially for our tourism and other industrial sectors?

The Prime Minister: We don't want to repeat what has happened at Heathrow because they made a mess of it and I suppose that is what you are referring to. I understand that they are doing all these trainings.

Mr Bhagwan: Our attention has been drawn by the authority there. It is recruiting staff for the operation of the new terminal. Can I have an assurance from the hon. Prime Minister that, at least, the best choice be made in terms of recruitment purpose so that - be it a political agent or otherwise - the right person be chosen?

The Prime Minister: I am sure that's the intention, but I think it has been advertised as well; it is an open advertisement.

Mr Barbier: From the answer given by the hon. Prime Minister, it is clear that there is an increase of not less than Rs1.5 billion from the initial cost of the project which is supposed to be a lump sum project. So, how can the hon. Prime Minister explain this increase? Why all these supplementary infrastructures which are supposed to be part of a project? Why were these additional infrastructures that the hon. Prime Minister just mentioned not part of the initial project? The hon. Prime Minister has to explain. These were supposed to be part of the initial project.

The Prime Minister: No, Mr Speaker, Sir. Let me clarify perhaps for the hon. Member. For example, they could not predict that there would be volcano craters underneath - I think I mentioned it. In fact, they call it volcanic caves. That is when the work was being done, even though they did do the sampling of the soil. It is only when they were digging deep that they saw there were caves. So, these were additional. But let me tell you this. There was an extension of time, but not of cost. This was taken care of because it is in the contract. It did not cost additionally for them, but the time factor was involved; they had an extension of three months.

As for the other expenses, in fact, it is following a visit, when I met the then President of France, Mr Sarkozy, we decided then that perhaps - we had discussed it - it would be a good idea because we must look far ahead, not just for today or tomorrow. That is why we decided that, for Mauritius, for keeping that reputation that we have for high quality tourism, we should also take care of the fact that we might need to have A380 aircrafts in the future. In fact, I can tell the hon. Member that there will be an A380 - I understand - that will be serving the Mauritian route some time this year; I think towards the end

of the year. So, this is something that we decided afterwards; that we should cater for all this. As you are probably aware, I am not sure whether you have travelled on an A380 yet...

(Interruptions)

...but, hopefully, some day you will; you have to have a different bridge. It is not the same. You have to have an additional bridge for the passengers who are on the top of the aircraft. So, that was the additional work we decided we should have. ATOL decided that they will have to have some additional; it is not ATOL which is going to give this. I think whoever is controlling the duty free will need some additional high quality, the high tourism sector, big shops that are well-known. These are going to put additional, I think, four or five shops.

Mr François: Mr Speaker, Sir, with regard to improvement of passengers' experience at the new terminal and with regard to the domestic Rodrigues-Mauritius route, may I ask the hon. Prime Minister whether there will be a fast track system with regard to immigration procedures?

The Prime Minister: That is part of the programme.

Mr Jugnauth: Is the hon. Prime Minister aware of the complaints that have been made by the air traffic controllers that they do not get a clear view of the part where the aircrafts will be parked, and that they have been told that the provision will be made for them to view part of the aircrafts' parking through a CCTV? Does the hon. Prime Minister consider that to be according to the practice of ICAO?

The Prime Minister: In fact, the study was done by the people who are involved, the engineering part of the *Aéroports de Paris*. They don't agree with this. In any case, part of the programme is to have the construction of a new control tower. But they do not feel that it is a problem.

Mr Jhugroo: Can the hon. Prime Minister inform the House how many runways will be available after the completion of this new terminal?

The Prime Minister: That is part of the programme because we decided that we will have an additional landing runway. In other words, that will save us time, that will save us costs and petrol as well. I hope you will come for the opening because I will be mentioning how much it will, in fact, save us. This was part also of our idea that we should have an additional runway for landing so that the aircrafts do not have to wait in the air.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister why a second company has been created to overview this project and to manage the terminal?

The Prime Minister: When you say second company, you mean which company?

(Interruptions)

No, ATOL was a long time ago. It has to be different. It cannot be the same company which will now overlook the construction and all those things. That cannot be right.

Mr Bhagwan: We are talking about the new airport which falls under Airports of Mauritius Co. Ltd. Our attention has been drawn to the departure of the Chairperson of Airports of Mauritius Co. Ltd. We have been told that he has been a victim of the tsunami. Can I know from the hon. Prime Minister whether he intends to appoint anybody in the near future, and what are the reasons for the departure of Mr Pazhany?

The Prime Minister: There have been statements, in fact. Let us not forget I am the one who appointed him as Chairperson. Then, he was not okay; now he seems to be okay. But let's forget this. In fact, I am told, Mr Speaker, Sir, that, in spite of the reports and statements that we have heard in the local press and all those things, he has not been calling at the AML, at the airport for the past two years. That is one of the problems. Second problem, he and Mr...

(Interruptions)

Except when he is travelling.

The second thing is that, as everybody knows, he and Mr Petit were not seeing eye to eye, for example. But we cannot have two people in a strategic position like this, where the Chairperson and the Director are not on speaking terms. That is not possible.

Mr Jugnauth: I heard the hon. Prime Minister saying in the reply that there is a plan to construct a new control tower. May I know why is it that this was not part of this project?

The Prime Minister: I am sorry; maybe I should have said it clearer. It was part of the project. We need to have a second control tower because - not now, but we think maybe later on - we will have to have another runway additional to what we have.

MBC – REVENUE COLLECTED

(No. B/584) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain therefrom, for each of the years 2010 to date, information as to the amount of –

- (a) revenue collected from –
 - (i) television licence fees, and
 - (ii) advertising, and
- (b) expenditure incurred.

The Prime Minister: Mr Speaker, Sir, with your permission, I am tabling the information requested by the hon. Member, as provided to me by the Director General of the Mauritius Broadcasting Corporation. In fact, I will be giving figures write-up so that the hon. Member can analyse them properly. I will go from 1999. I will go further than he is asking.

Mr Soodhun: Mr Speaker, Sir, with the rise of 50% in licence fees, will the hon. Prime Minister inform the House how much is the MBC expecting to collect as from 01 July this year?

The Prime Minister: I don't know exactly how much they will collect, but it will be proportionate to what they are collecting now.

Mr Ganoo: Since this decision to increase the licence fees was announced some two weeks ago, and since it has not yet been published in the Government Gazette, does the hon. Prime Minister, does Government still intend to go forward with this measure, or is the hon. Prime Minister thinking of leaving the measure for after next elections?

The Prime Minister: No. Elections or something else, we have to do what is right for the country. You probably realise that it is a very, very low fee at the moment. The last time it was increased was in 2002, that is, 11 years ago, Mr Speaker, Sir. So, we will be doing it.

Mr Obeegadoo: If the hon. Prime Minister could just clarify. This new measure, this increase was supposed to take effect as from the month of July. Is there any particular reason why it has not yet been officially gazetted?

The Prime Minister: There are some people who actually are not going to be affected by the increase at all. Some people are not going to be affected, I understand. They are working out these details. I believe they should be ready very soon.

Mr Uteem: Mr Speaker, Sir, in view of the outcry in the population on this increase, will the hon. Prime Minister consider making the payment optional instead of mandatory so that those who do not want to pay that increase do not have to pay? Then, the MBC just has to code the programme so that if you want to pay and get access, you pay and you get access, and if you don't want to watch MBC, you don't pay the fee.

The Prime Minister: That's a long debate that was decided by the former, former Prime Minister at the time because there were all sorts of problems. That is why it was linked to that.

Mr Baloomoody: Sir, on the same line, is the hon. Prime Minister aware that those who have MyT are already paying for the three channels of the MBC and now they are being charged again to pay through the CEB bill? Will he look into that matter so that those who already have MyT do not have to pay the MBC fees because they are already paying same with MyT?

The Prime Minister: I am not sure that is the case, but I can transmit what the hon. Member is saying to the MBC.

Mr Jhugroo: Can the hon. Prime Minister inform the House how much money is owed by companies for advertisement and what measures are being taken to recover this money?

The Prime Minister: For advertising sum, that was not in the question. If the hon. Member asks me a substantive question, I will answer. I think I have actually answered part of it in a question. But if the hon. Member asks me, I will answer it.

Mr Bhagwan: The Director of Audit, in his last report for the financial accounts of the MBC/TV, has been very, very critical concerning the management of the fees coming from advertisements, the commissions which were received and being paid to officers. Now that the population is being asked to pay 50% - and we all know the *maja karo* and the *manzé bwar* and the *politique des petits copains*...

Mr Speaker: What is your question, hon. Member?

(Interruptions)

Mr Bhagwan: I am just coming to my question.

(Interruptions)

I am coming to my question!

(Interruptions)

We are all paying; you are paying as well, Sir.

Mr Speaker: Yes, but I am fully concerned with your question!

Mr Bhagwan: It is our money. We have to know how much of our money is being spent by Mr Hitler there! Can I know from the hon. Prime Minister, as the Minister responsible...

Mr Speaker: No!

(Interruptions)

Hon. Bhagwan...

(Interruptions)

Silence!

(Interruptions)

I say silence!

(Interruptions)

Hon. Bhagwan, just rephrase your question!

Mr Bhagwan: We all know, Sir. I do not listen to all these people who are barking there!

Mr Speaker: Yes, listen to me!

Mr Bhagwan: They are barking here! Sir, can I know from the hon. Prime Minister as Minister responsible for the MBC/TV, what action does he intend to direct the Chairperson of the Board to see to it that the management of the financial accounts of the MBC is being done in a proper way?

The Prime Minister: First of all, I must reject this idea of *petits copains*. In fact, he is putting a lot of orders. Is the hon. Member saying that they are going to starve there? I am not sure that is the proposal!

(Interruptions)

Mr Speaker: Hon. Bhagwan!

The Prime Minister: But I must say, Mr Speaker, Sir, that the MBC is pursuing a restructuring programme and I should say that, for example, they are purchasing films, serials and football matches at a lower price. When everywhere else the prices are going up, they are now purchasing at a lower price. They also have a lot of control on the administrating and operating expenses and that is why it is going down. They have terminated the outsourcing of transport, cleaning and security services. All this is being done now in-house. They are also reviewing the work processes, the rationalisation of manpower. I do not have the details of the figures that the hon. Member has asked me, but I know they are increasing the advertising revenue. So, all this is being done.

Mr Speaker: Hon. Issack!

(Interruptions)

Mr Issack: In fact, I have two questions for the hon. Prime Minister.

(Interruptions)

Mr Speaker: Only one!

Mr Issack: I can put the two in one!

(Interruptions)

Does the hon. Prime Minister have an idea about the number of households concerned with the TV licence and also does the MBC/TV have any new projects in the pipeline for the viewers?

The Prime Minister: They have increased the digital channels quite massively, as the hon. Member probably knows, not just here, but also in Rodrigues. At the moment, concerning the number of subscribers - I have the last figures for December of last year - those who are paying Rs20 per month is 23,591; those paying Rs100 per month is 284,991. The number of non-domestic subscribers paying Rs10,000 per month - we are talking about hotels, restaurants and private institutions - is 41 and the number of subscribers paying Rs100 per TV set is 117. This is the actual number. I do not think the hon. Member is asking me for Rodrigues, but it is 7.

Mr Speaker: Is there any question from hon. Fakeemeeah? The hon. Member raised his hand. Does he have any question? He has none! Hon. Soodhun!

Mr Soodhun: Mr Speaker, Sir, I would like to know from the hon. Prime Minister whether he is aware that the person who is looking in the departmental commissions is not a qualified person. In fact, the person is a 'she' and she is not qualified.

(Interruptions)

Listen, man!

(Interruptions)

Mr Speaker: I say order!

(Interruptions)

Order, please!

(Interruptions)

Hon. Soodhun!

(Interruptions)

Come on! Put your question!

Mr Soodhun: I would like to know from the hon. Prime Minister whether he is aware...

Mr Speaker: Please, address the Chair!

Mr Soodhun: The Prime Minister will probably answer the question; he knows that...

Mr Speaker: Alright!

Mr Soodhun: ...the person who is in charge of this department for the advertising fees...

(Interruptions)

Mr Speaker: Hon. Members, order, please!

Mr Soodhun: ... is not a qualified person.

(Interruptions)

She is not being chosen where the necessary qualifications are required. Is the hon. Prime Minister aware?

The Prime Minister: I must ask for a clarification. She is not qualified for what?

(Interruptions)

Mr Soodhun: For the post.

The Prime Minister: But to do what?

(Interruptions)

To get the advertising revenue! I am not aware of this, Mr Speaker, Sir, but I will certainly look into the matter.

Mr Jugnauth: Sir, on the one hand, the MBC increases the licence fee in order to get more revenue, but is the hon. Prime Minister aware that on the other hand, there are a number of advertising agencies that owe millions of rupees to the MBC? I will cite only two cases. One is Dream Solutions. In fact, there is a case of malpractice with regard to that company where they have been asked only a guarantee of Rs100,000.

Mr Speaker: The hon. Member should put his question!

Mr Jugnauth: But they have been given facilities of up to more than Rs1m. This, up to now, has not been paid to the MBC. And the case of ...

Mr Speaker: I am waiting for your question, hon. Member!

Mr Jugnauth: Yes, I said two examples, Mr Speaker, Sir.

Mr Speaker: No! Just put your question! You have said enough!

Mr Jugnauth: The question is that a number of advertising agencies owe millions of rupees to the MBC and the MBC is not doing anything to recover those sums!

The Prime Minister: In fact, this relates to a long time ago and it is not recent. I think I answered a question not so long ago about what the MBC is doing. There have been negotiations going on; they have not agreed to a price, because the advertising people are saying they were told that they can do this and that and all this. So, all this is being sorted out. I know there are negotiations. If they do not agree on negotiation, there will be a Court case; it will be taken to Court.

Mr Speaker: Last question for the hon. Leader of the Opposition!

Mr Ganoo: Mr Speaker, Sir, in view of the increase of 50% which Government has announced to be effective as from 01 July and in view of the difficulties being faced by thousands and thousands of families in this present economic situation, can I ask the hon. Prime Minister if he could consider the advisability of postponing this measure. True it is that a *filet de protection* is granted to a number of our *concitoyens* but the number exempted is very small. I think it applies to only those who consume some 30 CEB units. But in view of the difficulties faced by the Mauritian population at the moment, may I ask the hon. Prime Minister to seriously think about postponing this measure until later?

The Prime Minister: Let me tell the hon. Leader of the Opposition – but he was not involved in this – the first increase was not 50%, but 400%!

(Interruptions)

The first increase that was done by previous Government! So, 50% is not comparable to 400%!

The other problem that we have, as the Leader of the Opposition rightly said, is that we have some people who actually – when the consumers have consumed less than, I think, a total of 369 kilowatts hours of electricity, they only paid Rs20 per month. So, already this is being done and for non-domestic it is different. But in another case then it would be Rs100, otherwise it is Rs20. But I must also say, Mr Speaker, Sir - and I think the Opposition, hon. Bhagwan especially, has referred so many times to the financial situation of the MBC. That is one. Every time there is PRB increase - 2003, 2008 and 2013 - they have to have this additional amount of money to pay for the workers. They cannot freeze the pay. It won't be right as well. There has been substantial increase in the cost of electricity, fuel, spare parts and all this. We cannot allow them to go on increasing the deficit. That is why we have to address this issue because it is a financial issue, we cannot continue to allow it to accumulate.

(Interruptions)

Mr Speaker: I am left with one minute. So, I'll allow hon. Soodhun a last question.

MBC - FOREST SIDE & PORT LOUIS - OFFICE

(No. B/585) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain therefrom, information as to -

- (a) if it occupies an office in the former premises thereof, in Forest Side and, if so, indicate the reasons therefor, and
- (b) the use made of the office thereof in Port Louis.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Director General of the Mauritius Broadcasting Corporation that following the relocation of the Corporation's Headquarters to Moka, the lease held by the Corporation at Forest Side was rescinded on 17 July 2012 by the Ministry of Housing and Lands.

Since 09 August 2012, the land and the building at Forest Side are vested in the Ministry of Tertiary Education, Science, Research and Technology for the setting up of a University campus.

I am further informed by the Director General of the MBC that the Corporation is occupying only two ancillary buildings of the former premises of the Corporation at Forest Side and this only on a temporary basis. These buildings are currently being used by the Corporation as an outstation for the purpose of housing a technical unit responsible for the conduct of surveys on radio and television reception over the island.

In regard to part (b) of the question, I am informed by the Director General of the Mauritius Broadcasting Corporation that the Corporation is using the office space in Port Louis to accommodate a Marketing Unit and a Production Unit.

The Director General has indicated that the Marketing Unit operates in Port Louis because of the nature of its activities and this requires it to have an office in Port Louis.

A Production Unit in Port Louis is logistically and practically required to ensure that coverages of an urgent nature are promptly attended to in the capital and the northern regions.

Mr Soodhun: Mr Speaker, Sir, can the hon. Prime Minister inform the House whether the fourth floor of the Cerne House is being used only for the officers who are considered *indésirables* or on the

basis of punitive transfer? There are only six officers there and they are not doing anything. They have been put there just as a punitive transfer.

The Prime Minister: The hon. Member means to say that they are not working and being paid then; they should be working.

(Interruptions)

Mr Speaker: Any supplementary question! Yes, hon. Bhagwan!

Mr Bhagwan: I'll come to the same question that hon. Soodhun has asked. Can I ask the hon. Prime Minister to inquire seriously into the space which has been kept by the Director General of the MBC there at the old building as a Camp Nazi for people ...

(Interruptions)

Mr Speaker: Hon. Bhagwan, you should not indulge in this kind of...

(Interruptions)

Hon. Bhagwan, I appeal to you to refrain from making this kind of allegations.

(Interruptions)

I have said!

The Prime Minister: I think it would be an exaggeration.

(Interruptions)

Mr Speaker: No. It is an abuse!

The Prime Minister: We should not exaggerate, but, as I said, this is of a temporary nature.

(Interruptions)

Mr Speaker: Time is over! I will allow a last question to hon. Jugnauth.

Mr Jugnauth: Can the hon. Prime Minister then circulate, probably not now, later on, the list of employees at the Forest Side office ...

(Interruptions)

Mr Speaker: Silence!

Mr Jugnauth: ... together with their responsibility and their remuneration?

The Prime Minister: Yes, I will certainly do that.

Mr Speaker: A last question!

Mr Jhugroo: Being given...

(Interruptions)

Mr Speaker: Silence! That is the last question.

Mr Jhugroo: ... that we have got a modern MBC building at Le Réduit, would the hon. Prime Minister consider to cut cost and to close these two offices at Cerne House and Forest Side?

The Prime Minister: I explained, the Forest Side one is being closed. It is on a temporary basis because they are trying to get offices here. But at the Cerne House, they feel they need - because it is essential to have a quick response - to have a small office here.

Mr Speaker: Time is over! The Table has been advised that PQ No. B/591 has been withdrawn.

MAURITIUS PORTS AUTHORITY – CHAIRPERSON – OVERSEAS MISSIONS

(No. B/591) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr M. A., Chairperson of the Mauritius Ports Authority, he will, for the benefit of the House, obtain from the Authority, information as to the number of overseas missions he has attended to, since his appointment to date, indicating in each case –

- (a) the countries visited;
- (b) the purpose and duration thereof;
- (c) the cost of the air tickets and issuing travel agency;
- (d) the nature and quantum of the allowances drawn, and
- (e) if he travelled with a diplomatic passport.

(Withdrawn)

Mr Speaker: Questions addressed to hon. Ministers! PQ No. B/601!

SICOM – EBÈNE BUILDING

(No. B/601) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the State Insurance Company of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to if it has received any offer from one Mr R. G. for the sale of a building to be constructed at Ebène and, if so, indicate -

- (a) the price offered therefor;
- (b) if the sale has been concluded and, if so, when;
- (c) how the construction of the said building is to be funded, and
- (d) if the plot of land on which the said building will be constructed had previously been earmarked for a green space project.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, I wish to underline that the State Insurance Company of Mauritius Ltd (SICOM), being a public company incorporated in accordance with the Companies Act, it would not be proper to reveal matters pertaining to its business transactions. Responsibility for the management of the company rests with the Board of Directors. Furthermore, Government of Mauritius is not a direct shareholder in the company.

However, for the sake of transparency, I am providing to the hon. Member information which is at my disposal.

Mr Speaker, Sir, I am informed that, in general, property asset class is an essential part of the investment portfolios of insurance companies. In line with its strategy, SICOM, in an attempt to diversify its portfolio of investment, was looking for new opportunities such as Real Estate Development Projects. In this respect, SICOM wanted to position itself in the Ebène area and had, accordingly, been exploring the possibility of purchasing strategically located buildings in this prime region. A first attempt was effected in 2008 to purchase a property in Ebène, but this did not materialise.

Subsequently, in September 2010, SICOM considered the purchase of a building in Ebène near the Cyber Tower I which was being constructed by a company known as Arushi Development Ltd. The project was deeply analysed at the level of the Board of Directors of SICOM to secure the best deal for the company, in line of its procedures for such type of investment. Accordingly, the Board approved the purchase of the building and a Letter of Intent was issued to Arushi Development Ltd on 09 December 2010.

With regard to parts (a) and (b) of the question, I am informed that an initial offer in the sum of Rs747 m. (excluding VAT) was made by Arushi Development Ltd for a building of 14,470 sq metres or 154,820 sq ft, that is, Rs4800 per sq ft. In the light of the due diligence carried out by SICOM consultants, the price was brought down to Rs591.6 m., that is, Rs3800 per sq ft excluding VAT. A *Vente en l'État Futur d'Achèvement* was subsequently signed for the purchase of the said building after completion.

Mr Speaker, Sir, I wish to inform the House that according to SICOM, the cost of the Ebène building, which has, as I have mentioned, been reduced from Rs4,800 to Rs3,800 per sq ft (excluding VAT) after tough negotiations, is virtually identical to that of SICOM's new building in Port Louis, on a comparable basis, although built property prices in Ebène are higher than in Port Louis.

As far as part (c) of the question is concerned, the construction of the building is not being financed by SICOM.

Concerning part (d) of the question, I am informed that the land is owned by Business Parks of Mauritius Ltd (BPML); I am not aware of this issue.

Mr Jhugroo: Can the hon. Vice-Prime Minister confirm to the House whether there was a Consultant who recommended to SICOM to make such a deal and can we know the name of the Consultant?

Mr Duval: Mr Speaker, Sir, what I am aware of is that SICOM did appoint Ong Seng Goburdhun, who is a very well-known and respected Consultant, to look at this whole issue. And, in fact, it is this new Consultant, Mr Speaker, Sir, who advised SICOM as to what would be a fair purchase price.

Mr Jhugroo: Is the hon. Vice-Prime Minister aware that Ong Seng Goburdhun & Partners is also a Consultant for that promoter?

Mr Duval: Mr Speaker, Sir, I must say I am not aware of this at all, but I must say that all this happened prior to my joining the Ministry and I am sure, Mr Speaker, Sir, that everything was done according to what was fair and ethical.

Mr Roopun: Will the hon. Vice-Prime Minister say whether SICOM did make any request to be allotted any plot of land directly from the BPML before embarking on a purchase of property from a third party?

Mr Duval: I am not aware, Mr Speaker, Sir.

Mr Uteem: Mr Speaker, Sir, we heard from the hon. Vice-Prime Minister that SICOM which is an insurance company will now also go into real estate business with all the risks associated with that line of business. So, may I know from the hon. Vice-Prime Minister whether any authorisation was sought by SICOM and obtained from the Financial Services Commission to see whether that will, in any way, affect its solvency?

Mr Duval: Mr Speaker, Sir, I must say that every insurance company, especially those dealing in long-term insurance business, would be well-advised to buy property. It is normal, it is current and I am also advised by the FSC that SICOM is particularly highly liquid and, therefore, such an investment would be a good step on its part, Mr Speaker, Sir. Therefore, it is quite normal and natural for insurance companies dealing in long-term insurance business to purchase properties.

Secondly, it is happening all the time, and, thirdly, Mr Speaker, Sir, it is not the same as going into a real estate business; as I mentioned, the rate of return calculated on this property is substantial.

Mr Jhugroo: Being given that SICOM has spent above Rs400 m. for the extension of the existing building in Port Louis, how do you justify hon. Vice-Prime Minister that a sum of Rs600 m. is being paid for a phantom building in Ebène?

Mr Duval: Mr Speaker, Sir, there has been comparison of the cost of construction in Port Louis and the final cost that SICOM will pay for its building in Port Louis compared to the cost of purchase of the building from Arushi in Ebène and, I must say, Mr Speaker, Sir, that the two prices are virtually identical although one would have expected that property prices in Ebène could actually command higher prices than property in Port Louis at this time.

Mr Seeruttun: M. le président, c'est un fait connu que le président du conseil d'administration de SICOM est un partenaire dans les affaires du promoteur Arushi Development. Donc, n'y a-t-il pas dans un cas pareil, un conflit d'intérêt quand ce promoteur fait une proposition à la SICOM?

Mr Duval: Mr Speaker, Sir, firstly, I think all this happened before the new Chairman joined SICOM. Secondly, Mr Speaker, Sir, I am not aware at all of what the hon. Member is saying.

Mr Li Kwong Wing: Mr Speaker, Sir, I heard the hon. Minister saying that the purpose of purchasing that building is that SICOM is very liquid and, therefore, because it has a lot of money, it has sought for a building which is costing as much as the unoccupied building that it has just built. Is this a criterion that is being used by pension funds and managers for purchasing building, on the cost of the building rather than on the rate of return? Is the hon. Minister aware that Infinity Building which has been lying idle for two years was not getting any rate of return, why should SICOM buy that building when it knows very well that there is an oversupply of office space in Ebène?

Mr Duval: Mr Speaker, Sir, firstly, I am not aware whether Infinity is empty or not, but what I would say is that there is obviously at any time some unoccupied office space which is available, but the very fact that promoters from the private sector continue to build new buildings must mean that there is expectation that demand will continue increasing for office buildings. The return - as I mentioned - has been calculated on this particular building as the building in Port Louis is excellent, Mr Speaker, Sir, and higher than what SICOM would be able to command to place the money in deposit.

Mr Jhugroo: Will the hon. Vice-Prime Minister inform the House who decided or recommended for this plot of land to be granted to Arushi Development when it was clearly earmarked for a green space?

Mr Duval: Mr Speaker, Sir, I am not the Minister responsible for BPML.

Mr Jugnauth: Can the hon. Vice-Prime Minister say whether there was an Inter-Ministerial Committee that looked into the malpractices at BPML and recommended for allocation of plots of land to be enquired into by the Police? Can the hon. Vice-Prime Minister say whether this plot of land has been the subject of such an enquiry?

Mr Duval: Mr Speaker, Sir, I would offer the same reply as previously.

Mr Roopun: Before negotiating with this particular promoter, did the SICOM issue any expression of interest as regards owners or lease holders having any plot of land or building in the region of Ebène?

Mr Duval: I understand not, Mr Speaker, Sir, but I understand also that has been the current practice. SICOM already owns properties around the island. It has never been the policy for it to issue tenders of that sort.

Mr Seeruttun: M. le président, est-ce que l'honorable Vice-Premier ministre peut nous dire si l'*Investment Committee* de la SICOM avait évalué ce projet et s'ils ont recommandé l'achat de ce bâtiment?

Mr Duval: I must say, Mr Speaker, Sir - having looked at it - that SICOM took all the measures that would be expected of a reputable insurance company to ensure that itself and its shareholders got the best possible deal from this project. And, as you can see, the price which has been agreed is a reasonable

one compared to what is ongoing because I did compare to what is actually the market rate and also, Mr Speaker, Sir, the price of the pudding is in the eating; it is the same price for construction as is being paid by SICOM on its building in Port Louis.

Mr Speaker: Since you are the author of the question, a last question for you.

Mr Jhugroo: Would the hon. Vice-Prime Minister consider asking SICOM not to go forward with this deal in the public interest?

Mr Duval: No, Mr Speaker, Sir.

Mr Speaker: Next question, hon. Mrs Radegonde-Haines!

GRANDE RIVIÈRE NOIRE - ALCOHOL CONSUMPTION

(No. B/602) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Health and Quality of Life whether, in regard to alcohol consumption, he will state if he is aware of an increase thereof in Grande Rivière Noire, in Constituency No. 14, and, if so, indicate -

- (a) if a study has been carried out to assess the -
 - (i) number of families adversely affected therewith, and
 - (ii) percentage of men, women, adolescents and children having drinking habits and if not, why not, and
- (b) the actions, if any, that will be taken in relation thereto.

Mr Bundhoo: Mr Speaker, Sir, I am informed that no survey is done on the basis of a specific locality or village as any one locality is not representative of the whole population and as such, will not depict the national situation.

Consequently, no figures on alcohol consumption are available for the village of Grande Rivière Noire.

However, my Ministry carries out regular surveys on non-communicable diseases and its risk factors, of which one is alcohol consumption. The survey is done on a national basis in a scientific manner so as to obtain data which reflect the current national situation in Mauritius.

Mr Speaker, Sir, according to recommendations made by the International Experts, surveys on non-communicable diseases, that is, NCD Surveys, are, in principle, carried out almost every five years. In this respect, the three previous surveys were carried out in 1998, 2004 and 2009 respectively. I am tabling an extract of the NCD Survey 2009 relating to the findings on alcohol consumption.

Mr Speaker, Sir, the next NCD Survey which will include alcohol consumption is due to take place early in 2014.

Mrs Radegonde-Haines: Mr Speaker, Sir, in the context of the Participatory Slum Upgrading Programme UN Habitat, it has been revealed by NGOs of the region of Rivière Noire that 97% of the inhabitants of this region consume alcohol. Can the hon. Minister tell us what activities - since he is talking island wise - have been carried out by his Ministry in Rivière Noire to contribute to more equal quality of life to all Mauritians, reduce the trends of alcohol consumption and persistent poverty in this region?

Mr Bundhoo: May I, Mr Speaker, Sir, assure the hon. Member that I will table a list of actions and sensitisation campaigns organised by NATReSA in the Black River District, and some activities that have also been carried out at Grande Rivière Noire. But I would wish to inform the House that, at present, we have already worked out for the first time a National Action Plan for the reduction of alcohol. It will be presented in Cabinet within the next 15 days and then it will be made public.

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Minister whether he could give us an idea of how many children get admitted under the influence of alcohol to the Government hospitals, let us say for the past year?

Mr Bundhoo: Mr Speaker, Sir, the information sought is being tabled with regard to children abusing of alcohol and the age related to that is available. In any case, it is already a public document.

Mrs Radegonde-Haines: Mr Speaker, Sir, in relation to the children, can the hon. Minister tell us whether he will expand the awareness raising campaigns to schools in the region and the vicinity?

Mr Bundhoo: I have to say that this is already done, Mr Speaker, Sir. As I said earlier, we are coming up for the first time with an Action Plan with regard to harmful use of alcohol. I am sure that when it will be made public, the hon. Member will have all the information with regard to how it is going to focus particularly to the issues raised by hon. Dr. S. Boolell concerning children and abuse of alcohol and those who have been admitted not only at the Brown Sequard Hospital but in other regional hospitals, irrespective of their ages for treatment with regard to abuse of alcohol.

Mrs Radegonde-Haines: Mr Speaker, Sir, I am sure the hon. Minister is aware of the Foetal Alcohol Syndrome as the world leading of many health problems. Can the hon. Minister tell us whether he has ever approached *Étoile d'Espérance*, a community-based NGO -since he talks about NATReSA - working towards the reduction of Foetal Alcohol Syndrome caused by women drinking during pregnancy in this region, and if not, why not?

Mr Bundhoo: Mr Speaker, Sir, I have to check whether this NGO, specifically mentioned by the hon. Member, is affiliated with NATReSA. But I can always liaise with NATReSA to take this specific NGO on board.

Mr Issack: As in the case of smoking, will the Ministry see into the possibility of having a programme or a clip on TV to show the ill-effects of alcohol on the individual as well as on society at large?

Mr Bundhoo: Mr Speaker, Sir, we have already launched the campaign with regard to cigarettes in Mauritius, and only a couple of months ago, it was extended in Rodrigues and same can be done for alcohol.

Mrs Radegonde-Haines: Mr Speaker, Sir, given that we are talking about Mauritius at large, and the hon. Minister is very well aware of the alarming problem of alcohol in the region, can consideration be given to ban selling of alcohol to pregnant women and increase the legal age of drinking, to avoid future socioeconomic and health problems in Mauritius and in this region?

Mr Bundhoo: Mr Speaker, Sir, as far as I understand, 18 years of age is about the right of vote and everything, and the right to buy all these things. Whether we are going to raise this age above 18 years, is a matter for Government as a whole to decide; how much this is legal or illegal. Mr Speaker, Sir, I will have to apologise to my good friend, hon. Reza Issack. The programme on cessation of cigarettes is already on in Mauritius and has been extended to Rodrigues. With regard to...

Mr Speaker: Hon. Minister, we are talking of alcohol!

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Minister whether I heard him right when he said that children were being admitted to Brown Sequard Hospital for alcoholic intoxication?

Mr Bundhoo: The question was asked about whether children are being admitted in hospitals for treatment with regard to abuse of alcohol. I took the precaution of saying that for adults and anybody suffering from abuse of alcohol, there is a policy where they are admitted in the Brown Sequard Hospital and all regional hospitals. This is what I said. I did not say that children for abuse of alcohol are being admitted in the Brown Sequard Hospital. I did not say that specifically.

BLACK RIVER – CIS HOUSES – TOILET FACILITIES

(No. B/603) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the project for the construction of toilets for twenty needy households in the region of Rivière Noire, in Constituency No.14, he will state where matters stand.

Mr Dayal: Mr Speaker, Sir, in the 2013 Budget, there is a provision for an amount of Rs12 m. for the upgrading of CIS houses, which also includes the construction of toilet facilities.

In line with the implementation of this policy, I am informed by the National Empowerment Foundation that a need assessment was carried out in the District of Black River, and some 18 households needing such facilities were identified. I am given to understand that out of the 18 families, 6 have already constructed their own toilets. 2 are in the process of completing the construction, and the

remaining 10 families received the assistance of NEF and CSR companies. My information is that the construction works in respect to these 10 families have been completed.

Mrs Radegonde-Haines: Mr Speaker, Sir, the hon. Minister mentioned 18 households. I would like to draw the attention of the hon. Minister to this assessment carried out in the region of...

Mr Speaker: This is not allowed. Put a question!

Mrs Radegonde-Haines: Is the hon. Minister aware that as per the assessment carried out in Le Morne itself - since he talked about Rivière Noire - there is over 40 households without toilets? Will he look into the matter?

Mr Dayal: Definitely, I will look into the matter.

Mrs Radegonde-Haines: Mr Speaker, Sir, can I ask the hon. Minister if he is aware that in the Cité of Rivière Noire, there are asbestos houses where approximately four or more families are sharing one toilet and same to the Avenue Quatre Saisons, Boulodrome, Camp Robinet? There are more than four families sharing one toilet; sometimes there are 12 families sharing four toilets. Will he take immediate action to improve the conditions of living of the needy people of this region?

Mr Dayal: Mr Speaker, Sir, the 18 vulnerable families which I have mentioned, come from Camp Robinet, and this has been attended to. For the others, I will send my officers to see what the situation is. The needs assessment will be done, and the needful will be done accordingly.

Mr Speaker: This is a proper time to break. We will resume after one and a half hours.

At 1.02 p.m. the sitting was suspended.

On resuming at 2.39 p.m. with the Deputy Speaker in the Chair.

PORT LOUIS EASTERN POST OFFICE - UPGRADING

(No. B/604) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Information and Communication Technology whether, in regard to the Port Louis Eastern Post Office, located at the Corner Nicolay and Magon Streets, he will, for the benefit of the House, obtain from the Mauritius Post Ltd, information as to if –

- (a) there is a lack of space thereat, and
- (b) the building housing same is in a bad state and, if so, indicate if remedial measures will be taken in relation thereto.

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, I am informed by the Mauritius Post Ltd that the building housing the Port Louis Eastern Post Office covers a floor area of 211.32 square metres, that is, 693 sq ft, and the office space available is adequate to cater for the needs of the inhabitants of the region.

Mr Deputy Speaker, Sir, it is worth pointing out that continuous upgrading and extension works have been carried out since 2008 which have resulted in the extension of the floor area from 104.20 sq metres (341 sq ft) to 211.32 sq metres, (693 sq ft) at present which is more than double.

Moreover, profilage shelter of 286 sq ft has been mounted and an additional lobby created to decongest the existing one which is of an area of 300 sq ft. Unfortunately, no further extension can be envisaged because of limited land surface area.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, I am informed that although the present building has been constructed in the year 1978, it is not in a bad state as it is being maintained regularly. It is the policy of the Mauritius Post Ltd to upgrade and maintain all Post Office buildings, and uplifting works amounting to Rs685,000 have been undertaken at this office over the last five years.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask the hon. Minister to say again because I didn't hear it well? What about the square metre of the post that we are talking, because, to my knowledge, it is only a very small room and, very often, there is a long queue and the queue goes up to the street. I have been there so many times and it is, in fact, a very small room. This is why I have been asked by people from my Constituency to put that PQ. I would also like to invite the hon. Minister - if his answer differs from what I am saying - to pay a visit there and look into the matter.

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, in fact, when that portion of land with the building was vested to Mauritius Post Ltd, it was in 2002. As my friend has rightly pointed out, Mr Deputy Speaker, Sir, at first, there was only 341 sq ft, that is, 104.20 square metres. Now, it has been extended to 693 sq ft. As I said, there has been an additional lobby which has been created. Also, we have extended it to 300 sq ft. I have requested Mauritius Post Ltd to communicate to me some pictures of the site. I can table it, Mr Deputy Speaker, Sir, and you will see for yourself the amount of work that has been carried out and the amount of extension also that has been taken into account. Now, it is no longer possible to increase more capacity to that existing building.

Mr Issack: Will the hon. Minister tell us how many post offices we have in Mauritius and in the District of Port Louis?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, in fact, we have around 120 post offices in Mauritius and in the region of Port Louis particularly we have 5.

Mr Issack: Est-ce que l'honorable ministre peut nous dire si le ministère compte ouvrir d'autres bureaux de poste pour servir les citoyens du pays?

Mr Pillay Chedumbrum: M. le président, l'idéal aurait été que, dans chaque région, on a un bureau de poste, mais il n'est pas évident, ce n'est pas possible de le faire. Quand même, on peut dire qu'on essaie dans la mesure du possible de donner autant de services aux citoyens. Donc, je considère - ce

que le *Mauritius Post Ltd* m'a fait comprendre – que pour la région de Port Louis, nous avons déjà 5 bureaux de poste et que c'est suffisamment desservit.

Mr Ameer Meea: I know that, in fact, the land where the building is situated is a limited one; you cannot extend it because the land is small. My point is: maybe you should try to relocate the post, because where it is, it is found in a densely populated region. You said there are 5 post offices, but 5 post offices cover Port Louis in total, which constitutes of 5 constituencies. So, would the hon. Minister see to it, if it is possible, to relocate the existing one? Because there was a proposition that it is being relocated in Cité Martial, but I don't know what happened to this proposition?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, I am going to look into it with Mauritius Post Ltd. As far as I have mentioned, this building now belongs to Mauritius Post Ltd and they have incurred expenses to an amount of Rs685,000 to upgrade it. I don't think that it would be possible for them to leave it and to move to another region, but, anyway, I am going to look into it with the Mauritius Post Ltd and we will apprise you accordingly.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I heard the hon. Minister saying that Port Louis itself has around six post offices. I have several times requested him to look into the possibility of putting up a post office in Bassin. Bassin is densely populated; it has around 10,000 inhabitants. Can I ask the hon. Minister why he is not giving consideration to giving a post office in Bassin?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, as I have mentioned before, *l'idéal aurait été qu'on mette des bureaux de poste un peu partout.*

(Interruptions)

Je peux comprendre the predicament of the hon. Member, because now we have a variety of services which are being offered at our post office, and that's why she wants to have one post office in the region of Bassin.

As far as I can recollect, there was a PQ which the hon. Member has put to me some time ago and we have said that actually we have one at la Louise which caters for Bassin as well, but, anyway, we are going to look into it and see whether there is possibility to bring another post office in that vicinity.

Mrs Hanoomanjee: Can I ask the hon. Minister whether he has a time frame for this, because hon. Bachoo came for...

The Deputy Speaker: No, it's alright.

Mrs Hanoomanjee:...the municipal elections and promised the inhabitants of Bassin a post office?

The Deputy Speaker: No! Hon. Mrs Hanoomanjee, your question was a straightforward question; let us have a straightforward answer from the Minister.

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, we have to take into account the financial situation of Mauritius Post Ltd before engaging ourselves in extending the services that are being offered. It is good to note that in 2004, the financial situation of the Mauritius Post Ltd did not allow us to do so. If you will look at the figure in 2005, there was a loss; Mauritius Post Ltd was incurring loss of Rs90,368,983. In the circumstances, Mr Deputy Speaker, Sir, now we are incurring profits. This year, we have made Rs64,279,700. We cannot, at this stage, increase immediately the number of post offices.

MALAKOFF/ROBINSON ROAD & BEARD/PLAINE SOPHIE 1 – TRACK ROADS

(No. B/605) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Agro-Industry and Food Security, Attorney General whether, in regard to the project for the construction of track roads along the Malakoff/Robinson Road and the Beard/Plaine Sophie 1, he will state where matters stand.

Mr Faugoo: Mr Deputy Speaker, Sir, my Ministry is implementing under the Food Security Fund, an Agriculture Infrastructural Development Programme which caters for the rehabilitation of drainage systems, repairs of existing damaged access roads, construction of wheel tracks to facilitate access to farmers' fields and the rehabilitation of existing irrigation and drainage networks as well as the provision of new irrigation facilities.

Under this programme, a number of projects are being implemented, including the construction of a 1.7 km long reinforced concrete wheel track from Henrietta to Robinson Link Road, Curepipe and a reinforced 1.3 km long concrete wheel track from La Marie to De Rauville/Plaine Sophie 1. With the implementation of these two projects, planters in the region will have easy access to their food crop plantations as the existing access roads have been severely damaged by the recent torrential rains.

Mr Deputy Speaker, Sir, regarding the project for the construction of a wheel track from Henrietta to Robinson Link Road, Curepipe, I am informed that the contract for the construction works has already been awarded following a tendering exercise. The project is expected to be completed within 4 months from now.

As regards the other project for the construction of a wheel track from La Marie to De Rauville/Plaine Sophie 1, the bids for the construction works have already been received and are being evaluated by my Ministry.

E-JUDICIARY – CONTRACT

(No. B/606) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security, Attorney General whether, in regard to E-Judiciary, he will, for the benefit of the House, obtain information as to –

- (a) the name of the contractor therefor;
- (b) the cost thereof;

- (c) if any delay occurred in the implementation thereof and, if so, indicate the reasons therefor, and
- (d) if the Mauritius Law Society has made representations for the freezing thereof, and if so, indicate the actions, if any, taken in relation thereto.

Mr Faugoo: Mr Deputy Speaker, Sir, the aim of the e-filing and case management system, commonly referred to as the e-Judiciary, is an important feature relating to the modernisation of the Judiciary by availing itself of the full potentials that Information Technology can bring for the optimisation of our Court cases management system, with a view to bring about an improvement in the quality and expeditiousness of the justice delivery system.

Indeed, Mr Deputy Speaker, Sir, the e-filing and case management system enables Attorneys to file, electronically, the pleadings required in various types of cases, and have cases put in shape and fixed for merits, instead of having to do so in person at a number of sittings before the Courts, as is generally the case.

Mr Deputy Speaker, Sir, I am informed by the Master and Registrar of the Supreme Court that in regard to parts (a) and (b) of the question, the information is as follows –

- (a) the contractor for the e-Judiciary Project is Mauritius Network Services Ltd, in which the Government of Mauritius is a major shareholder;
- (b) a total sum of USD3.6 m. has been earmarked with respect to the implementation of Phase 1 of the e-Judiciary project. The Investment Climate Facility of Africa and the Government of Mauritius will provide the 75% and 25% of the funding respectively.

In fact, Mr Deputy Speaker, Sir, a pilot e-Judiciary project is underway at the Commercial Division of the Supreme Court. I am informed by the Master and Registrar of the Supreme Court that it is intended to extend the project to all Civil Divisions of the Supreme Court, other than the Family Division and also the Criminal Division, I guess, once the pilot project is over. This pilot project, together with the said proposed extension constitutes Phase I of the e-Judiciary project. It is intended, as part of Phase II of the project, to extend it to all other Civil and Criminal Divisions of all Courts across Mauritius. I am informed by the Master and Registrar that Phase II of the project has not yet been finalised.

Regarding part (c) of the question, I am informed by the Master and Registrar that delay has indeed occurred in the implementation of the project. The project was originally to be implemented within 18 months of the signature of the contract on 31 March 2010.

Several reasons, Mr Deputy Speaker, Sir, have been identified by an Implementation Team, comprised of members of the Judiciary, for the delay. Firstly, after a User Acceptance Test, devised by the Implementation Team, was carried out by the Judiciary in October of 2011, numerous suggestions

were made to the contractor who agreed to accommodate these suggestions which had a significant impact on the system designed, and which necessitated major changes to the different modules. Secondly, the contractor has experienced difficulty in retaining key personnel in connection with the project, and this has contributed to the delay in the delivery of the system. Thirdly, Mr Deputy Speaker, Sir, the Master and Registrar of the Supreme Court has further informed that the system has been implemented on a pilot basis since 04 April 2013 and certain bugs were detected. These bugs are currently being fixed by the contractor's technicians on site.

In regard to part (d) of the question, I am informed that representations were received from the Mauritius Law Society requesting that the system be frozen. However, Mr Deputy Speaker, Sir, following a meeting between the hon. Chief Justice and the Executive Committee of the Mauritius Law Society in the beginning of June this year, the latter unanimously agreed that the e-Judiciary project be proceeded with. Following that meeting, free training sessions were conducted by the contractor on 3 occasions in the month of June this year so as to enable the users to familiarise themselves with the various functionalities of the system. All Attorneys-at-law, Mr Deputy Speaker, Sir, were invited to the training sessions, and some 70 users, comprising Attorneys-at-law and Attorneys' Clerks have, so far, attended the training sessions. I am also informed that additional sessions may be organised on request.

Mr Deputy Speaker, Sir, I am further informed by the Master and Registrar of the Supreme Court that -

- (a) User's Manual for Attorneys is under preparation and will be available for distribution at the end of the pilot phase, to which I previously referred to, and
- (b) should there be additional representations made to the Judiciary in connection with the e-Judiciary system, the latter will address same accordingly.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, has the hon. Minister been informed that with the e-Judiciary, an Attorney has to pay a one-off of Rs10,000 and a monthly subscription of Rs1,000 to put up an appearance before a Commercial Court besides the fact that the cost for a document to be filed before the Commercial Court has increased from Rs250 to Rs350 for the first five pages and an additional Rs50 for each additional page? Is the hon. Minister aware that obviously the Attorneys will not bear the cost themselves and that these costs will be passed on to the consumers, that is, to the population? Can I ask the hon. Minister whether the population has been made aware that there is an increase in cost when they see an Attorney for a commercial case for Phase I of the project, let us forget about Phase II for the time being?

Mr Faugoo: Obviously, Mr Deputy Speaker, Sir, I am aware of the operational cost implication to Attorneys who are going to use the system. But this is provided by the law. It is not something decided

by the Judiciary on its own. It is not one-sided. This is provided for under the First Schedule of the Courts Electronic Filing of Documents Rules 2012. This is prescribed under that particular regulation that they have to pay a one-off upfront sum of Rs10,000 and also a monthly subscription of Rs1,000 and, as was said, a fee of Rs350 per document up to five pages and a fee of Rs10 per extra page uploaded from thereon.

What the hon. Member is saying is whether this has a repercussion on the clients, litigants or the public. It depends from which angle you are looking at it, Mr Deputy Speaker, Sir. The Supreme Court is not making a profit out of it. This is the operational cost which has to be passed on to people who are making use of the system. This is one of the processes in the modernisation of our Judiciary in this country. The Court fees have remained the same. We should not mix issues. The Court fees which are charged to lodge a case have been there for the past thirteen years. We have to bear this in mind. As I said, it depends on which angle you are looking from. Rs10,000 one-off upfront, this is not going to happen every year. It is nearly Rs800...

(Interruptions)

It is one-off...

(Interruptions)

One Attorney, one-off and then monthly it is going to be about Rs800. What I am saying is that one should understand – maybe my friends who are at the Bar should understand it better - if an Attorney lodges a case otherwise, not using the e-services, he has to go either in person or through his Clerk to wait for the office to open. He has to go to do it personally. He has to go and pay the fees required. For how long? Maybe for more than one year! He has to go so many times before the Magistrate or the Judge to have the case being shaped so that it is fixed for trial. How many man-hours are we saving for Rs800? We have to impress upon these Attorneys that they also have a moral duty towards their clients. Rs800 for one Attorney per month! This can be used anytime. From the beginning, they can lodge the case anytime, from anywhere until the case is in shape and is fixed for merits. This is a huge step forward, Mr Deputy Speaker, Sir. We should all subscribe to it. All be it, there is a cost element which reflects maybe at the end of the day. But I am of the opinion that people who are using this system, which is for the betterment of the Judiciary as a whole – we have already modernised our Judiciary. We have come up with a special Court which is the Commercial Court. This is in the interest of litigants. This is in the interest of the business community in this country, Mr Deputy Speaker, Sir. This is a giant step forward and we should all be happy about it.

Mr Baloomoody: Is the Attorney General aware that on the website of the Investment Climate Facility (ICF) which has financed the project up to 75%, it is written that the project will simplify and automate the settlement process and reduce time and cost for commercial cases lodged at the Supreme

Court? So, the idea was to reduce cost when we apply for that financial contribution, but, in fact, we are not reducing cost. Cost has increased not only for Attorneys as it is not only the Attorneys who have to pay the Rs10,000, but also for Barristers. I know many young Barristers, especially new Barristers, who are not being able to practise at the Commercial Court because they could not afford to pay that Rs10,000 fixed deposit.

Mr Faugoo: Mr Deputy Speaker, Sir, it depends from which angle you are looking at the problem. As I said, this is going to save the Attorney a lot in financial terms. If the case is being lodged on-line, all the formal matters which sometimes, before the Supreme Court, take years, we all complain of delays in justice, we all complain of long, protracted procedures before the Supreme Court, this is something new, as I said, this is going to reduce the cost of the Attorney at the end of the day because of the man-hours that he used to put on the previous system compared to the one today with e-filing. This should reflect in the fees that they are going to charge to their clients if they are honest to themselves. I am not condemning anybody, I am not casting any aspersion on any professional, Mr Deputy Speaker, Sir, but, what I am saying is that this is meant to reduce cost. Even the Consultants - what my friend is saying is right – this is what they have said and this is exactly what they are doing. They are trying to reduce the cost. We have to wait for some time for the system to start functioning fully and then we will see the fruits out of this.

Mr Uteem: Mr Deputy Speaker, Sir, I have to declare my interest because I am a Barrister and Barristers also have to pay Rs10,000 and Rs1,000 per month. It is not just this, we also have to buy a computer and subscribe on-line because if you are not on-line, you do not...

The Deputy Speaker: What is your question hon. Uteem?

Mr Uteem: Is the hon. Attorney General aware that today, as a result of the e-Judiciary, there is even more time taken up by Lawyers, Barristers and Attorneys to check each time whether there has been a decision and there is a big confusion when it comes to fixing the date of trials or arguments because unlike formal matters where all parties are present and decisions are taken there and then, now we have to wait and see when the Judge has time, he will let us know the dates?

Mr Faugoo: I am not claiming, Mr Deputy Speaker, Sir, that this system is hundred percent trouble-free, that it does not have any problem. As I have said, this is a new system which has been put in place; it is still in its teething period. If there is any problem in practice, I think representations should be made to the Judiciary, to the Chief Justice and, as I have said, he is going to look into it.

Mr Obeegadoo: Mr Deputy Speaker, Sir, is the hon. Minister aware that there have been forceful representations by the law society, speaking on behalf of all Attorneys, pointing to the drawbacks of this e-Judiciary initiative? Is he aware that there are even today practical problems where Attorneys are being asked to get a g-mail internet address because they cannot make use of the system as it is right now?

Now being given that it is access to justice that must prevail over any other consideration, will the hon. Minister agree to convey the message to where it should be conveyed that, at least, we should have the two systems operating in parallel until all the teething problems have been addressed?

Mr Faugoo: I am a bit surprised, Mr Deputy Speaker, Sir. I just said that there were complaints by the law society. There was a meeting which was convened by the Chief Justice. They were asking for the system to be frozen, to be put at a pause. After the meeting with the Chief Justice, they have agreed that the system can go on, they can continue with the system. They have provided for training, they are coming up with a brochure, a manual on how to make use of the system; this is second; third, they are open to giving more sessions of training to the end users, Attorneys, Attorneys' Clerks, Barristers. I said that there was not a litigation, there were representations by the Council, but this has been sorted out, this is behind us. Now, if there is any practical problem, as I have said, if representations are made like hon. Obeegadoo is saying, I will, of course, as the Attorney General pass on the message to the right quarters.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, my main qualm is the cost which is passed on to the consumer, to the user. As at present, a person is entitled to legal aid with an income of Rs10,000 or less provided he is not the owner of any property. Does the Minister think that a person with an income of Rs10,000, who owns a small house, will be able to file a case before the Commercial Court, that is, in the first phase or before a Family Court in Phase II, if such high costs are claimed by Attorneys who pass on the cost to the population? Isn't this a denial of access to justice, to these categories of people who need legal aid?

Mr Faugoo: It is the contrary of what the hon. Member is saying. This is opening access and making it easier for litigants, Mr Deputy Speaker, Sir. If the Member has any qualm, if she has any representations, any apprehensions on the practice by Solicitors, by Attorneys, I think the best thing would be for her to write to the law society, understand first the workings, the mechanism of the system which has been put in place and then write to them, and say they should not be passing on because there is no extra cost. In the long run, there is not going to be extra cost, Mr Deputy Speaker, Sir.

Mr Roopun: I should first of all declare my interest, Mr Deputy Speaker, Sir, irrespective of the cost and in addition to what has been stated by hon. Members, there is also another aspect which I think the hon. Minister should consider. It is the question that any party should have latitude to present his case to the best of his abilities and the fact that for each page you download in the system, additional cost is being paid, is unfair and it is denying justice to all litigants because there is a disincentive for them to file documents which may be in their favour. I think that the hon. Minister should convey to all those concerned that, at least, for the filing of documents which may help to deliver justice, there should be no additional cost.

Mr Faugoo: I'll pass on the message, Mr Deputy Speaker, Sir.

Mr Baloomoody: The ICF is financing the 75% of the e-project in our Commercial Court. Can I ask the hon. Minister whether – because on the website of the IFC we find that the corporate partners of IFC are Anglo-American, Coca-Cola, SABMILLER, SASOL, Shelf Foundation, Standard Bank and UNI LOVER, it is proper for these institutions to finance our Commercial Court when we know that our Court, at least, should have neutral finance - if I may use that word - because we are talking about our Commercial Court and they are the corporate institutions which are supporting the institution which is financing our e-project.

Mr Faugoo: I am not aware of the components, of the sources of the funds and I have not been on the website.

The Deputy Speaker: Last question hon. Mrs Hanoomanjee.

Mrs Hanoomanjee: Can the hon. Minister say whether the e-Judiciary has made any provision for law firms to register because I am given to understand that each Attorney has to register on his or her own individual name?

Mr Faugoo: I have to look into this.

BUILDING & CIVIL ENGINEERING CONTRACTORS ASSOCIATION - REPORT

(No. B/607) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he has taken cognizance of a report commissioned by the Building and Civil Engineering Contractors Association highlighting the advantages of the Chinese contractors working in Mauritius as compared to the local contractors.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): With your permission, Sir, I will reply to this question.

During the consultation exercise carried out for Budget 2013, operators of the construction sector made representations with regard to alleged unfair advantage accruing to foreign contractors operating in Mauritius with respect to tenders particularly for large projects.

Accordingly, a report commissioned by the Building and Civil Engineering Contractors Association was forwarded to my Ministry in October last year. The Report recommended that a preference be granted to local contractors for public contracts.

I thus proposed in my 2013 Budget Speech at paragraph 284 that our procurement rules would be amended to grant a 15% margin to companies employing at least 80% local manpower, when competing for public works contracts. In this respect, the Public Procurement Office has issued on 26 December 2012 a directive pursuant to Section 7 of the Public Procurement Act.

Other proposals made in the report including one relating to a reasonable minimum percentage level for all contractors for generating greater value added in the economy, is being dealt with in

consultation with relevant stakeholders. In that respect, permits for importation of non specialised lorries by contractors for temporary use in Mauritius will now no longer be allowed.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, can the hon. Minister confirm whether local enterprises can employ up to 30% of a foreign labour whereas those contractors are allowed 100% foreign labour?

Mr Duval: I presume they can, Mr Deputy Speaker, Sir. I think this is a question that should be addressed to the Minister of Labour rather than to myself.

Mrs Hanoomanjee: Can the hon. Minister say whether it is not to the disadvantage of Mauritian contractors to have to contribute to the NSF, to the NPF or even to the HRDC when the other contractors do not have such contributions?

Mr Duval: Mr Deputy Speaker, Sir, the hon. Member may have a point here. We are looking at this issue; it does look like they would have an unfair advantage by not paying, at least, for the first two years these amounts and we are trying to find a solution to this issue. Generally, Mr Deputy Speaker, Sir, I must say that we are looking very sympathetically at this report; there are some valuable points that have been raised and that are being considered.

Mr Ganoo: Mr Deputy Speaker, Sir, this report is, in fact, a plea for fairer competition between local and foreign contractors. Does not the hon. Minister think - since he has told us himself that since October of last year he was aware of this report and its contents - that, in fact, many suggestions which have been made in this report are valuable suggestions, and his Ministry should have looked into each and every suggestion made in the report with regard to promoting a fairer level playing field so that discrimination against local contractors is addressed?

Mr Duval: Yes, there are obviously two issues. One is creating a level playing field; the other one, which is as important, Mr Deputy Speaker, Sir, is not to destroy competition because competition would bring fairer prices to consumers and to the public sector, which is a major consumer of these public work contracts. Nevertheless, as I mentioned, it was received in October, a few weeks before the Budget Speech. Nevertheless, we included the major recommendation, which is enhanced preference for local contractors employing at least 80% local labour. We did include that. There are other issues concerning the NPF, etc., which have side effects and which have to be looked at, and we are going to do that. But we will do it very seriously, Mr Deputy Speaker, Sir.

Dr. Sorefan: Mr Deputy Speaker, Sir, is the hon. Minister aware that, apart from foreign labour coming to Mauritius, these Chinese companies even import their lorries, every small thing, they don't even buy from the local market, and this is a disadvantage to Mauritius?

Mr Duval: Mr Deputy Speaker, Sir, I just dealt with that. I told the hon. Member that my colleague, the hon. Minister, will no longer issue permits for temporary importation of these trucks unless for specialised trucks. I just replied to that.

SPEED CAMERAS - PROGUARD LTD. - CONTRACT

(No. B/608) 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 recent supply and installation of speed cameras, he will state -

- (a) when the contract with Proguard Ltd. therefor was signed, indicating the duration thereof and the modalities for payment therefor;
- (b) country of origin and name of the manufacturer of the -
 - (i) cameras, and
 - (ii) posts, and
- (c) if the contractor had -
 - (i) provided copy of the audited accounts and annual turnover for the past three years and, if so, table copy thereof ;
 - (ii) provided a bank guarantee and, if not, why not, and
 - (iii) executed contracts for the supply and installation of speed cameras over the past five years.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I wish to inform the House that -

- (a) The contract with Proguard-Truvelo was signed by Proguard Ltd, on behalf of the Joint Venture, on 09 October 2012 for a period of three years.
The modalities of payment are as follows –
 - (i) advance payment of 10% against a bank guarantee;
 - (ii) 50% of the amount quoted on delivery related to the items delivered;
 - (iii) 30% of the amount quoted after commissioning of the items installed and satisfactorily tested, and 80% of the amount earmarked in the contract for services related to the items installed;
 - (iv) 10% retention money payable after expiration of warranty period starting as from three years after successful commissioning of each set of equipment, and

- (v) for services to be provided for operation and processing of violations, the contractor shall be paid 90% of the annual amount payable related to items of services as required for a period of three years.
- (b) The country of origin of the speed camera is the Republic of South Africa, and the manufacturer of the speed camera is Truvelo Manufacturers (PTY) Ltd. As for the posts, they have been manufactured locally by Mootin Engineering Ltd on behalf of Proguard Ltd. I am informed that these posts have been tested to ascertain that they are responsive to the operational needs.
- (c) With regard to parts (c) (i) and (iii), the tender exercise does not fall under the purview of my Ministry. However, the contractor must have satisfied all the requirements of the tender documents for its offer to have been retained by the Central Procurement Board.

As far as part (c) (ii) is concerned, the contractor has submitted a bank guarantee for 10% advance payment, on the basis of which the advance payment was initially made.

Dr. Sorefan: Mr Deputy Speaker, Sir, can the hon. Minister table the contract between Proguard and the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping?

Mr Bachoo: Of course, I am going to submit a copy of the contract. There is one contract which has been signed between Proguard and Truvelo, which is in my possession, and I am going to submit. Secondly, the contract which has been signed between Proguard - and that is the one who got the contract - and my Ministry, I have to find out. I am going to lay a copy on the Table of the House. I don't have any problem on that.

Mr Jhugroo: Given that the new installed speed cameras did not work properly and had to be recalibrated, can the hon. Vice-Prime Minister give a guarantee to the House that the speed cameras which were installed previously have always been working properly and that no road users have been unjustly fined due to the malfunctioning of these cameras?

Mr Bachoo: Mr Deputy Speaker, Sir, in fact, there was a technical problem - which I have already mentioned and explained to the House earlier - and corrective measures have already been taken. Even with the previous cameras also - we had a few cameras - we had problems. I would inform the House that we had problems even with those cameras, and in order to repair those cameras, it has cost us a lot of money. But as far as this...

(Interruptions)

Well, I am not the manufacturer of cameras, and those cameras...

(Interruptions)

If you don't want to listen, I don't have to answer!

(Interruptions)

The Deputy Speaker: Hon. Bhagwan!

Mr Bachoo: Mr Deputy Speaker, Sir, I was answering the question. But the fact is that those cameras which were installed in the past belong to a different company, and there were problems with those cameras. I don't manufacture. These were procured through tender. Supposedly they were the best cameras which were fixed, but they had problems. Even for these cameras which have been set up, we have certain teething problems, technical problems, which are being looked into.

Mr Bhagwan: The whole country has watched and has witnessed this mismanagement, and I would say wrongly...

(Interruptions)

Ki mo bizin prend l'ordre ar toi pou pose question!

(Interruptions)

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: *Prend ar toi pou... - volère lunette! Pe badiner do! Transfuge! Ferme la bouche ar moi do vendère!*

The Deputy Speaker: Hon. Bhagwan, please! I am on my feet!

(Interruptions)

Hon. Hossen!

(Interruptions)

I have got to remind hon. Members that they have got no right to make any remarks from a sitting position!

(Interruptions)

Hon. Hossen!

(Interruptions)

This is a reminder to you only! Hon. Hossen, you are not supposed to make any remarks from a sitting position! You understand!

Yes, hon. Bhagwan!

Mr Bhagwan: Mr Deputy Speaker, Sir, I will start again. The whole country has witnessed the way this project has been wrongly managed. We had the project, investment, public money, there was a planning, and then, suddenly, the cameras went out of order and were not fully operational legally. Even amnesty was given to people who got contravention. Can I know from the hon. Minister whether, in the light of what has happened, Government is considering asking the CPB or the State Law Office to advise Government on the contract itself? Does not Government consider - being given the problems we have had with the cameras - to, at least, cancel the contract with Proguard, going through the State Law Office?

Mr Bachoo: Mr Deputy Speaker, Sir, in fact, I have got a report from Truvelo, that is, the manufacturing company. They have already accepted. It appears that during the transition from setting the cameras from testing into active operation, some of the set-up parameters were omitted and incorrectly installed. Therefore, the responsibility lies on Truvelo and Proguard to see to it that things are rectified. In fact, they have already started, and I have already put up a due diligence committee in my Ministry to see to it that many of the responsibilities given to them are being taken out. We will try to see how we are going to get value for money. Secondly, according to law, the contractor has to pay the liquidated damages, and this is exactly what we are doing.

The Deputy Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Yes, Mr Deputy Speaker, Sir. In ...

(Interruptions)

The Deputy Speaker: I want some order, please!

(Interruptions)

Hon. Patrick Assirvaden!

(Interruptions)

Hon. Roopun!

(Interruptions)

I want some order, please!

(Interruptions)

I want some order, please! I want some order! Hon. Patrick Assirvaden! Hon. Roopun! No one is supposed to make any remark from a sitting position! No cross talking, please! Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Mr Deputy Speaker, Sir. In preparing the pre-qualified bidding document, illegal issues have been introduced in the document, for example, access to NTA database by supplier and integrating back office of the Police to the new back office of the supplier. May we know from the hon. Vice-Prime Minister who is responsible for this *maldonne*?

Mr Bachoo: Mr Deputy Speaker, Sir, there is no *maldonne*. The tender document, when it was prepared, was properly prepared and a committee was set up earlier under the aegis of Mauritius Standards Bureau comprising of Police, TMRSU, Civil Aviation and others also; at the same time, the committee decided that the *Organisation Internationale de Métrologie Légale*, specifications which were used internationally be adopted for speed measurement using the radar technology. Therefore, as far as the specifications are concerned, there is no problem.

As far as the back office is concerned, we have got a letter from the Data Protection Commissioner who has given us all clearances, but, at the same time, I would like to say when there were certain apprehensions, firstly the Police was not in a position to take over the whole lot because of the

shortage of staff. They have written a letter and that is the reason why certain responsibilities were handed over to the private sector, but under the supervision of the Police. Thereafter, we have taken over the entire administration under the Police itself. That is why I have maintained, we have put up a diligence committee to see to it whatever has to be removed from the contractor, we are going to remove, but I can assure the House that there was no problem as far as specifications were concerned.

Mr Baloomoody: Mr Deputy Speaker, Sir, I must say I am very surprised and shocked by the way that this issue has been handled. We know that Proguard does not have any expertise in these cameras. The hon. Vice-Prime Minister wants us to believe that there has been a contract between Proguard and Truvelo when, in fact, there is no contract. This is only a resolution by the Board of Directors of Truvelo, and I will read it –

“By resolution passed by the Board of Directors of Truvelo Manufacturers Ltd passed on 20 September 2011, Mr N. K. Purmessur of Proguard Ltd. (Mauritius) has been duly authorised to sign all documents in connection of this contract on behalf of Truvelo Manufacturers Ltd.”

So, there is no contract.

(Interruptions)

And nowhere is written what is the responsibility of Proguard and what is the responsibility of Truvelo.

Mr Bachoo: Mr Deputy Speaker, Sir, this is in fact a contract. Let me...

(Interruptions)

The Deputy Speaker: Hon. Baloomoody!

Mr Bachoo: Mr Deputy Speaker, Sir, I have got a paper in my hand.

“According to the Ministry the instruction for applications dated 01 August 2011, an applicant maybe a natural person, private entity, Government-owned entity or any combination of them with a formal intent to enter into an agreement in the form of a joint venture. Furthermore, in the case of a joint venture (...).”

(Interruptions)

Let me answer!

“In the case of a joint venture, instructions clearly stipulated that a joint venture shall nominate a representative who shall have the authority to conduct all businesses for and on behalf of any and all parties of joint venture during the bidding process and in the event of the joint venture awarded the contract within contract execution. In conformity with clause 4(1) (b) (iii), on 20 September a resolution was passed (...).”

(Interruptions)

The Deputy Speaker: Hon. Soodhun, please!

Mr Bachoo:

“(…) whereby Proguard was duly authorised, through his representative, to sign all documents in connection with the prequalification exercise for the supply, installation, commissioning and operation of speed enforcement cameras.”

On top of this, Mr Deputy Speaker, Sir, the responsibility to know whether Proguard or any other company is genuine or not, falls entirely on the CPB, not within the jurisdiction of my Ministry.

The Deputy Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Mr Deputy Speaker, Sir, as per the tender document, bidders should quote inclusive of VAT. Proguard did not quote inclusive of VAT. Will the hon. Vice-Prime Minister inform the House why tender was awarded to Proguard?

Mr Bachoo: Mr Deputy Speaker, Sir, this is a matter which befalls under the Central Procurement Board. It is an independent institution. My responsibility, as a Minister, the moment the award is made, then, the responsibility befalls on me to see to it that the work is done properly. But as far as the contract is concerned, I don't have the right to poke my nose. At times, I am giving information which is available to me.

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister just informed the House that it has cost a lot to repair those cameras. Can I ask him how much this has cost the country to repair the cameras and also whether there were any warranty terms when purchasing those cameras?

Mr Bachoo: In fact, I answered to the questions of previous cameras. There were four cameras which were set up. If the hon. Member comes with a substantive question, I am going to give him the answer; how much we have spent, I don't have the figure.

Mr Uteem: Mr Deputy Speaker, Sir, Proguard has cost a lot of money to taxpayers and we have lost revenue through all the amnesties given to those who have infringed speed limits. In these circumstances, may I know from the hon. Vice-Prime Minister whether he will consider rescinding the contract with Proguard in the light of their lack of expertise in installation of speed cameras?

Mr Bachoo: Mr Deputy Speaker, Sir, I have just mentioned that it is a joint venture and liabilities will have to be borne by the contractor and at the same time, we are consulting the State Law Office, and we are going to take action as required. But, as at now, the idea of cancelling the contract is not there. If we find that there is a problem, then, of course, we will have to take action.

Mr Jhugroo: Mr Deputy Speaker, Sir, as just mentioned by the hon. Vice-Prime Minister that the former speed cameras which have been installed formerly had problems, so can we know why these drivers have been unjustly fined and can we know what action will be taken by this Government to refund these drivers for excess of speed?

Mr Bachoo: When I was talking about the previous cameras, they had problems. Those were the previous cameras. In fact, when there was a breakdown, they were not registering any offences. That was about the previous cameras.

As far as this one is concerned, remission has already been granted and I would like to inform the House that not only in Mauritius, in many other countries where this set-up has been put, there have been certain teething problems. In 2012, for example, in England itself, they had a problem where new variable speed limit enforcement cameras, had a problem regarding the fine-tuning. So, in many other countries, they have the problem. For example, in Fiji, they had the same problem. The teething problems were there. The technical problems were there. But, now, since we have already started setting up the cameras, I find that they are working very well and satisfactorily. Within a week or two, all cameras will be set up, that is, the first batch will be set up and if there is a problem, of course, the contractor will have to pay the liquidated damages according to law.

Mr Ramano: M. le président, dans les spécifications du contrat le chiffre d'affaires du soumissionnaire doit dépasser les R 40 millions et selon les *returns* qui ont été faites par la compagnie Proguard, la compagnie n'arrive même pas à R 10 millions ou R 15 millions. Comment explique-t-il le fait qu'en l'absence d'un contrat entre Proguard avec la compagnie Truvelo qui peut justifier le fait que les chiffres d'affaires atteignent les R 40 millions?

Mr Bachoo: Mr Deputy Speaker, Sir, in fact this question should be addressed to CPB, but *en passant* I would like...

(Interruptions)

Don't laugh! This is the truth and nothing but the truth! Normally, a Minister does not have the right to answer for any other institution that does not fall within his jurisdiction.

(Interruptions)

The Deputy Speaker: Hon. Jhugroo, allow the hon. Vice-Prime Minister to answer the question!

Mr Bachoo: *En passant*, I would like to say this is a joint venture; an average turnover of the organisation fully satisfied the threshold of Rs40 m. annually. I would try to venture and speak on behalf of CPB.

Mr Lesjongard: Mr Deputy Speaker, Sir, in an earlier reply the hon. Vice-Prime Minister could not give the name of the independent laboratory which is supposed to do the calibration of those speed cameras. Can the hon. Vice-Prime Minister give us the name of that independent laboratory as specified in the tender specification which is going to do the calibration of those speed cameras?

Mr Bachoo: Mr Deputy Speaker, Sir, it is SANAS. That is the name of the laboratory which has been provided to me.

Mr Seeruttun: M. le président, est-ce que l'honorable Vice-Premier ministre peut nous dire si tous les employés de Proguard ont signé une clause de confidentialité et si c'est le cas est-ce qu'il peut déposer une copie de ce contrat à la bibliothèque?

Mr Bachoo: Mr Deputy Speaker, Sir, this is the responsibility of the Police; they are looking after the security aspects. I have just mentioned that I am not going to answer questions regarding the contract which has been awarded by the Central Procurement Board.

Mr Bhagwan: This contract was tailormade for Proguard. Can we know from the hon. Vice-Prime Minister how much has been paid today to Proguard on the original contract, and whether any retention money has been kept in case there are future breakdowns?

Mr Bachoo: Mr Deputy Speaker, Sir, I have just answered this question, and secondly, being given the hon. Member is casting dirty aspersions, I am not going to answer the question.

The Deputy Speaker: Hon. Soodhun!

Mr Soodhun: Mr Deputy Speaker, Sir, will the hon. Vice-Prime Minister inform the House whether there has been a survey before placing all these cameras? Will the hon. Vice-Prime Minister agree with me that, in some places, the cameras are wrongly placed as, for example, in Paillotte? I hope hon. Assirvaden will agree with me.

Mr Bachoo: Mr Deputy Speaker, Sir, at least, we don't have to play with the credibility of our experts and our technicians. The Traffic Management Unit together with the Police Division have conducted an exercise throughout the country and they were the ones who listed thirty-three darkest spots in the country, and normally we are going by the advice tendered by the Police, by the Road Safety Unit of the Prime Minister's Office and by the TMRSU. The responsibility of locating dark spots rests on that independent organisation not on me.

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

Dr. Sorefan: Thank you, Mr Deputy Speaker, Sir. The last part of the question has not been answered, Mr Deputy Speaker, Sir. I would like to know from the hon. Vice-Prime Minister whether he is aware that, as per the bidding document, all cameras supplied and delivered to the body concerned should have been delivered with a calibration certificate for each camera. Has this been done?

Mr Bachoo: Yes, these have already been calibrated; certificates have already been obtained. I can assure the hon. Member.

HADJ 2013 – ORGANISATION

(No. B/609) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Culture whether, in regard to the organisation of the Hadj 2013, he will, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to the –

- (a) total number of visas obtained therefor, and

(b) criteria set for the issue of licences to the operators thereof.

Mr Choonee: Mr Deputy Speaker, Sir, I have been informed by the Islamic Cultural Centre that 1040 visas have been obtained for Hadj 2013.

- (i) In March 2013, the Saudi Authorities informed that Mauritius will be entitled to 1300 visas for Hadj 2013 as per our official quota;
- (ii) thereafter in June, the Saudi Authorities further informed about their decision to reduce visas by 30% for most countries including Arab and Muslim ones, in view of construction works in the holy cities of Mecca and Medina.

Mr Deputy Speaker, Sir, I am pleased to inform the House that notwithstanding the above and thanks to our privileged relations, the Saudi Government has reduced our quota by only 20%.

Mr Deputy Speaker, Sir, regarding part (b) of the question, I am informed by the Islamic Cultural Centre that two sets of criteria apply for the issue of licences to operators -

- (i) Criteria laid down by the Saudi Authorities namely -
 - (a) Hadj Operators should be between 22 to 60 years of age, and
 - (b) Every organiser shall provide a refundable bank guarantee of 250 SR per pilgrim to the Ministry of Hadj when finalising contracts with the Saudi authorities namely the Moasasas.
 - (c) The organiser should not be on any banned list in Saudi Arabia.
- (ii) Criteria rate laid down by the Islamic Cultural Centre under the guidance of the Ulemas -
 - (a) Past performance;
 - (b) Experience in Hadj Organisation;
 - (c) Leadership skills in difficult situations (such as flood, sickness and transport);
 - (d) Pricing structure for current and previous Hadj including -
 - (i) Accommodation in Makkah and Madinah;
 - (ii) Tannazul, that is, 1029 SR;
 - (iii) Special services (Tent in Mina plus food during five days of Hadj);
 - (iv) Qurbani, and
 - (v) Visit to other Holy sites.
 - (e) Track record in relation to -
 - complaints received from Hadjis;
 - breaches committed by organisers with services offered as stipulated in individual contract with Hadjis;
 - sanctions imposed by the Saudi Authorities as well as by the ICC, and

- collaboration with Hadj Mission in difficult times especially if there is a problem, for example, delay in serving food during five days of Hadj or disruption in internal transport system in Saudi Arabia, and finally
- the overriding requirement that they have confirmed bookings of, at least, fifty Hadjis.

Mr Uteem: Mr Deputy Speaker, Sir, answering to a Parliamentary Question a few weeks ago, the hon. Minister stated that we had confirmed 1300 visas and then he added, and I quote –

“My good friend next to me, hon. Shakeel Mohamed, has his own network. He has his network to link with *le roi de* Saudi Arabia and I am sure he will come back with outcomes that will be of interest to Mauritius in favour of all Hadjis of Mauritius.”

Being given that following his statement, our quota has been reduced from 1300 to 1040, may I know from the hon. Minister whether his Colleague has used his contacts with the Saudi Arabian king to increase our visa or if the hon. Prime Minister has done like what hon. Bérenger did when he was Prime Minister and wrote to the king and asked for an increase in the number of visas, which he obtained?

Mr Choonee: Mr Deputy Speaker, Sir, my good friend, hon. Shakeel Mohamed, has actually negotiated with the parties concerned there. He is expecting a reply, but as far as the increase is concerned, I think, we have to understand one thing. There is a serious problem in Saudi Arabia. There are two problems in that case: one is that we have a problem of infrastructure, works are on, and buildings are being pulled down to bring up new buildings which will accommodate more Hadjis. That is one and there is a letter that the Minister of Hadj, Dr. Bandar Bin Mohammed Al-Hajjar, has written personally. He has been so apologetic concerning Mauritius. He has stated that he could have done more effort, but circumstances are beyond his control because of infrastructure works being undertaken. I can even quote some of the paragraphs from his letter telling us...

(Interruptions)

No, I can't table a letter; I'll quote from his letter. First –

“These developments require us to keep you informed on the reality of the situation and the importance of understanding the current situation. In addition to sharing our responsibility towards the pilgrims to maintain their safety, comfort and security as well as to make every possible effort to achieve the reduction of the quota of the Republic of Mauritius by twenty per cent of the decided total number 1300 pilgrims bringing the total number of pilgrims coming from Mauritius this year 1434 to allow 1040 pilgrims. The Ministry also relies on the good efforts in this matter through the preparation of an awareness programme to explain the current situation of the Holy Mosque in Mecca regarding the expansion projects and, in particular, the Tawaf area and also to point out that the Government of the Kingdom of Saudi Arabia provided facilities and

cooperation to increase the decided quota for the Republic of Mauritius in the previous pilgrimage seasons whenever possible”.

This is what he has written to us and now because of such circumstances, he cannot do more. However, Mr Deputy Speaker, Sir, I would also like to add that the second case is that of the virus that is prevalent in Saudi Arabia. We have got report from the World Health Organisation through the Ministry of Health where it is being mentioned that the number of cases of Middle East Respiratory Syndrome Coronavirus (MERS-Cov) has increased in Saudi Arabia to sixty-two cases out of which there have been forty-four deaths. That is the only country where we have such a high number of persons who have died because of the infection from that virus. So, these are two reasons that bring down our quota. However, we still have the hope that it could be increased if everything is favourable.

Mr Uteem: What the hon. Minister has stated is very serious. He stated that there is a health risk to pilgrims going to Saudi Arabia and I hope he is going to table all the documentation, because Saudi Arabia has never said that this...

The Deputy Speaker: What is your question?

Mr Uteem: My question is...

(Interruptions)

The Deputy Speaker: Hon. Uteem!

(Interruptions)

Hon. Uteem!

(Interruptions)

Order! Order!

Mr Uteem: Answering to the PQ, the hon...

(Interruptions)

The Deputy Speaker: I want silence in the House!

Mr Uteem: In his answer to the PQ last week, the hon. Minister, referring to the fire that broke out in a hotel where Hadjis were accommodated, stated, and I quote -

“My Ministry has given instructions to the ICC to ensure that such operators do not get a licence in the future.”

The ICC has published a short list of Hadj operators and there are three Hadj operators whose pilgrims were staying in that hotel that caught fire. Is the hon. Minister aware of this and why did ICC not follow his instructions not to give these Hadj operators a licence?

Mr Choonee: Mr Deputy Speaker, Sir, first, I would like to inform the hon. Member, through this House, that Hadj being such a serious matter, Hadj being the fifth pillar of Islam, the Government

will, in no circumstance, play with the matter. We take the matter too seriously; we are not taking it as easy as the hon. Member wants the House to believe. We are serious. It is a serious Government. We deal with Government; it is a G to G event that is taking place. The ICC has been there.

(Interruptions)

Yes, G to G. It means Government to Government, if you don't understand. The ICC has been there since 1989...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Choonee: It has been carrying out the activities for so many years. Year in, year out, we have been trying to improve the quality of service, improve as far as facilities are provided so that all our Hadjis get the best. As far as the short list of operators is concerned, there has been a committee set up by ICC in which there are, for the first time ever, members of the ICC Board and Ulemas sitting together. 15 members are sitting on that committee and that committee has taken a decision. They know why they are taking that decision. They have shortlisted and out of 34 applications, now we are having only 16 in the shortlist and they take all aspects into consideration. In my reply right now, I mentioned what are the criteria that they have to satisfy. They have satisfied the criteria. Whatever is being said right now is hearsay and there is nothing official on paper disqualifying those organisers. I don't do politics through the Hadj organisation, Mr Deputy Speaker, Sir.

Dr. Sorefan: Mr Deputy Speaker, Sir, may I know from the hon. Minister why the Hadj Mission did not go this year and when they did go last year, they were three days late to negotiate with the Hadj Committee in Saudi Arabia?

Mr Choonee: Mr Deputy Speaker, Sir, it is the pre-Hadj Mission that did not go this year because they were not called by the Saudi Authorities. Why they were not called? It is because, usually the pre-Hadj Mission goes to negotiate quota of Hadjis and to sign the contract. This year, the Saudi Authorities wanted to reduce, for the whole world, the number of Hadjis to be there to perform Hadj. The fact that they have reduced the number, there was no need for the pre-Hadj Mission to be there. However, the Hadj Mission will be there.

(Interruptions)

The Deputy Speaker: Order!

Mr Choonee: The Hadj Mission will go.

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Hon. Issack! Hon. Uteem!

Mr Issack: Mr Deputy Speaker, Sir, may I ask the hon. Minister...

(Interruptions)

The Deputy Speaker: Order!

Mr Issack: Mr Deputy Speaker, Sir, may I ask the hon. Minister if the Hadj operators in Mauritius still have to make a deposit of Rs500,000 or give a bank guarantee of that sum?

(Interruptions)

The Deputy Speaker: I want order in the House! Allow the hon. Member to ask his question!

(Interruptions)

Hon. Henry, can't you afford to remain silent?

Mr Issack: Will the hon. Minister inform the House if Hadj operators this year will still have to make a deposit of Rs500,000 or give a bank guarantee of that amount?

Mr Choonee: Mr Deputy Speaker, Sir, I just mentioned there is a new condition imposed by the Saudi Authorities. That new condition for this particular year is that per Hadji they have to give 250 Saudi Riyals to the Government of Saudi Arabia. This is something new that has been introduced. Further to that, all previous requirements have to be satisfied by them. This is something new that has been added. I would also like to mention, Mr Deputy Speaker, Sir, why there is the reduction in the number of Hadjis - this is something very important. 48,000 people were moving round per hour per session. This time they have reduced it to only 22,000. If it is only 22,000, how can they accommodate more people? So, that's why there is a reduction. Hon. Members have to understand that we can't play with words, there have been witnesses. I am sorry to say, hon. Uteem has been a beneficiary of facilities....

(Interruptions)

... being given by the Hadj Authorities.

(Interruptions)

The Deputy Speaker: Order! Order!

(Interruptions)

I want order in the House!

(Interruptions)

Hon. Ameer Meea! Order now!

(Interruptions)

It's enough, order now! Hon. Ameer Meea!

Mr Uteem: On a point of personal explanation. The Hadj that I performed was under the invitation.

(Interruptions)

The Deputy Speaker: I want some order in the House! You are wasting the time of the House.

Mr Uteem: Can I raise a matter of personal explanation? Since the hon. Minister mentioned that I...

(Interruptions)

The Deputy Speaker: Please, sit down! I want order in the House! We are wasting the time of the House!

(Interruptions)

Hon. Ameer Meea!

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Minister stated that this year there will be a deposit of 250 Saudi Riyals per Hadji. Can I ask him whether this deposit will be a refundable deposit by the Saudi Authorities to the Hadjis directly, and to add up to what hon. Reza Issack just asked, whether there will also be a deposit paid by the operators to ICC as well as it used to be?

Mr Choonee: Mr Deputy Speaker, Sir...

(Interruptions)

Mr Deputy Speaker, Sir, I thank the hon. Member for this question. He wants to be...

(Interruptions)

He wants to be enlightened on whether those 250 Saudi Riyals...

(Interruptions)

The Deputy Speaker: Hon. Minister of Labour, Industrial Relations and Employment, allow the Minister to answer the question!

(Interruptions)

Mr Choonee: The hon. Member wants to know whether the 250 Saudi Riyals will be refunded. Yes, the 250 Saudi Riyals will be refunded. As far as the deposit is concerned, we are having a new committee for the first time with Ulemas and members of the Board of ICC. They have sat together...

The Deputy Speaker: Hon. Minister...

(Interruptions)

...please resume your seat. It was a simple straightforward question and a simple straightforward question demands a simple straightforward answer!

Mr Choonee: Yes, for both!

(Interruptions)

The Deputy Speaker: Okay!

(Interruptions)

Mr Soodhun: Mr Deputy Speaker, Sir, I will make an appeal that Hadj affairs is a very sensitive issue and that hon. Members should take it very seriously.

The Deputy Speaker: Yes!

Mr Soodhun: I just want to inform the hon. Minister that all Muslim Ministers have received the invitation from the king to perform the Hadj.

(Interruptions)

The Deputy Speaker: No! Hon. Soodhun, please put your question!

(Interruptions)

Mr Soodhun: Hon. Dr. Kasenally also has been the guest of the king.

(Interruptions)

My question is....

(Interruptions)

My question is that the...

(Interruptions)

My question is very simple. The last answer given by the hon. Minister mentioned that there has been a scrupulous organiser and he has given instruction to ICC. Is the hon. Minister going to take his responsibility and the undertaking in this House that the scrupulous organiser that he mentioned last time will not be issued any licence this year?

Mr Choonee: Mr Deputy Speaker, Sir, it is true that there was an organiser who was not really acting responsibly and the ICC is dealing with the issue.

The Deputy Speaker: Next question, hon. Uteem!

Mr Uteem: On the Hadj?

(Interruptions)

The Deputy Speaker: Next question!

(Interruptions)

Mr Uteem: But I have a supplementary question, Mr Deputy Speaker, Sir.

(Interruptions)

Mr Deputy Speaker, Sir, can I ask the last question?

The Deputy Speaker: It is question B/610!

Mr Uteem: A last question since I moved for the first question.

The Deputy Speaker: Next question! Next question, please!

(Interruptions)

Because it is of national importance, I gave 20 minutes for that specific...

Mr Uteem: Yes, but the mover of the question usually gets the last question!

The Deputy Speaker: Please, move ahead with PQ No. B/610!

PONZI SCHEMES –MEASURES

(No. B/610) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the recent financial scandals and Ponzi Schemes, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the –

- (a) actions, if any, taken against the banks allegedly involved therein, and
- (b) measures taken to prevent the recurrence thereof.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, I am informed that, in the light of the recent financial scandals and Ponzi Schemes, the Bank of Mauritius did conduct a number of examinations regarding compliance of commercial banks in line with its Guidelines and Guidance Notes. These examinations have revealed certain lapses in the internal control systems of certain commercial banks and compliance with the Guidelines and Guidance Notes which is an offence under the Bank of Mauritius Act and Banking Act.

With regard to part (a) of the question, the Bank of Mauritius has sought the consent of the Director of Public Prosecutions (DPP) to compound any breaches and non-compliance with the Guidelines and Guidance Notes issued by the Bank of Mauritius and to impose a penalty on those banks which fail to comply. The DPP has concurred that penalties be imposed on three banks.

Investigations are still ongoing and the Bank of Mauritius will consult the DPP for non-compliance by any commercial banks with the Guidelines and Guidance Notes.

As far as part (b) of the question is concerned, the Bank of Mauritius has requested commercial banks to reinforce their customer due diligence processes and to implement anti-money laundering systems. Commercial banks have also been advised to lay more emphasis on training of their staff so that they are able to identify suspicious transactions more effectively.

In addition, the assistance of the IMF and the Reserve Bank of India have been sought to enhance the legal framework as well as to develop new parameters for generation of alerts for such types of scandals. In this respect, the IMF team was in Mauritius in April and May. The team from the Reserve Bank of India is still presently in Mauritius and is carrying out the relevant review exercise. Once the relevant reports are received, they will be carefully studied and where required, action will be taken.

Furthermore, the Bank of Mauritius and the Financial Services Commission have been asked to pursue their financial literacy programme which aims at enhancing public awareness on financial matters.

Mr Uteem: Mr Deputy Speaker, Sir, being given that the Central Bank has a duty to ensure confidence in the banking sector in Mauritius, may I know from the hon. Vice-Prime Minister whether the Central Bank conducted any onsite inspections to ensure that all banks in Mauritius comply with due diligence requirements?

Mr Duval: I need notice of that question, Mr Deputy Speaker, Sir.

Mr Li Kwong Wing: Is the hon. Vice-Prime Minister aware that the Bank of Mauritius Act has been amended lately to publish the names and the amount of fines administered to the banks? In the name of transparency, can the hon. Vice-Prime Minister inform the House which are those banks that have been administered fines and whether the matter has been referred to the DPP for compounding of the fines?

Mr Duval: On the issue of compounding I have just replied that this has been compounded with the agreement of the DPP for three banks. I just replied! For the names, Mr Deputy Speaker, Sir, the Banking Act now gives discretion to the Bank of Mauritius to publish the names. The Bank of Mauritius has not yet decided, as I understand, whether to give publicity to the names, and I respect the decision of the Bank of Mauritius. I have no issue if the Bank of Mauritius deems fit to disclose the names, I should be very happy with that.

Mr Jugnauth: With regard to Sunkai, there have been two commercial banks which have declared a suspicion transaction. May I know if the Bank of Mauritius has carried out any enquiry into that matter and what has been the outcome, if ever there has been an enquiry?

Mr Duval: Sorry, Mr Deputy Speaker, Sir, I missed the beginning of the question.

The Deputy Speaker: Would you repeat your question hon. Jugnauth!

(Interruptions)

Mr Jugnauth: I am saying with reference to Sunkai,...

(Interruptions)

Well, they should keep quiet! With reference to Sunkai, there are two commercial banks, at least, which have reported suspicious transactions in the past. May I know if then there has been an enquiry and, if so, what has been the outcome by the Bank of Mauritius?

Mr Duval: If they have reported, they have complied with the guidelines, Mr Deputy Speaker, Sir. If they have not reported or reported late or reported after, in fact, publicity has been given; this is where the Bank of Mauritius intervenes.

Mr Uteem: As the hon. Vice-Prime Minister is aware this scandal has cast doubt on the financial credibility of the banking sector. May I know from the hon. Vice-Prime Minister whether an in-depth enquiry has been conducted by the Central Bank in identifying whether any officer of these banks were in any way an accomplice to Je T'aime Marketing, Sunkai or Whitedot?

Mr Duval: Mr Deputy Speaker, Sir, I would presume that the Bank of Mauritius would, at least, see as far as the commercial banks are concerned whether they are complying with the anti-money laundering regulations, etc. It is also for the Police to do the criminal enquiry as to what are the ramifications and the partners and who else is involved in this criminal activity. I presume the Bank of

Mauritius has done its part of this work and also the Police, as you know, is taking this very seriously. We have even sought the advice of the State Law Office.

Mr Jugnauth: The question that I am putting is not that what action has been taken by the Central Bank against those banks. No! It is about what has been the action taken by the Central Bank with regard to whether an enquiry has been conducted? If yes, what has been the outcome of that enquiry?

Mr Duval: An enquiry has been conducted on whom? On Sunkai itself?

(Interruptions)

But the enquiry is being carried out by the CCID, Mr Deputy Speaker, Sir!

The Deputy Speaker: Hon. Leader of the Opposition!

Mr Ganoo: Since we are talking about the responsibility of the banks in the context of the Ponzi Scheme, is the hon. Vice-Prime Minister in a position to inform the House about the allegation made against a bank employee who has left the country with millions and millions of proceeds of this Ponzi Scheme? From the information gathered, he is being looked for by Interpol.

Mr Duval: No, I don't have any information concerning that, Mr Deputy Speaker, Sir.

Mrs Labelle: May I ask the hon. Vice-Prime Minister whether there is a particular mechanism that has been set up to inform the victims of this Scheme of the status of the enquiry? There are so many rumours that some people have been refunded, others have not been, and so on and so forth. So, is there any particular mechanism that has been set up to inform these victims?

Mr Duval: I take this point, Mr Deputy Speaker, Sir. I don't think there has been any formal update given. People have suffered from this, and that may be a good suggestion. I think there are about 2,000 people or so who have reported that they should be advised as to what is happening.

Mr Jhugroo: Being given that there are five officers in the prevention and education section of the ICAC who have recently been suspended, can I ask the hon. Vice-Prime Minister for what reason another one, who is a Senior Investigation Officer of the same department of ICAC, one Mr S., who runs a red colour double 4x4 has not been suspended?

Mr Duval: I have no clue. ICAC does not fall under my responsibility, Mr Deputy Speaker, Sir.

Mr Bhagwan: Can I ask the hon. Vice-Prime Minister whether he has been made aware that the MRA has started enquiry with the Mauritius Turf Club concerning people linked with Ponzi Schemes with regard to importation of horses, with connection in banks, where foreign currencies have been transferred and so on?

Mr Duval: Mr Deputy Speaker, Sir, the enquiries by the MRA are quite rightly confidential and are not dealt with by the Ministry. I am not at all aware. Whether what the hon. Member is saying is true or not true, I don't know.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Vice-Prime Minister whether the Bank of Mauritius has worked on an estimated total amount of money involved in the different Schemes?

Mr Duval: Mr Deputy Speaker, Sir, although it does not directly refer to that, I will provide the information. At the moment, it is estimated at about Rs800 m.

Mr Uteem: Mr Deputy Speaker, Sir, being given that the Central Bank was aware of the Schemes since December last, as they have declared themselves, may I know from the hon. Vice-Prime Minister whether his Ministry has conducted an enquiry to find out whether the Bank of Mauritius in this instance has fulfilled its duties of supervising the banks correctly?

Mr Duval: As I have mentioned when the Schemes came to light, we have reviewed the reactivity of all our institutions and, at the same time, we asked the IMF to come and do a more complete study. That has happened and we are waiting for the report, Mr Deputy Speaker, Sir. So, let's wait for the report - I have my own views - to give us an independent view of what happened.

POVERTY ALLEVIATION

(No. B/611) 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 poor, he will state for the years 2007 and 2012, the number thereof, categorised into rural and urban inhabitants, indicating the -

- (a) average monthly income per poor person, indicating the percentage thereof derived from social transfers, and
- (b) reasons for the change in the Gini coefficient.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, as the House may note, a commonly used poverty line has been set by the World Bank at \$1.25 (i.e. Rs37.50 per day or Rs1,125 a month) per head per day for least developed countries, and \$2 (i.e. Rs60 per day or Rs 1,800 per month) per head for developing countries. These lines are used mainly for international comparison of extreme poverty. Calculated on the basis of income per head of US\$2 - so we are taking the more stringent measure - per day, extreme poverty in Mauritius is negligible, being much less than 1% in 2012. In fact, it is estimated that extreme poverty affects around 0.2% in Mauritius compared with South Africa (14% in 2009), Brazil (6% in 2009), China (13% in 2008) and India (33% in 2010).

Statistics Mauritius uses a relative poverty line, as is commonly used by developed countries. The relative poverty line is defined as half the median income of monthly household per adult equivalent and is, therefore, a measure of income distribution and not of poverty. It adjusts for differences in household size and composition as well as economies of scale. The relative poverty line was Rs3,821 per

month for one-person household in 2006/07. Adjusted for inflation, the equivalent poverty line in 2012 is Rs5,080.

According to provisional estimates of Statistics Mauritius, the number of relatively poor people stood at 104,000 in 2006/07 - of which 37,200 were urban inhabitants and 71,500 rural inhabitants. The total number of such persons has dropped significantly to around 87,900 by 2012. This comprised of 25,600 urban inhabitants and 62,300 rural inhabitants. During the same period, the proportion of relatively poor people dropped from 8.5% to 6.9%.

For urban areas, the estimated proportion of relatively poor persons has declined from 6.3% in 2006/07 to 5% in 2012. It should be noted that from 2001 to 2006, urban poverty increased substantially from 5.3% to 6.3%.

For rural areas, the proportion of relatively poor has decreased from 10.1% in 2006/07 to 8.2% in 2012.

Mr Deputy Speaker, Sir, the House may wish to note that from 2001/02 to 2006/07, the policies pursued by the former Government resulted in - we talked about urban; now we are talking about rural - an increase in rural poverty from 8.7% to 10.1%. In contrast, the policies of this Government have reduced rural poverty from 10.1% in 2006/07 to 8.2% in 2012.

As far as the average monthly household disposable income of poor households is concerned, this has increased from Rs5,700 in 2006/07 to Rs7,200 in 2012.

I am informed that in 2012, social transfer comprised 29.2% of household disposable income compared to only 22.8% in 2006/07. For urban areas, the social transfer component amounted to 24.6% in 2006/07 compared to 33.3% in 2012, whereas for rural areas, social transfer amounted to only 23.2% in 2006/07 compared to 27.4% in 2012.

Mr Deputy Speaker, Sir, more importantly, before we took office, the main form of assistance to the poor was social aid. This Government has not only increased the average amount paid under social aid per household by 50% between 2006/07 and 2012, but has also increased the support provided to the poor.

As regards part (b) of the question, the recent Household Budget Survey (HBS) 2012 indicates a Gini coefficient of 0.413 for Mauritius, up from 0.388 observed in 2006/2007. Gini coefficient is again, Mr Deputy Speaker, Sir, a measure of income distribution and not of poverty.

It is important to note that benefits to people in the low income group in terms of subsidisation of education, transport, or health care services are not taken into account in the Gini coefficient. Also, the Gini has limitations in that it is an aggregate and does not capture specific characteristics of household.

Mr Deputy Speaker, Sir, as I mentioned, the Gini coefficient and the calculation of relative poverty are measures of income distribution. In recent years, there has been a restructuring of the

economy towards higher value-added services to maintain our competitive edge, which has increased the demand for skilled labour in sectors such as financial services, ICT, health care and tourism in the process.

Mr Li Kwong Wing: Based on the Household Budget Survey, the hon. Vice-Prime Minister has quoted a lot of figures, but Statistics Mauritius is very clear about the number of poor households. In 2006, it was 104,200 and in 2012 it was 126,200. Since we have now 126,200 people living below the poverty line, that is, almost 10% of the population below the poverty line and poverty is therefore at its worst level since 20 years, will not the hon. Vice-Prime Minister agree that this result shows that the policies of the Prime Minister to Put People First and to democratise the economy has failed completely and has increased income inequality as proved by these figures of Statistics Mauritius?

Mr Duval: Mr Deputy Speaker, Sir, the hon. Member is again trying to catch some headlines by quoting incorrect figures. The figures I have here come from Statistics Mauritius and they are very, very clear and they say that poverty, the number has decreased substantially during the two mandates of this Government and increased substantially in the mandate of the previous Government.

Now, Mr Deputy Speaker, Sir, the hon. Member is making a common mistake. He is mistaking poverty which is the inability to buy goods and services. That is poverty; when I am poor, I cannot buy electricity, I cannot buy a car; this is poverty. Relative poverty is my positioning as opposed to very rich people. I may not be poor at all, but relatively poor because others are much richer than I am and that is not a measure of poverty, Mr Deputy Speaker, Sir. It is a measure of where you sit in the income distribution of the country and that, Mr Deputy Speaker, Sir, I am not saying deliberately, the hon. Member is making a mistake. He has not understood what is relative poverty and what is poverty and that is not surprising to me.

The Deputy Speaker: Hon. Obeegadoo!

(Interruptions)

I will come back to you afterwards! I'll decide! Hon. Obeegadoo, put your question, please! I will go back to him later!

Mr Obeegadoo: Mr Deputy Speaker, Sir, let's leave aside the party political points! Will the hon. Vice-Prime Minister agree that on the basis of the latest Household Budget Survey in terms of income inequality, the situation has worsened; in terms of relative poverty, the situation has worsened and given the trends in terms of the nature of household expenditure and the level of indebtedness amongst the poorest sections, will he agree that there is an urgent need to revisit Government policies specifically targeting issues of relative poverty and income inequality?

Mr Duval: Mr Deputy Speaker, Sir, I commend the hon. Member for putting aside cheap political points when we are talking about poverty. I wish all the hon. Members could do the same.

Now, insofar as this issue is concerned, this is an issue which cuts across political lines because we cannot see the poor as being poor MMM or poor MSM or poor Labour or poor PMSD. That is not the issue. They are poor people and we have to deal with them. Now, I am quoting, Mr Deputy Speaker, Sir, from the latest figures that Statistics Mauritius has provided to me which will be published in November. So, I am quoting from these figures and that is why maybe there is some discrepancy between what I am saying and what the hon. Members have, but these are the figures I have. I have the table here and it quite clearly shows, Mr Deputy Speaker, Sir, that the number of relatively poor has fallen and I agree with the last orator that this is a measure of income distribution. It would be obviously our wish in this Government as demonstrated in the latest PRB Report that we would want the country to be more homogeneous in terms of the income distribution but as we know there are scarce resources, some people have gone through a lot of trouble of getting a lot of higher education, they have taken the trouble to work hard, etc.; these people nowadays are getting paid more and the mission of the Ministry of Social Integration and Economic Empowerment and the Government is to ensure that more people get access to the training and to the job and that is what we are doing, but it is true that when there is scarce resources, when the economy is developing, you will have income inequality because some people are not yet on the ladder and, for instance, the Youth Employment Programme which has now catered for 1,200 youths, Mr Deputy Speaker, Sir, is putting the youth on the first rung of the ladder.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, I have here in front of me the latest results of Statistics Mauritius which say very clearly and have even corrected the number of poor people in 2012 from 122,400 poor persons to 126,200.

The Deputy Speaker: What is your question, hon. Member?

Mr Li Kwong Wing: The question is: those who have never been in poverty will never understand what poverty is.

The Deputy Speaker: This is not a question!

Mr Li Kwong Wing: How can the hon. Minister explain, therefore, that inequality has increased; the Gini coefficient has worsened to 0.413 which is the worst in the history of Mauritius? When the hon. Minister has been charged by the Prime Minister, how can...

(Interruptions)

The Deputy Speaker: Hon. Ms Deerpalsing, please remain silent!

(Interruptions)

Put your question! We are running short of time. Please, put your question!

(Interruptions)

Mr Li Kwong Wing: I have to put my question!

(Interruptions)

How can inequality reach its worst level in the history of Mauritius when the hon. Minister has been tasked by the Prime Minister to be in charge of the Ministry of Social Integration and Economic Empowerment to relieve poverty and to reduce inequality, and we have this kind of result?

(Interruptions)

The Deputy Speaker: Order! Hon. Ms Deerpalsing! Can't you remain silent?

(Interruptions)

Mr Duval: She is supporting me, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I have the figures from Statistics Mauritius which are officially provided and I am sticking to these figures. These are the only figures that I am using.

As far as whatever the hon. Member is saying concerning income inequality, he is trying, as usual, to catch some attention and trying to be, as they say, the bridesmaid at every wedding and the corpse at every funeral. This is not what he should be trying to do. He should be trying to address the point. The point is, Mr Deputy Speaker, Sir - and I repeat it - that according to Statistics Mauritius, income poverty, relative poverty has increased substantially under the MSM/MMM Government of 2000 to 2005, and what is worse, it has increased...

(Interruptions)

Li pe faire politique, mo bizin réponn!

(Interruptions)

He wants to play politics, I play politics. I have got no problem.

(Interruptions)

In fact, Mr Deputy Speaker, Sir, I should...

(Interruptions)

Mr Deputy Speaker, Sir, let me see what the answer says.

(Interruptions)

The Deputy Speaker: Allow the hon. Minister to answer the question! Hon. Henry!

(Interruptions)

Mr Duval: Mr Deputy Speaker, Sir, it should be noted, I repeat this bit, maybe he did not hear of it because when you are rich maybe you don't hear figures of poverty.

(Interruptions)

It should be noted that from 2001 to 2006, urban poverty increased substantially from 5.3% to 6.3% in that period, Mr Deputy Speaker, Sir, and I take, Mr Deputy Speaker, Sir, the rural poverty. The House may wish to note that from 2001 to 2006/07, the policies pursued by the former Government resulted in an increase in rural poverty from 8.7% to 10.1%.

These figures are, Mr Deputy Speaker, Sir, undisputable figures. Now, I can suggest one way for the hon. Member to reduce income inequality, but he may not be happy about it.

(Interruptions)

The Deputy Speaker: Time is up!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

The Table has been advised...

(Interruptions)

I want some order, please!

The Table has been advised that PQ Nos. B/621, B/622, B/629 and B/630 have been withdrawn.

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 Finance and Economic Development (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

On motion made and seconded the Civil Establishment (Amendment) Bill (No. XVI of 2013) was read a first time.

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

At 4.24 p.m. the sitting was suspended.

On resuming at 4.59 p.m. with Mr Speaker in the Chair.

Second Reading

THE CIVIL ESTABLISHMENT (AMENDMENT) BILL (No. XVI of 2013)

Order for Second Reading read.

The Minister of Civil Service and Administrative Reforms (Mr S. Moutia): Mr Speaker, Sir, I move that the Civil Establishment (Amendment) Bill (No. XVI of 2013) be read a second time.

Mr Speaker, Sir, allow me first and foremost to situate the context of the Bill that I have the privilege to present today.

As the House is aware, one of the areas of focus enunciated in the Government Programme 2012-2015 pertaining to the civil service, relates to a sustained delivery of high quality services with efficiency and dedication.

Mr Speaker, Sir, it should be placed on record that the Civil Service has been playing and will continue to play a pivotal role in the socio-economic transformation of the Republic of Mauritius. It has always been able to adapt to new challenging situations, thanks to the commitment and dedication of the employees. In spite of the criticisms levelled against them, our public servants have all the time risen to the expectations of the public in general and to successive Governments.

Mr Speaker, Sir, the vision of Government, under the able stewardship of the hon. Prime Minister, is to move the nation forward and to continuously improve the quality of life of the citizens which requires that the people should be at the centre of development. Only a responsive public service would be capable to help Government achieving these objectives.

Mr Speaker, Sir, Government is sparing no effort to bring fundamental changes with a view to ensuring delivery of high quality and timely services to the satisfaction of the public. The economic and social reforms we are engaged in require that all Government bodies play their respective role to the highest level of professionalism. However, they need the appropriate resources and the tools to enable them to do so. The mission of my Ministry, that is, the Ministry of Civil Service and Administrative Reforms, is to enable and facilitate the provision of the human resources to achieve Government goals implemented through the various agencies. My Ministry has taken a number of reform initiatives in order to provide the proper framework and mechanisms to ensure quality in service and output.

Mr Speaker, Sir, the proposed Civil Establishment (Amendment) Bill fits well within the reforms agenda of Government, to render the civil service more efficient and effective, especially as Ministries/Departments are accountable for their respective performance, in line with the Programme-Based Budgeting (PBB). The Bill therefore serves to strengthen my Ministry's effort to improve further the situation in the civil service by facilitating recruitment at an earlier stage after Budget approval.

Mr Speaker, Sir, as the House is aware the Civil Establishment Act is the legal framework, which *inter alia* provides for offices in the public service to be created. It is a consolidated Order reflecting changes on the approved Establishment of Ministries and Departments for a given financial year. All new posts created either through the passing of the Appropriation Bill or following recommendations of the Pay Research Bureau or an administrative decision, to deal with an urgent situation, the appellation of such posts as well as the number thereof have to be reflected in the CEO to allow the Scheme of Service for these posts to be prescribed and for new recruits to be substantively appointed thereto.

Furthermore, recommendations for the abolition and restyling of posts as well as changes brought to salary codes and salary scales of posts, especially following a general review of pay and grading

structures in the public service conducted by the Pay Research Bureau, have to be necessarily included in the CEO so as to become legally effective.

Mr Speaker, Sir, the Act accordingly confers on the President the powers to make the Civil Establishment Order (CEO). More specifically, under Section 3(1) of the Act, the President may by Order

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- (a) establish offices in the public service of Mauritius;
- (b) determine the number of persons who may be appointed to such offices, and
- (c) determine the emoluments to be attached to such offices.

Being an important instrument that enables appointments to be made against established posts in the civil service, the CEO has to be published in the Government Gazette as soon as possible after approval by the National Assembly of the budgetary provisions for Ministries/Departments, including that for the Rodrigues Regional Assembly. Thus, every year, new Orders are made by the President of the Republic, one covering the public service of Mauritius and another one in respect of the different Departments falling under the purview of the Rodrigues Regional Assembly.

Mr Speaker, Sir, I would like to bring to the attention of the House that, according to section 3 2(c) of the Civil Establishment Act, the CEO made by the President of the Republic remains provisional and has no effect until it has been laid before and approved by resolution of the National Assembly. I would also like to point out that the finalisation of the CEO involves a series of steps, which I deem important to mention for the benefit of the hon. Members, and they are as follows -

- (a) as soon as the Committee of Supply has approved the budgetary provisions of Ministries/Departments, the draft CEO is submitted to the Attorney General's Office for vetting;
- (b) thereafter Government approval is sought at the first available opportunity;
- (c) the CEO is subsequently signed by the President of the Republic before being laid on the Table of the National Assembly;
- (d) approval of the National Assembly is sought by way of a motion at its next sitting, according to existing rules and regulations which require that a delay of at least five days has to be given prior to a motion being considered;
- (e) upon receipt of confirmation of approval of the CEO by the National Assembly, my Ministry makes the necessary arrangements for publishing in the Government Gazette.

Mr Speaker, Sir, the abovementioned steps are indeed cumbersome and lengthy. Consequently, despite all efforts, my Ministry can neither press upon the other organisations involved in the process nor can it anticipate the proceedings of the National Assembly. In fact, for the last two consecutive years, although all arrangements were completed within the shortest possible delay and the Civil Establishment

Orders had already been tabled, the documents could not be sanctioned in view of the adjournment of the business of the National Assembly.

In fact, the CEOs for the year 2012, tabled on 13 December 2011, could not be sanctioned as the National Assembly was adjourned until 20 March 2012 and subsequently prorogued till 08 May 2012. Those for the year 2013, although already updated with the substantial changes brought by the Pay Research Bureau Report 2013, were laid before the National Assembly at its sitting of 18 December 2012 suffered the same fate. Unfortunately, the CEOs 2013 have still not been sanctioned because it is being updated with the changes brought by the recent report of the Errors, Omissions and Anomalies Committee 2013.

Mr Speaker, Sir, the delay caused impacts negatively on the performance of all Ministries and Departments in the attainment of the objectives set in their respective annual Programme Based Budgeting Statements and the Government Programme in view of the inability to recruit required personnel for delivery of approved projects. Furthermore, the late publication of the Orders causes pressure on the Service Commissions resulting from overflow of demands for filling of vacancies within the shortest delay.

Mr Speaker, Sir, my Ministry considers that if we want Government service to be delivered in a timely and efficient manner, such a situation should not be allowed to perpetuate. It is therefore necessary to ensure that the CEO becomes available within the shortest delay after the completion of the Budget exercise. This would enable the filling of vacancies at an earlier stage of a financial year, thus contributing to ensure the smooth running of Ministries/Departments.

Mr Speaker, Sir, it is with this intention that a high level meeting was held on 05 February 2013, under the chairmanship of the Secretary to Cabinet and Head of the Civil Service with representatives of the State Law Office, the Ministry of Finance and Economic Development and my Ministry. It was unanimously agreed that the best solution would be to make provisions in the law to enable the CEOs to come into effect as soon as the Order is made by the President.

The Civil Establishment (Amendment) Bill therefore allows these changes. A new paragraph “(b)” is being inserted under Section (3) (2) of the Act to provide for the CEO to come into operation on the date of its publication in the Gazette or such earlier date as may be specified in the Orders. This new provision thus shortens the delay for the CEO to become effective. My Ministry will therefore be in a better position to have the Orders published as soon as they are signed by the President of the Republic. The documents will still be laid before the National Assembly which will hold the power to disallow the Orders if deemed necessary.

Mr Speaker, Sir, the proposed course of action will in no way affect the powers of the National Assembly insofar as approval and control of public expenditure are concerned. In fact, the Bill makes

provision, with the repealing of paragraph (c) and replacing it by a new text for the CEOs to be laid before the Assembly not later than the second sitting after publication of the Order and to be subject to disallowance by the Assembly not later than 30 days after it has been laid before the Assembly, in accordance with section 20 (2) and (3) of the Interpretation and General Clauses Act, respectively.

Although the CEO will have been effective meanwhile, it will not pose any practical problem, if there were to be a motion of disallowance. In fact, any action initiated immediately on the coming into force of the CEO would not have time to materialise. Moreover, there can be no foreseen circumstances that would warrant disallowance of the Order as the CEO reflects exactly what has been approved in the Budget.

Mr Speaker, Sir, this is a non controversial Bill which has been prepared and finalised in consultation with all parties concerned and with the Office of the President. The Bill is presented in view of concern expressed by Ministries and Departments and my own Ministry regarding delays year after year in recruitment in the Civil Service. As I said before, it fits well within the efforts of my Ministry to streamline processes to render the Civil Service more efficient and effective. The initiative and the streamlining of the processing of the schemes of service are two complementary imperatives in this respect.

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

Dr. A. Boolell rose and seconded.

(5.00 p.m.)

The Leader of the Opposition (Mr A. Ganoo): I have listened carefully to the hon. Minister, Mr Speaker, Sir. Indeed, his speech has shed a bit more light on the amendment in the Bill which the hon. Minister is proposing to the House today.

Yes, this Bill should not be a controversial one, Mr Speaker, Sir. In fact, the reason for the introduction of this Bill is, firstly, to correct a situation of the past created due to the legislation as it exists today. So, in view of the flaws - according to the hon. Minister himself - in our legislation, certain situations have been made to exist. Today, this amendment will take care of the past situations and will also pave the way so that such situations are not created in the future. What I mean to say, the hon. Minister has explained to us, Mr Speaker, Sir, that for the past two years, 2011 and 2012, therefore, the Order never came before this House and was not approved by the House. If I understood the hon. Minister properly, because the House was on vacation, for example, in December of last year, after the Budget was voted, the House was adjourned and, therefore, the House did not have the chance to approve the Order made by the President.

From now on, this situation will not take place, will not occur in view of the amendments which the hon. Minister is proposing to the House, that is, according to the amendment, according to the law - as

the hon. Minister has just explained - the Order now shall come into operation once it is published in the Gazette and the Order will specify whether the Order will come into operation at an earlier or at a later date, as will be specified in the Gazette. This Order will be on all fours with our subsidiary legislation which, as we know, Mr Speaker, Sir, is taken care of by section 20 in our Interpretation and General Clauses Act, that is, the Order, just like any other Government Notice, shall be laid before the Assembly and will be liable to be disallowed by the Assembly, in accordance with the different sections of the Interpretation and General Clauses Act. Mr Speaker, Sir, definitely, this is a positive measure. The present Bill, therefore, will come and redress the situation and will prevent what has taken place in the past, that is, failure to sanction the Orders once they were approved by the President.

The question I wanted to ask the hon. Minister is that, in the case of the recent PRB, for example, Mr Speaker, Sir, certain recommendations were made, as we know, to take effect next year or even in year 2015. So, in this case, as we know, certain recommendations were made which will take effect in the future, that is, next year and the year after next year, that is, 2015. So, the question which I would like to ask the hon. Minister is: how will the Bill provide for such situations? Undeniably, the hon. Minister has taken the care, the pains to say, Mr Speaker, Sir, that this Bill fits very well within the reform agenda of Government to make our Civil Service a more efficient Civil Service by taking away frustration of the civil servants. As we have just seen in the case of the two past Orders, they have not been voted by the Assembly as yet. Be it as it may, Mr Speaker, Sir, this is another debate concerning what are the measures which should be taken to make of our Civil Service a better, a more efficient Civil Service. I suppose on another occasion we can dwell, probe more or make suggestions as of how to make our Civil Service a better Civil Service.

For today, we are in agreement with the present Bill and from what I see also, Mr Speaker, Sir, the present Bill will, therefore, make the approval by resolution of the Assembly redundant, that is, I am asking the hon. Minister the question: from now on, therefore, once the President, through his Order, approves the Order, there will be no need to lay it before the Assembly and approve the Order by resolution, as we used to do in the past, because clause (c) has been done away with and it has been replaced by a new clause (c) which I just referred to earlier on, Mr Speaker, Sir, that is, the new clause (c) provides that the Order shall be laid before the Assembly and shall be subject to disallowance by the Assembly in accordance with sections 22 and 23 of the Interpretation and General Clauses Act. So, what I can see, therefore, is that the Government has come up with a more practical measure and the proposal, today, in the present Bill, therefore, will make it easier for the President's Order to come into force and also to be subject to disallowance in case the Assembly decides to disallow the Order made by the President, just as the Assembly has the power to do so with any subsidiary legislation.

With these words, Mr Speaker, Sir, I wish our Civil Service good luck and I have no doubt that this is, as I said, a measure which will redress the situation which, unfortunately, has existed in the past and will see to it that in the future such a situation does not crop up again, that is, failure to approve an Order of the President, according to the Civil Establishment Act.

Thank you.

(5.09 p.m.)

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): Mr Speaker, Sir, allow me, first of all, to say that as a former civil servant, I am glad that this Bill is in front of the House today.

In fact, *ce projet de loi vient corriger une lourdeur administrative*. The object of a Civil Establishment Order is to give effect to, amongst others, new and additional posts created or posts abolished or posts which have become evanescent in the public sector, with a view to enabling the latter to have the right human resource capacity to deliver an efficient and effective and quality service to the satisfaction of all stakeholders, including the general public and the private sector, as well.

Mr Speaker, Sir, the procedures for the filling of posts in the public service are very time consuming, the more so as different institutions are involved in the recruitment process. Hence, the filling of vacancies in order to give effect to the provisions made in the Budget and the Civil Establishment Order becomes at times unrealistic so much so that the same financial provision has to be made again in the next Budget. Let me elaborate on what happens for the recruitment of a person for a new post created in the Budget and provided for in the Civil Establishment Order.

In the first instance, once the post has been approved, the Scheme of Service should be prepared to obtain the approval of the appropriate Service Commissions. The preparation of the scheme itself is time-consuming, as in the first instance, all concerned departments and Ministries have to be consulted to articulate the duties and the qualifications required from the incumbent. Thereafter, the respective trade unions and their federations have to be consulted before a final decision is taken on the Scheme of Service, which would then have to be forwarded again to the appropriate Commissions for approval. The consultations with the unions, without taking into consideration the time taken by the Ministries, take sometimes a minimum of three months and, in many cases, the Schemes of Service have taken years! Once the approval of the Commission is obtained - and this also takes time - the concerned department and Ministry start finalising the relevant procedures for the filling of the vacancies, and again after ensuring that funds are available, request the appropriate Commissions to advertise the posts and to fill the vacancies. This process itself takes months and, again, I should say, sometimes takes years!

Mr Speaker, Sir, it is clear, therefore, that once the Civil Establishment Order is approved by this Assembly, the process of getting the person physically on the job takes months! Sometimes Officers of

the public service - and I have witnessed this - leave the service disheartened because the Scheme of Service has taken so long to be finalised that they cannot get promoted and they have reached their retirement age. What is then ironical is that, by the time the Scheme of Service is prepared or finalised, other developments may crop up, and hence we get entangled in a vicious circle if the notion of time is not taken into consideration. We will, therefore, have to approve the same funds again for the same post again in the coming Budget!

Mr Speaker, Sir, I understand that, with the new amendments, the Civil Establishment Order shall come into operation on the date of its publication in the Gazette and that it will only be laid before the Assembly, and will need no resolution. The Civil Establishment Order will no longer be provisional, and will not have to wait for approval by resolution of the National Assembly. Procedures at the level of the Ministry of Civil Service and Administrative Reforms can start once the Civil Establishment Order is gazetted after the President has given his assent. This means that there would be time gained, and that the budgeted provisions made could be fully utilised and the human resources required to deliver the service would readily be made available. It would not only help to motivate public officers, but will also, in addition to satisfying the repeated requests of trade unions in this regard, help to the realisation of several recommendations which have been made in the PRB Reports.

Mr Speaker, Sir, the first step in curtailing delays for filling of vacancies or creation of new posts is being achieved with this Bill. However, in the same line, as with the object of the Bill as described in the Explanatory Memorandum, I would suggest and I would make a request to the Ministry of Civil Service and Administrative Reforms to think of a mechanism to reduce the delays in the processes I have just mentioned, especially those in finalising the Schemes of Service. I am sure that better performance and increased productivity will be forthcoming if there is less frustration at the level of civil servants who wait for posts to be created or who wait to be promoted.

Thank you, Mr Speaker, Sir.

(5.15 p.m.)

Mr Moutia: Mr Speaker, Sir, I would like to thank the Leader of the Opposition, hon. Ganoo, as well as the elegant lady in red who just spoke before me...

(Interruptions)

...the lady in red...

(Interruptions)

...for their contribution in the debate on this...

(Interruptions)

I have listened carefully to the interventions, and I thank the hon. Members as well as the hon. Leader of the Opposition for their support and their suggestions.

There are some questions raised by the hon. Leader of the Opposition concerning the Civil Establishment Order, and I would just like to comment on the remarks that he made. The Order was, in fact, laid before the House every year, including 2011 and 2012. The Orders were approved by a resolution of the National Assembly when it resumed. The hon. Leader of the Opposition asked whether, in 2011 and 2012, we did not go through the resolution of the Legislative Assembly.

Concerning the PRB, changes proposed in the PRB will be taken care of in the Civil Establishment Order (CEO) for their respective years. The Civil Establishment Order has to be made after every Budget exercise.

Concerning reforms, the measures are many, and I will have the opportunity to present them to the House in due course.

Concerning the request made by hon. Mrs Hanoomanjee regarding the Scheme of Service that takes a lot of time – definitely it takes a lot of time, and she was speaking out of experience; we know how it is - my Ministry is presently working with all the stakeholders, including the trade unions, in order to reduce the time taken to prescribe the Schemes of Service. I am confident that we can reduce drastically the time taken for the prescription of Scheme of Service.

It is important that such issues are addressed in time if we want a Civil Service committed to excellence and a responsive and dynamic one. Mr Speaker, Sir, the Civil Service successfully plays its role in the development of our country. It continues to work towards providing a conducive environment for the Mauritian society to thrive and prosper. This is the role that the Civil Service will be called upon to play in an increasingly challenging environment. Since I assumed office, I have been advocating the need for the Civil Service to operate with the highest degree of professionalism; a Civil Service where public officers can take pride in serving the country.

My Ministry will continue to drive initiatives geared towards the modernisation of the Civil Service. This Bill is one of these initiatives towards this end. As I said in my statement at Second Reading, this Bill is situated in the context of simplifying processes to facilitate implementation of Government policies. There are many more to come. In fact the Reform Steering Council, which is being set up under the Chairmanship of my Ministry, and the Public Sector Reengineering Bureau are meant to spearhead and implement all public sector's management reform initiatives.

Mr Speaker, Sir, I must thank the hon. Prime Minister, whose vision is to modernise the country and improve the quality of life of the people, for his unflinching support in my effort to modernise the Civil Service.

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

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Civil Establishment (Amendment) Bill (No. XVI of 2013) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Civil Establishment (Amendment) Bill (No. XVI of 2013) was read the third time and passed.

(5.22 p.m.)

Second Reading

THE ANIMAL WELFARE BILL

(NO. XV OF 2013)

Order for Second Reading read.

The Minister of Agro-Industry and Food Security, Attorney General (Mr S. Faugoo): Mr Speaker, Sir, I beg to move that the Animal Welfare Bill (No. XV of 2013) be read a second time.

Mr Speaker, Sir, I am very pleased to bring the Animal Welfare Bill to this House and I look forward to a constructive and informed debate from Members on both sides of the House. This Bill represents a significant step forward in the area of animal welfare law and it provides a solid basis to regulate the whole sector. This Bill in fact leads to a consolidation and modernisation of much of the primary legislations in this area, one of which namely the Animal Destruction Act 1918 is nearing 100 years in 5 years time from now, it will be 100 years old, Mr Speaker, Sir, a century. There is another statute which is found in our statute books, it is 56 years old, namely the Prevention of Cruelty to Animals Act 1957.

They have been there in our statute books for so long and they are no longer responsive to the present day needs and expectations. Mr Speaker, Sir, you will no doubt agree with me that reform in this sector was long overdue.

This Bill is yet another landmark in the deep and bold reform process that my Ministry has embarked upon within the scope of Government Programme 2012-2015. Successively since last year, we introduced the MCIA Bill, the NAPRO Bill, the MSPCA (Temporary) Provisions Bill, the Seeds Bill and last week, the SIE (Amendment) Bill.

The House will recall that during my presentation of the MSPCA (Temporary) Bill, I had announced that I would soon come up with a new legislation on Animal Welfare. I also stated that the MSPCA Act will be repealed and a new legislation will be introduced that will make provision to replace

the Interim Management Committee at the MSPCA. During the debate, I recall, hon. Members had expressed their concerns and apprehensions that the Interim Committee which was set up by the amendments which were brought might become permanent and it will take us a long time before we come with a new provision in the law, with amendment of the law or repeal of the law so that we set up a new entity altogether. I am pleased to introduce the Animal Welfare Bill to the House in less than two months after I had announced earlier, Mr Speaker, Sir.

This Animal Welfare Bill will incorporate, consolidate and repeal the following Acts -

- (a) The Animal Destruction Act (1918), as I said, which is nearing 100 years;
- (b) The Prevention of Cruelty to Animals Act (1957);
- (c) The Mauritius Society for the Prevention of Cruelty to Animals Act (1971);
- (d) The Mauritius Society for the Prevention of Cruelty to Animals - Officers' Powers and Protection Act (1972);
- (e) The Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Act 2013 which I referred to earlier, the amendment Bill, and also
- (f) The Control of Stray Dogs Act 2000 which I must say was never proclaimed which was being repealed with the passing of this present Bill.

Mr Speaker, Sir, if anything is constant in our world, it is only change. Government is driven by the need to adapt our institutions to the changing environment to better respond to the challenges of the day and the aspiration of society and the public at large.

Mr Speaker, Sir, it is recognised that one mark of a civilised society is how it keeps and treats the animals under its control. Indeed, across the world, animal rights and animal welfare concerns have emerged as a major social issue. Consequently, many countries have had to revisit and reform their legislations relating to animal welfare and prevention of cruelty to animals. More emphasis is being laid on owners and keepers for ensuring that the welfare needs of the animals are met.

In Mauritius, we have since long shown a great degree of respect and love to animals as evidenced by the different voices which regularly stand for the cause of animal welfare and the behaviour of the common citizen. The animal world in Mauritius has been regulated by six different legislations as I highlighted earlier on and the oldest is almost a century old. Over this very long period, you will note that our environment has changed and our relationship with the animal world has evolved. Thus, this calls for a change in our attitude towards animals, in our legislations, in our institutions and the rules governing this relationship.

With this emerging necessity, we have made deliberate attempts to adopt a holistic approach and to tread on the same path which advanced countries like the United Kingdom, India, Australia and New Zealand, among others, have travelled. We have taken care to adopt the best practices and align with

modern thinking and approach in animal welfare. We aim at creating the right conditions to nurture a positive attitude towards animals, to redefine the role of our institutions and even redesign some of these institutions to empower officers to deal with animal welfare and prevention of cruelty to animals.

In the past, the focus was on prevention of cruelty to animals which is animal welfare in a very narrow sense. I must say that this Bill provides for a fuller and broader consideration to animal welfare.

Mr Speaker, Sir, the new Animal Welfare Bill will take care of welfare of animals, dog control, dog shows and matters relating to the MSPCA. Extensive consultations and discussions were held with various key stakeholders including the Mauritius Society for the Prevention of Cruelty to Animals (MSPCA), Protection of Animals Welfare Society (PAWS), the Veterinary Council and external experts and authorities.

The present legislations pertaining to animals and animal welfare do not provide for a proper caring of animals as well as dog control, responsibilities of owners, especially for dangerous dogs and breeding of dangerous dogs also. We are ensuring that this particular responsibility is incorporated in the new Bill.

The Prevention of Cruelty to Animals Act came into force in the year 1957, but it was under the aegis of the Ministry of Health. Till now, all matters concerning animals are under the responsibility of my Ministry. It was high time that an amendment be brought to the Act. Moreover, this Act is outdated and come from a time when animals had a very different role in society and does not suit our purpose nowadays. This Act will be repealed and the Animal Welfare Bill will cater, in a broader perspective, the issues relating to prevention of cruelty to animals.

Mr Speaker, Sir, let me now come to the main features of the Bill that is presented to the House today. The objectives of the Animal Welfare Bill will, therefore, cater for -

- (a) Protection of animals from distress, pain or suffering in the best possible way;
- (b) promotion of the welfare and good treatment of animals;
- (c) regulation of dog keeping, dog breeding and importation of certain dangerous dogs, and also
- (d) establishment of the Mauritius Society for Animal Welfare (MSAW).

The existing legislations require reform and modernisation because the focus is only on cruelty to animals. On the other hand, the Animal Welfare Bill will make improvements in what is legally required of owners ensuring that their animals are fed and watered, provided with adequate shelter and have their welfare protected.

This Bill applies across the board and to all animals whether they be commercial, domestic, sport and show or for other purposes. The owners of all animals will have to be more responsible and will be

required to provide feed for their animals, to provide adequate and safe housing and to provide veterinary care and protection. The Bill provides almost 14 offences with regard to cruelty to animals.

Mr Speaker, Sir, the new Bill consists of six parts spread over forty-nine sections dealing mainly with the promotion of animal welfare, experiments, dog control and matters relating to the MSPCA.

Part I - Preliminary (Sections 1 - 2) largely comprises standard form provisions relating to short title and interpretation. It sets out the purpose and definitions of the different words used in the Bill.

Clauses 3 to 7 under Part II of the Bill deal with promotion of animal welfare. This part, Mr Speaker, Sir, provides for general provisions which cover all animals and a greater level of protection to animals which are owned or under the control of people owning them. An individual is not allowed to harm any animal and furthermore any animal that an individual owns or is in control of, must be provided with adequate food and water, appropriate shelter and its general welfare protected.

Cruelty is expressly forbidden in clause 3. This includes any unnecessary suffering whether caused by direct physical abuse, recklessness or negligence. For the sake of clarity, this section does not apply to activity occurring during the normal course of hunting or in the preparation of destruction of an animal as food for mankind. Also keepers must provide protected animals with adequate quantities of suitable food. It would obviously not be possible to provide detailed and precise measures of food and other requirements for all animals nor would it be desirable to lay down such detail in primary legislation.

Clause 3 also bans operations resulting in the mutilation of animals e.g. castration, disbudding and tail docking, except where there is a good reason to allow them. In the latter case, I may consider making regulations under the Bill which will allow the procedure.

Other areas where the laws are being strengthened are animal baiting and dog fighting. These are practices which cannot be tolerated and must be stamped out. Under current legislation, it has been very difficult to take a case against those involved in animal fighting. In my view, having any involvement in animal fighting or animal baiting is despicable and should be completely done away with as it is an extremely cruel practice. I am making it illegal to attend an animal fight. Under the new legislation, anyone involved in organising or attending animal fighting will commit an offence with serious repercussions.

Mr Speaker, Sir, in order to deal with welfare compromised animals, authorised officers must have adequate powers with appropriate checks and balances. Firstly, much care and attention has gone into ensuring that the powers of authorised officers are appropriate, balanced and proportionate. Officers cannot come and enter premises as they wish. There needs to be sound reason to do so and the Courts will demand that Officers justify their actions in the event that prosecutions follow.

I strongly believe that the powers given to authorised Officers are appropriate and balanced and necessary to prevent the small minority of people who would damage our image as a country which cares

about its animals. We either take the necessary action for its prevention else we fail to do our job, Mr Speaker, Sir.

The Permanent Secretary of my Ministry shall designate such number of qualified public Officers as he may consider appropriate to act as authorised Officers under this Bill. For the purpose of exercising his powers under this Act, the authorised Officer may be accompanied by a Police Officer. The authorised Officer shall have the power to impound, seize or dispose of an animal. They will be able to serve a Protection Order on the owner of the animal ordering that the animal be put in such place and kept in such manner as he may designate while dissatisfied person may appeal to the Permanent Secretary of the Ministry within 7 days of the service of the Order.

Under Part II clause 5 of the Bill, the authorised Officer may enter and search the land or premises over which he has good cause to suspect that an offence or any regulations made is being or is about to be committed. The authorised Officer will be able to inspect any animal kept on the land or premises and any condition in which the animal is kept and to impound or seize it under certain conditions.

Part III, this part of the Bill replaces similar provisions in the Prevention of Cruelty to Animals Act 1918 relating to the vivisection and underlines the importance of experiment on an animal which is relevant to both the health and welfare areas. This part also covers such issues as restrictions of experiment on animal and its recoding, inspection and returns.

I wish to inform the House that I intend to come shortly with a new Preclinical and Trial Bill which will enforce the existing provisions concerning the functioning and other matters relating to the experiment on animals.

Part IV, Mr Speaker, Sir, deals with the Mauritius Society for the Welfare of Animals. Mr Speaker, Sir, clause 12 of the Bill provides for the setting up of the Mauritius Society for Animal Welfare (MSAW) which will be replacing the Mauritius Society for the Prevention of Cruelty to Animals (MSPCA). The objects of MSAW will be broadened to include not only catching of stray dogs and humane education but also includes cats, promote the welfare and good treatment of animals and also for the Society to implement programmes/projects as directed by my Ministry, especially with regard to mass sterilisation campaign. To render the Council more effective, the Bill provides for a 15 member Council instead of 22 members. The election of Council members will henceforth be carried out under the supervision of my Ministry and in a more transparent manner.

In addition, there will be only one proxy per member as opposed to previously one member bringing as many proxies as he wishes and this is where rules and regulations in relation to elections were being flouted. Moreover, as mentioned in the Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Act 2013, there shall be a Director of the Society to be appointed by the Council

subject to the approval of the Minister. The change in the appellation of the MSPCA into that of the MSAW denotes the emphasis that my Ministry is placing on promotion, welfare and good treatment of animals.

Dogs will continue to be registered at the Mauritius Society for Animal Welfare (MSAW) and they will henceforth be micro chipped prior to registration as presently use of numbered disc has been ineffective in traceability and control.

Mr Speaker, Sir, the Bill also makes provision for obligations on owners of dogs as well as those of dangerous dogs. Owners of dogs should ensure that all reasonable steps are taken to ascertain that their dogs do not cause nuisance to any person, any domestic animal or protected wildlife and that they do not damage or endanger any property. Dangerous dogs will not be allowed to be at large or in any public place, except when confined completely within a vehicle or cage, and should be permanently under effective control by means of an adequate chain, cord or leash. Dangerous dogs listed at the Fourth Schedule will have to be spayed and its breeding will not be allowed anymore.

An authorised Officer will be able to serve a notice on the owner if he is not satisfied with the condition in which a dangerous dog is being kept. He will notify the owner about the areas of non-compliance and request him to comply with such notice within a fixed time failing which he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding six months.

Sections 33 to 35 of the Bill cater for attacks by dogs on any person or domestic animal and define the penalties ranging from Rs10,000 to imprisonment for a term not exceeding one year. They also provide for the impounding or seizure of the dogs in case where the authorised Officer has reasonable ground to believe that an offence has been committed under this section.

Mr Speaker, Sir, presently, section 6A of the Mauritius Society for the Prevention of Cruelty to Animals (Officer's Powers and Protection) Act provides that any person who wishes to breed dogs shall make an application for the registration as a dog breeder to the MSPCA. This has often given rise to conflict of interest as some of the members on the MSPCA Council are also dog breeders. Furthermore, since this Act dates back to 1972, many aspects of breeding and importation of dangerous breeds of dogs have not been taken into consideration. Accordingly, this Act will be repealed and the DVS will be empowered under the new Bill to register dog breeders and to ensure that their activities are in accordance with the law. Application for registration as dog breeders will be granted subject to such conditions as the DVS may deem fit to impose, including payment of relevant fees and the furnishing of returns relating to the disposal of dogs. A Schedule regarding the fees has been annexed to the Bill.

Presently, dog shows are not being regulated. Under the new Bill, dog shows will be defined as any event where dogs are exhibited for both competitive and non-competitive purposes and same will

require a permit from the DVS on terms and conditions as may be determined by the Permanent Secretary of my Ministry as per clause 37 of the Bill.

The Bill defines breeds of dogs which are considered to be dangerous as per the First Schedule which can be imported under specific conditions set by the Division of Veterinary Services of my Ministry in the import permit. This will be a matter of policy which can be reviewed time and again according to circumstances prevailing, Mr Speaker, Sir. The Bill also provides for breeds of dogs prohibited from importation as per its Fourth Schedule.

This part also provides the necessary powers for authorised Officers and for a system of notices to be served. Without Officers to enforce the Bill, it becomes pointless, Mr Speaker, Sir. We can have the best piece of legislation, but if we don't put the necessary set up for enforcement, it will be futile. The powers of officers are limited and even more so where they are delegated. Section 39 provides for authorised Officers to serve welfare notices upon dog keepers. These notices can require the keeper to undertake a variety of things for the purposes of protecting animal health and/or safeguarding welfare.

Also under clause 40 of the Bill, a Police Officer or authorised Officer will be able to request from any person appearing to be (a) in charge of a dog, and (b) the occupier of the land or premises on which a dog is kept, his full name, address, telephone number, place of work and the description of the dog including information about its registration. In addition, the authorised Officer will be able to impound or seize the dog if he has reasonable ground to believe that the person has committed an offence under this particular section.

Mr Speaker, Sir, part VI of the Bill, clauses 42 to 49 contain miscellaneous matters such as Powers of Court, euthanasia of animal, revocations of statutory instruments, regulations, savings and transitional provisions and consequential amendments. Clause 42 relates to disqualification from keeping animals and related matters. This can occur if the Courts see it as necessary upon conviction and ordering the euthanasia of an animal involved in the commission of the offence. The Court can also ban an owner to keep dogs for a period of two years if this is found necessary.

Under clause 43 of the Bill, the Court will be able to order the euthanasia of an animal and the owner shall cause the animal to be euthanised within such time as the Court may specify in the Order and produce to the DVS, within 15 days of the disposal, a certificate issued by a Veterinary Surgeon, certifying that the dog has been so euthanised.

Mr Speaker, Sir, I have been keen to ensure that penalties are strengthened for abuses under the Bill and have made sure that all of the significant offences under the Bill, meaning those where animals are injured or ill-treated attract the most severe penalties.

This Bill has been a long time in preparation; public consultation began over three years ago. I would like to express my thanks to the large number of people who have engaged constructively with my

officials in improving this Bill. I look forward to a constructive debate as I said in this House with a view to finalising a robust, fit for purpose Act that provides a strong framework for the future.

I am also pleased to announce that Government has agreed to the setting up of a modern hospital for animals. We are at design stage and we are already receiving assistance from foreign organisations and personalities in this project. This demonstrates our commitment in not only creating the legal and institutional framework, but also the physical and scientific conditions for animals.

Mr Speaker, Sir, let me come back to the objects of this Animal Welfare Bill. It is noteworthy that it is only now that we are reviewing certain legislations that are almost, I say it again, 100 years old. Over this long century, so many issues have emerged and have to be addressed through appropriate legislations and performing institutions - a task that is long overdue. Today, we are fulfilling this noble goal that will make owners more responsible and that will make institutions more responsive to the needs of animal owners and breeders.

The subject of animal welfare is broad and encompasses several concerns for a society which is *en mutation*. Several questions lurk in our mind. How can humane education create compassion for animals and impact on civic education? How can we negate violence from our society by reinforcing love for animals? How can we inculcate a renewed set of values in our upcoming generations?

In preparing this Bill, my Ministry has been in constant consultations with the academia both local and foreign, NGOs, leading personalities in this area and with the civil society. It has been a challenge to bring consensus on all issues and to couple it with modernity.

The Bill which is being debated today signifies a new departure and creates a new frame of mind and places our country in the myriad of upcoming nations which with limited means and other emerging issues to address, successfully charted a roadmap for a better relationship between its people and its animals.

Before I commend the Bill to the House, Mr Speaker Sir, allow me to quote what Mahatma Gandhi said on this issue. I quote -

“The greatness of a nation and its moral progress can be judged by the way its animals are treated”.

Indeed with this Bill, this is exactly what we are aiming at – the greatness of our nation and its moral progress, Mr Speaker, Sir.

With these words, I now commend this Bill to the House.

Dr. Jeetah rose and seconded.

(5.49 p.m.)

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Speaker, Sir, if animals could read, they would find the use of the word ‘euthanasia’ at least 14 times in this Bill which is concerned with animal welfare. I speak maybe on behalf of all dog owners on both sides of the House.

(Interruptions)

Not necessary! I am not dealing with the media law where journalists have been considered as animals. My apology to the hon. Vice-Prime Minister, but this Bill is all about animal welfare and animal welfare with a lot of *déjà-vu clichés* coming in. I had great hopes for the Bill.

I really thought that, in the wake of getting rid of the Mauritius Society for the Prevention of Cruelty to Animals, it is protection of animals, that we would have come up with a law which would be a bit more comprehensive, but this law does not deal with dogs only. First of all, I would like to look at the definition which is given in this Bill of what is a domestic animal.

““domestic animal” –

- (a) means an animal kept by, or living close to, a human being, which is –
 - (i) dependent on the human being for its care and sustenance; or (...)

Fair enough, your local dog, your local friend; secondly –

“domestic animal” –

- (a) means an animal kept by, or living close to, a human being, which is –
 - (ii) kept by the human being in a state of captivity;

I wish to be clear on this matter about animals kept in captivity. An animal which is kept in captivity, I am thinking of the macaques which are kept in captivity close to human beings; fed by human beings and kept with a view to being exported outside this country for experimentation and here, this is when I read this Bill and turned straightaway to the chapter - Part III – EXPERIMENTS: Experimentation on animals which straightaway come into it, meaning that in a Bill concerned with animal welfare, we are now going to deal with the parameters of experiments. Some international organisations, I am sure, have contacted many MPs on their mail giving their views on experimentation on our macaques and all these animals that we export.

We all know that many airlines will no longer carry the Mauritian macaque outside, so we will bring in the experimenters to Mauritius and this is where, according to this Bill, you are not supposed to perform any experiment to inflict pain or suffering on the animal. I fail to see how experimenting on an animal will not inflict pain. There is a principle which is usually considered. I think it is the three ‘R’s: reduction, refinement and replacement in the world of experimentation of animals; not the mass

production of what we are now doing, producing for overseas markets. So, I wish to express my apprehension on this very part which deals with experimentation. But then if I were to deal with those good wishes, those good intentions which seem to appear in this Bill under promotion of animal welfare, the guilty party inflicting pain and suffering on animals in Mauritius has been the Government of Mauritius through many institutions. Mr Deputy Speaker, Sir, I refer you to a Mail Online article which appeared about two years ago – ‘The dogs on death row in paradise’.

The dogs on death row in paradise: One English woman's battle to take on a holiday island which cruelly kills thousands of pet dogs a year -

- More than 20,000 pet and stray dogs are brutally slain annually in Mauritius, and
- Undercover investigation after alarm raised by the British-based charity.

This is where I take you on a visit; I ask everybody to accompany me for a visit to the dog pound at Route des Pamplemousses and to look at the conditions in which those dogs are packed together; including your dog because there is a mention that when the dogs are caught and sent to the dog pound, the majority are pet dogs, because statistics have to be met, the numbers had to be met for dog collection to justify financial support to the organisation. If you have to learn to love a human being, first of all, you should, at least, learn to love your dog; love everything big and small. I am not going to refer to animal farm where some animals are more equal than others because this is more along the line of human beings. But the conditions of the dog pound where these animals are kept, the feeding of these animals is done according to the law of the fittest. The one, which can fight most will survive, the rest will die. If you get there, concerned about your dog and you finally end up at the pound and you see this bag of bones over three days, then there is no need for you to embark on any diet ever. Just follow the dog's diet and you would slim. This is the tragedy of our society. We tend to bring up too many laws. I agreed with the Minister, the last time when he repealed the Mauritius Society for the Promotion of Cruelty to Animals and got rid of people who are making money out of the animals, but not to replace it with a law which is quite inadequate. I agree with the great principles of this law. I am not saying I am negative; I am not criticising for the sake of criticising, but along the lines of the great principles, you see, animal abuse cannot be considered as one specific moment in time when you are losing the dog. It should be considered as a spectrum of abuse, ranging from the most trivial injury to the dog, extending to a lack of loving care for the dog and even the lack of feeding of the dog. We talk about the law providing for the dogs – dogs in this case rather than animals - healthy accommodation, clear water and good food. There is no mention even of the quality of food that we buy for dogs in this country. Many forms of dog food that you buy in this country have no expiry date. They consist of what is left behind and has to be disposed of by the importers of meat

or the importers of bones, this mass of almost expired flesh being compacted and labelled, and sold as pet food, dog food, cat food and all types of food. Somebody once told me that if the food were of better quality, even humans would eat it, but we are living in a world where we don't even have good dog food. Medication for dogs cost a lot. A visit to the vet will cost as much. So, we need to provide the infrastructure to meet the treatment and maintenance and keeping a dog user-friendly. We cannot simply keep a dog; we love dogs and in this world where law and order is just going overboard and people are breaking into your house for no reason, and you cannot afford to have security gadgets to protect yourself, you need dogs; that friend of yours which will bark and, at least, save you from the trouble of facing an unwanted visitor or unwanted visitors. I see hon. Jeetah is smiling, maybe he has security; the majority of people have dogs. I grew up with dogs. I have four dogs. I don't know how much I will have to pay to have my dogs neutered, sterilised to please this Bill and I am not a breeder. So when we look at the law and coming up still to using the word 'euthanasia' - even the Minister, in his speech, I think, used the word 'euthanasia' three times. I agree with him. Some animals which are sick need to be euthanised. I totally agree, but I wish to point out to you, Mr Speaker, Sir, how a great majority of dogs were euthanised until recently, being injected by Epsom salts creating some form of fit in the animals for them to die. This is the blatant truth that we have to face. The Government is responsible; the relevant institutions are responsible for the poor care given to dogs. To take it even further, remember, Mr Speaker, Sir, the way horses - which are domestic animals - which were the pride of the Champ de Mars being battered to death and chopped to death somewhere in a suburb of Port Louis. If you don't want to see the horses battered to death, you only have to go down early in the morning to some of the beaches where some of these horses which were the pride of the Mauritius Turf Club are bags of bones teaching Mauritians the art of horse riding. This is not enough. In this country, this is an Animal Welfare Act. We already, once before, juggled with our ecology by introducing to Mauritius reptiles kept in captivity which would fall, according to this definition of animals concerned, under this Act. I mean crocodiles - a total ecological imbalance. We never had iguanas in Mauritius and recently there were problems about iguanas roaming about the place - imports from Madagascar. Iguanas have been sold over the place. We are juggling with ecology in the name of what, in the name of animal love? So, we have to be a bit careful. If we are to apply this law, we should be providing the relevant infrastructures. Kennels should be vulgarised.

There should be facilities for dogs when they are sick to be admitted, not euthanised. We should have other facilities well within our reach. It is all very good. I entirely agree with the Minister that a new Society has come up, but, unfortunately, where he controls the majority of members, the majority of

members being answerable to his Ministry, making the Minister of Agro-Industry the most powerful man under the sun, as far as animals are concerned. I would have expected some form of NGO involvement, some form of NGO activity, and maybe, why not - in view of the fact that one Vice-Prime Minister once likened the journalists to animals. Service to animals should become a service of public infrastructure, which would be available to everybody concerned for their animals, for the animals that we grew up with, that saved us often as a form of therapy; that even would help a child who is locked up in some form of mutism to speak. Maybe, I am dreaming too much. But I am not quite convinced that this law would meet all the requirements that one expects.

Again, looking into the law, there seems to be some parts of the law which take care of those people who do not bind their animals and who allow them to stray, and these animals sometimes may be dangerous. Why are they dangerous? Very often because it is due to inbreeding, crossbreeding, and with a lot crossbreeding and inbreeding, the genetic make-up of the dog, like in humans, does get affected, and you have some dogs which are crackpots, as cracked as their owners maybe because not taking care of them, keeping them inside, they are allowed to roam and they bite somebody. We all know of the dog who usually bites the postman - this is a general figure that you see - hoping that it bites somebody else.

Now, can you see the punishment that is going to be meted on the dog? A dog that bites, as reward, is euthanised. There will be almost no second chance for him. The word 'euthanasia' really gets me. If you look at stray dogs, it is a bit bizarre; depending where the dog is straying. According to this law, under clause 41(6) –

- “(a) a stray dog caught within any airport, seaport or hospital compound shall forthwith be euthanised;
- (b) a stray dog which has been seized and not been claimed nor returned under this section may, with the approval of a veterinary surgeon, be euthanised;”

The poor surgeon, the poor vet will now have to decide whether this dog which has been caught and not claimed be euthanised. You do have an organisation in Mauritius - I think I'll mention it - PAWS which takes animals, which takes in strays and sends them to survive. Now, what is the difference between treatment to a stray dog from the airport and a stray dog outside the airport? I wish to be clarified on this matter. Maybe, for the stray dog at the airport, there is a certain suspicion that he landed on the last plane, and maybe that he might have strayed into Mauritius, being brought in by the plane as part of the luggage or that he has been contaminated.

(Interruptions)

No visa! That's a good excuse. No permit to reside is a bit limited.

A lot of the powers go to the Department of Veterinary Service, the famous DVS. I am obsessed with this word 'euthanasia' because I would not like to be euthanised, to live in a world where if I am inadequate, I will be euthanised or neutered. Clause 43 states -

“(1) Where a Court orders the euthanasia of an animal, its owner shall –

- (a) cause the animal to be euthanised –
 - (i) immediately and in such manner as the DVS may approve; or -
hopefully, not with the use of the Epsom Salts -
 - (ii) within such time as the Court may specify in the order, and
- (b) within 15 days of the euthanasia, produce to the DVS a certificate issued by a veterinary surgeon, certifying that the animal has been euthanised.”

I hope there are some nice vets who shall not euthanise and allow me to keep my dog somewhere. What is a bit crazy is that 'Protection from liability' under clause 44(2) states –

“The DVS shall not be held liable for the death of any animal due to natural cause or caused accidentally during the process of impounding.”

This last sentence is suggestive of the rough ways in which dogs will be impounded. So, the DVS will shirk all responsibility for everything which will happen to the dog.

Then, there is the First Schedule, 'Dangerous Dogs', and then you have a Fourth Schedule which is 'Dogs of certain breeds, kinds or descriptions' which shall not be imported, shall be neutered, and there shall be no breeding. While agreeing with the hon. Minister, Mr Speaker, Sir, that many of these dogs may turn out to be dangerous, there is something bizarre. I am going to take only one example: that of the American Staffordshire Terrier, which in Mauritius already has a club of owners comprising 100 members. The description of the dogs in this club of the owners is absolutely amazing. They are one of the most lovable dogs one may own. According to people who owned one before, they do not want any other breed. They are polyvalent, multi-skilled; they help in search and rescue operations, in medical aid for lonely patients, including blind people, in firefighting teams and in law enforcement groups. This dog is listed in both Schedules, and my impression is that we need to revisit the two lists.

If we look at dogs which have attacked in the past, for example, the German Shepherd has attacked and it does not find its way into the list. I am not saying that it should find. I am just saying that we should review the status of every dog under both lists. It is one of the tragedies of my life that I was acquainted with four dogs which once attacked a lady at feeding time, and killed her. None of these dogs belonged to any pedigreed race; they were, as we say, local *roquet*. The only tragedy is that the owner was not at home, and the lady tried to interfere with the dogs at feeding time, which is the wrong time to interfere with anybody, including Ministers and MPs. This is why you lose your temper when somebody from your constituency phones you when you are in the middle of your food; you can imagine your own

reaction and you can imagine the reaction of the dogs. We tend to overreact when people get attacked by dogs. Of course, we have to take the owners to task. There is no doubt that a master is responsible for the servant; that's law. But, in this case, the master will be responsible for the dog. But what happens to the dog? It is taken for the last ride eventually and the master just pays a fine of Rs10,000 or six months in jail - obviously, this is for the legal purposes - and never appears. Some of these regulations are absolutely funny.

Fifth Schedule: Registration Fee for Breeders –Number of breeding females. 1 to 5 breeding females, Mr Speaker, Sir, you pay Rs10,000; 5 to 10 females, you pay Rs25,000; more than 10 breeding females, you pay Rs100,000. Nothing is mentioned of the breeding male, the breeding females together with a breeding male. If you have the same male serving all those females, you are bound to again have this genetic pool which shall be tainted eventually. This takes me to one item, which is very important: that of pedigree.

Over the past while there has been this business, when you are buying a dog, any dog - even to smile at one of the dogs, maybe you have to pay - these days, the price range is between Rs20,000 for one which is not of very strong parental ancestrage to about Rs80,000 for those which are very cultured supposedly. Some dogs are maybe too dangerous to buy. They might attack you, like the Boerboel which had been reared in South Africa during the days of the Apartheid to attack a specific community, and some of the dogs you simply cannot afford to import, you have to get them neutered, you have to be very careful with these dogs. But, generally, we do not have a data bank in Mauritius, strong enough to carry the information required for good pedigreeing of dogs.

I think I would suggest to the hon. Minister that maybe there should be some form of affiliation to either the American Kennel Club or *La Société Centrale Canine de France*. These organisations, just like the Ministry of Health and Quality of Life affiliates itself with the World Health Organisation, maybe we should have some form of affiliation between Mauritius and these organisations so that the data bank is one which is international so that if you do afford to buy a dog, if you can afford to buy one of the Rs80,000 dogs, at least, if you get the pedigree, you may actually be sure that you have bought the real thing.

This having being said, Mr Speaker, Sir, I do not think that I will talk about anything else except once more appeal to the hon. Minister. This law is all about animal welfare. It should never have included the bit about experiments. Already we had a debate in this House about clinical trials. It is not nice if one were a dog to learn that one is being considered through this law to be experimented upon, to be neutered, to be sterilised. Anyway, sterilisation is probably one of the worst afflictions which may occur upon any living being!

Thank you, Mr Speaker, Sir.

(6.11 p.m.)

The Minister of Foreign Affairs, Regional Integration and International Trade (Dr. A. Boolell): Mr Speaker, Sir, let me extend warm congratulations to the hon. Minister responsible for Agro-Industry and Food Security and now Minister responsible for Justice.

I have listened very carefully to the speech delivered by the hon. Minister who has been very thorough to highlight the merits of this Bill and, of course, to some of the arguments put forward by hon. Dr. S. Boolell from the Opposition bench as to the allegedly demerits of this Bill.

Mr Speaker, Sir, this Bill is being introduced, ushered into the House after extensive discussion with the relevant stakeholders. And the Minister goes as far as to say –

“My Ministry has been in constant consultations with the academia, both local and foreign, NGOs, leading personalities in this area and with the civil society. In fact, it has been a challenge to bring consensus on all issues and to couple it with modernity.”

When we look at the Bills which have been repealed to ensure that we come into the House and usher a comprehensive legislation, we find that the following Acts have been repealed when we refer to clause 46

–

- The Animal Destruction Act which dates as far back as 1918;
- The Control of Stray Dogs Act;
- The Mauritius Society for the Prevention of Cruelty to Animals Act;
- The Mauritius Society for the Prevention of Cruelty to Animals (Officers’ Powers and Protection) Act;
- The Prevention of Cruelty to Animals Act;
- The Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Act 2013, and
- Prevention of Cruelty to Animals Regulations 1925.

What have been the arguments put forward by my friend from the Opposition - that the word ‘euthanasia’ crops up fourteen times. But I would have advised him to refer to a specific clause in respect of conditions established for euthanasia. Euthanasia is there as a last resort. In fact, what we do is the dogs are caught, neutered and released. For euthanasia of animals, Mr Speaker, Sir, if he had read Part IV Miscellaneous, it says –

“Euthanasia of Animal

(1) Where a Court orders the euthanasia of an animal, its owner shall –

(a) cause the animal to be euthanised –

(i) immediately and in such manner as the DVS may approve.”

Mr Speaker, Sir, I also read the article which appeared in the Daily Mail written by a lady who was on holidays saying 'the dogs are on the death row in paradise'. You have to face harsh realities. There are more than 200,000 stray dogs in this country and the Bill, Mr Speaker, Sir, impresses upon all of us to be inculcated with the values of animal welfare. In this country, we are yet to be fully imbued, Mr Speaker, Sir, with the values and merits of animal welfare. I am glad that the new organisation which is replacing the Society for the Prevention of Cruelty to Animals, the Animal Welfare Society, will embark upon a sensitisation campaign and we have to reach out to those, Mr Speaker, Sir, whom we can easily convince and impress upon as to the merits of animal welfare. It is going to be a daunting task. It is not going to happen overnight. But we need to have the reach out and we have to make sure that we reach out to those on whom the values of animal welfare can easily permeate, Mr Speaker, Sir.

In one word, what this Bill does, Mr Speaker, Sir, not only it inculcates the values of animal welfare, but it also ensures that we protect dog breeders, that we inculcate into their minds the relevance and importance of breeding dogs, Mr Speaker, Sir. Hence, there are so many provisions in the Bill to take care of breeding of dogs because we know what can happen. Hon. Dr. S. Boolell earlier talked of inbreeding and the consequences of inbreeding. We have the Fourth Schedule which makes it quite clear that the dogs in this particular category have to be spayed for the reasons that we have to tread cautiously and err on the principle of caution when it comes to very dangerous dogs.

I grant you, Mr Speaker, Sir, that we have to be very careful more so since as a small island which relies on the number of tourists travelling to Mauritius, we have to tread cautiously and precisely. This is what this legislation does when it empowers the vets as to their responsibilities. One of the issues that have to be addressed is the control of stray dogs.

Of course, questions were raised as to the ethics behind the practice of disposal as well as the efficiency of the service. But now that we have come up with a new legislation and we have sorted out the problems at the level of the MSPCA, now the Animal Welfare Society, it deems necessary not only to equip this organisation with relevant resources but we have to see to it that we disburse the financial resources to address the issue of stray dogs. I know a campaign has been waged and we have enlisted the services of experts. But we have to accelerate the pace of the implementation of the plan of action that we have put in place, Mr Speaker, Sir. But when they refer to the provisions of the Bill, we emphasise the need to ensure that the activities with regard to dog capture and disposal occur with strong transparency throughout the process and that the Bill includes the obligation to conduct the disposal as humanely as possible, minimising the distress and pain and suffering caused to the animal as far as possible.

Mr Speaker, Sir, we take on board two things. Firstly, we need to have a code of ethics in respect of animal work, and the hon. Minister will come with appropriate regulations which are going to be

prescribed and relevant Committees, if need be subcommittees, are going to be set up and these stand to reason.

We recall, Mr Speaker, Sir, there was a ban on export of live cattle to Indonesia and it created furore in Australia. Why? Because of non-compliance with the code of animal welfare! In fact, there was such an uproar that they imposed a ban for six months and this is where the microchips become relevant. This is very important in respect of traceability as the Minister has stated. One should not forget that we had a setback in this country in respect of pig rearing in Mauritius. There will come a time in respect of traceability; we would have no choice but to impress upon all breeders as to the merits of microchips, Mr Speaker, Sir.

We are a country where we have become service-oriented as there are many people travelling to Mauritius. And I have known cases where people refused to travel to Mauritius because the pets are going to be quarantined. Today, microchips make things easy or less arduous. For example, people travelling from Europe will have their pets quarantined for less than three months. It can be as long as one month. Mr Speaker, Sir, I see no reason why we should be terribly worried. In fact, the provision of the legislation is our concern and mitigates difficult circumstances which existed previously.

The issue has been raised as to the experiment that would be carried out on animal. Let me make it quite clear. In 2008, Mr Speaker, Sir, we organised a conference on healthcare services and live sciences. Of course, there was a lot of interest revived to try to attract well-known, reputed companies to come and invest in research and development. But the hon. Minister is right. Unless and until we introduce the Preclinical Trial legislation which is going to be introduced in the weeks to come, we are not going to encourage or to allow anybody to carry out experiment on animals.

What are we saying, Mr Speaker, Sir? Initially, when there will be experiment, it will be what we call low key experiment, for example, experimental procedures which will concern immunisation of animals to specific antigens prior to export, immune monitoring for the development of therapeutic vaccine or metabolism and nutritional tests. So, these animals will not be subjected to any cruelty. And besides, we are not only going to introduce the proper legislative framework, but there will be proper institutional framework and this will be conducted under the supervisions of those who have the acumen, that is the reason as to why we are taking our time. But when we do introduce the legislation, once the legal arsenal is put in place, we will see to it that we attract the very best. And the very best has shown interest to travel to Mauritius since we organised the conference on healthcare services and live sciences. So, there is no need to create undue fear or prejudices. This legislation was drafted after extensive consultations, not only with the Veterinary Surgeons but as has been said with our friends from the academia and also there was proper interaction with our friends, members of the PAWS group.

Mr Speaker, Sir, there are lessons to be drawn and lessons to be learnt in respect of protest that has been registered on the concern of animal welfare. And let me also make it quite clear that the number of monkeys, what we called the *macaque*, for export has constantly decreased. There was a time when we used to export 10,000 monkeys, but the number has drastically reduced. If there is a country that needed to be taken to task on the export of *macaque* it is China. It is China because of the number of the breeding processes that is going on. Sometimes against established practices, they have been taken to task. In Mauritius, when we talked of captivity of monkeys, the procedures that have to be followed and the breeding practices, Mr Speaker, Sir, are tightly scrutinised.

Having said so, I agree that the process today is one of reduction. We are, Mr Speaker, Sir, to a large extent, responding to what our friends from the British Union of anti-vivisection want many countries to do, but we cannot go to the extent that they want us to go because, otherwise, we will bring an end to medical research. And whether we like it or not, we still need specific animals for research purposes. I am not going to highlight the number of drugs that are now available precisely because of preclinical and clinical trials, Mr Speaker, Sir. But the fact remains, Mr Speaker, Sir, that we must not be seen to be scared or to shy away from our responsibilities. What this legislation does, it ensures that we are inculcated with the values of animal welfare, that we become more compassionate, that the civic education becomes a reality and our love for animals is not something that is taken lightly. We are a caring nation.

Now, on a specific issue in respect of registration of animals, let me come to the MTC. It is true that sometimes when they feel that they want to do away with horses which no longer serve the purposes, they do give them away. But if we refer to the provision of the legislation, there will be better monitoring, better surveillance and we will know to whom the horse has been given, Mr Speaker, Sir. A proper database will be established and compliance to the provision of this legislation becomes mandatory when we take on board the number of offences which have been prescribed. The law is there to be enforced and I see no reason why people will ill-treat those animals because the consequences can be very far-reaching let alone the heavy penalty but also the risk of imprisonment.

Mr Speaker, Sir, Mauritius is a country which also exports one-day chicks. One should not forget that we not only import live cattle but we also export one-day chicks. We are bound to be in full compliance with the best practices and I am sure our vets will interact with relevant bodies to constantly upgrade their skills, will work with relevant institutions and I expect that in the weeks to come, once the legislation is proclaimed, we will be able to interface not only with reputed institutions but we will see to it that there is proper peer to peer learning and exchange at the level of our qualified human resources.

On the issue, Mr Speaker, Sir, of the code of welfare, New Zealand is a country which can inspire us and, as I have stated, the regulations are yet to be prescribed on the code of welfare. So, I am not too

worried in respect of the points canvassed by our friend from the Opposition bench, but he has to wait for the regulations to be prescribed and this is what will strengthen the provisions of the legislation. Mr Speaker, Sir, this is a very important legislation, holistic in its approach, comprehensive to take on board all the salient parts in the legislation that have been repealed and the other issue of euthanasia, as we have stated, is a last resort and, you know, clause 43 makes it quite clear that, unless the case is referred to Court, there will be no euthanasia.

In respect of animals caught in areas where we consider those to be at risk - areas in the sense of high security areas - it stands to reason that the dogs should not be allowed to stray in those areas. For example, we have heard of plane accidents caused, Mr Speaker, Sir, by pigeons; pigeons getting into the engines of the airplane. So, I think all the necessary precautions have to be taken to ensure safety in areas which can easily become risk areas because of stray dogs in those areas.

As for the hospitals, Mr Speaker, Sir, I think it is fair because we know that there is an incinerator; they have to dispose of used equipments or sometimes when surgery has been performed those pathological specimens have to be disposed of. There is an incinerator, but it's not enough because, very often, we see stray dogs straying in those places and ripping apart those bags at times, which have those disposable hospital equipments. So, we have to tread cautiously.

This is a Bill which is highly practical and I think the provisions of the legislation make implementation easy and all the relevant issues have been taken care of. I think, as the hon. Minister has stated, we strike the right balance. On the other hand, we should not be seen to tighten the screw too much because, whether we like it or not, we will still need to conduct experiment on animals, although we are moving towards the R's, but till, and as and when we reach the stage, where we will no longer need animals, I think, it would be to the betterment of one and all. But as matters stand, we have to be practical and pragmatic, and this is what the provisions of the legislation do.

Thank you very much.

Mr Speaker: The Deputy Speaker will take the Chair.

At this stage the Deputy Speaker took the Chair.

(6.48 p.m.)

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): Mr Deputy Speaker, Sir, first of all, I wish to thank the Minister of Agro-Industry and Food Security for coming with this Bill to the House. As he has himself said, it was high time to have an Animal Welfare Bill.

I have listened carefully to the hon. Minister and I think twice in his speech he has stated - at the beginning and end of his speech - that he hopes that at the level of the Opposition, on this side of this House, that we should be constructive. Mr Deputy Speaker, Sir, how many times have I personally intervened on Bills? How many times have I personally made suggestions which I consider valid,

constructive, but how many times have these suggestions been retained? How many times can I say that Ministers have agreed to our suggestions and have agreed to amend their Bills? I should say never! Never, Mr Deputy Speaker, Sir! But, in spite of this, I should concede that the hon. Minister of Agro-Industry and Food Security has, at least, for once today agreed *que j'avais raison*. Each and every time I came to this House with PQs on the MSPCA, the hon. Minister *a défendu bec et ongles la MSPCA. Mais finalement, il a concédé qu'il y avait conflit d'intérêt au niveau de la MSPCA et il a réagi. Ce qui est bien. Il a réagi et, aujourd'hui, nous avons devant nous* a piece of legislation where all laws relating to the MSPCA have been repealed and I should say there are many positive things in this Bill.

However, as I have myself declared several times in this august Assembly that there were severe shortcomings at the level of the MSPCA and that there was an urgent need to review all pieces of legislation governing the MSPCA, I think, Mr Deputy Speaker, Sir, it would have been more appropriate for the hon. Minister to come with a separate Bill for dogs and for dog breeding. We have just got an idea how many interveners on this Bill have spoken only on dogs. This Bill is not for dogs only. This Bill is for animal welfare, but most of the interveners on this side or on the other side of the House, they have all talked only about dogs.

Mr Deputy Speaker, Sir, I would concur with hon. Dr. S. Boolell when he says that there should have been a separate Bill for dogs, and I should say this for two reasons. The first reason is that administration of dog breeding is very complicated - if it is well done - and second is that Mauritius, with a population of about 1.2 million, has 250 registered breeders with the MSPCA. Dog breeding is such a lucrative business that many people want to be dog breeders.

Mr Deputy Speaker, Sir, I will first tackle some administrative issues of the Bill before I come to the subject of dogs and dog breeding itself. Let me take the first section, section 8 - Experiment on animal. It is a well accepted theory that experiments are carried out on animals by great researchers and scientists so that they may come up with appropriate solutions in the medical field.

Mauritius itself has been sending for years now - this has been mentioned by several interveners before me - monkeys to other countries for experimentation purposes. This also has become a very lucrative business. Although there have been demonstrations time and again in Mauritius by the Royal Society for the Prevention of Cruelty to Animals, this is another debate, and I think it should be taken at another time.

To come back to this Bill and, more specifically, to Part III on experiments, I could feel already that in the near future the hon. Minister of Agro-Industry and Food Security will come with a Pre-Clinical Trials Bill. He has confirmed that he will be coming to this august Assembly with a Pre-Clinical Trials Bill. But, in this clause, it is stipulated that, for a person to carry out an experiment on an animal, he

requires a licence from the Minister. I find it strange that the Minister will take it upon himself or on advice from his technicians to issue a licence.

There are several issues which have to be taken into consideration before such a licence is issued. It is a very sensitive issue, and I can foresee already that there may be applications even coming from expatriates, from big firms abroad who may want to come to Mauritius for carrying out experiments on animals. Wouldn't it have been more appropriate for the Minister to have a Board comprising of people who have the required expertise to receive applications and process them *et, en toute transparence*, reach a decision whether to approve the application or not?

If we look at clause 8 subsection 5, it also makes mention that 'where the Minister grants an application, he shall issue a licence to the applicant on such conditions as he may determine.' I feel, Mr Deputy Speaker, Sir, that the examination of an application and the conditions on which such applications are granted should be determined by a Board of at least five persons. The monitoring can thereafter be made by his Ministry.

Now, I come to clause 15 on election of members of the Council. Mr Deputy Speaker, Sir, clause 15 states that the Society will be administered by a Council, and it gives the composition of the Council. I do not have any quarrel with the composition of the Council as such, but whereas it is stated that the seven members will be elected from amongst members of the Society, we would have expected the Council to elect its own Chairperson, but subsection (3) of clause 15 states that the Chairperson will be designated by the Minister. So, why is it that the Chairperson has to be designated by the Minister? Why can't this democratic process be left to work? The Chairperson will be appointed by the Minister, and at clause 18, subsection (1), we see that even the Director of the Society also requires the approval of the Minister after he has been chosen by the Council.

The second question which arises is that three persons on the Council will be appointed by the Minister. Would it be persons knowledgeable in dog breeding? Would it be persons knowledgeable in monkey breeding? Would it be persons knowledgeable in bird breeding? What is it? On what ground will the Minister choose those persons? I hope that the hon. Minister can give us some clarification on this.

Another question is that every member of this Council will be paid an allowance, which again will be determined by the Minister. On the basis of what? Why is it again that it is the Minister who has to determine the allowance which members of this Council will draw? I don't know. But the hon. Minister will provide the clarification required.

Une parenthèse on the way the elections will be carried out. I am referring to the Third Schedule of this Bill. Will the hon. Minister say why the election of members of the Council shall be conducted by the Supervising Officer? Why is it that the election of the Council shall have to be conducted by the

Supervising Officer? What does that mean? Does that mean that the services of the Electoral Commissioner's Office will not be retained for these elections, and, if no, can we know why? *Ainsi, je vois que l'honorable ministre aura la mainmise totale sur le Conseil. Par contre, je n'ai pas de problème sur les pouvoirs du ministre tels qu'ils ont été énoncés à la clause 20 -*

"Powers of Minister -

- (1) The Minister may give such directions of a general character to the Council (...)
- (2) The Minister may require the Council to furnish such information (...)."

All these we get in other legislations, and this is acceptable.

Mr Deputy Speaker, Sir, clause 32, subsection (3), says that every owner of a dangerous dog shall ensure that the dog is muzzled. When I look at the definition of dangerous dog, it refers to a breed which is listed in the First Schedule. But, Mr Deputy Speaker, Sir, I wish to remind this House that in the past many persons, including children, have been attacked by ferocious dogs, whose breed have not been mentioned on the list in the First Schedule. Dangerous dogs are one category, ferocious dogs are another category, and they do not have the same meaning.

I recall that in a PQ which I asked in 2009, my colleague - he is not there - hon. Bhagwan, raised the issue of ferocious dogs on health track at Rose Hill, and even on Signal Mountain. These ferocious dogs are not necessarily Dobermans; they are not Rottweilers, but they attack people because they do not wear muzzles. I have seen same on Flic en Flac beach in the morning when people go for jogging. The hon. Minister of Health is saying that everybody should do exercises every morning, to go for jogging, to go for walks, but *je dois dire que* their joggings or walks are being *perturbés par les chiens*.

Restraining this compulsory wearing of muzzles for only dangerous dogs does not solve the problem for the general public. It does not!

(Interruptions)

It is not a laughing matter. It is when you are being chased by these dogs that you know that this is no laughing matter. I would urge the hon. Minister to consider including in this piece of legislation the compulsory wearing of muzzles for other dogs as well, especially dogs which go for long walks in the streets or on beaches with their owners. According to me, this clause 33 does not provide any protection to the public as such and I, therefore, suggest that an amendment be made to include that dogs, besides dangerous dogs, are defined in the law. I believe the hon. Minister will appreciate that this, at least, is a constructive suggestion. Let's see what he does with this constructive suggestion.

Mr Deputy Speaker, Sir, section 36 stipulates that the Divisional Veterinary Services of his Ministry will determine applications for dog breeders and I note that there is a time frame - a time frame of one month from the date of receipt of the application which has been inserted in the legislation. My first question is: why this haste for registration of dog breeders?

Là je demande au ministre d'être bien, bien *cautious*. Je me suis renseignée sur ce qui se passe et sur ce qui se fait en France. Le 01 janvier 1999, la Société Centrale Canine de France a mis en place un mécanisme pour l'enregistrement des *dog breeders*. Tout d'abord, ils ont institué deux catégories de chiens et pour être détenteur d'un permis de *dog breeder*, il faut passer un test à la mairie. Le caractère et l'aptitude des *applicants* sont pris en considération parmi d'autres critères. Ensuite, ce n'est pas fini. Il y a un cours à suivre, un cours intitulé la capacité de l'élevage. Je souhaiterais ici mentionner ce que l'honorable Premier ministre m'avait répondu à une question parlementaire quelques temps de cela.

He said and I quote –

“This, in fact, should be made like any other profession. We should have regulations because people think here – meaning in Mauritius – anybody can go and start breeding dogs.”

So, although the hon. Prime Minister was favourable to my suggestion, I cannot see anywhere in the legislation any mention of training before a person is granted a dog breeder certificate. Can I ask the hon. Minister again to give some consideration to this suggestion?

Now, I come to section 37 which deals with pedigree certificates. According to section 37, an organisation can make an application for issue of a pedigree certificate to the DVS. For the time being, I don't know if it is still there but I know that pedigree certificates were given by the Federation Canine Central. Again, I am referring to France. In France again, Mr Deputy Speaker, Sir, a pedigree certificate is issued only in circumstances where an organisation which makes the application holds a *Livre des Origines*. For the pedigree to be recognised worldwide, that organisation has to be a member or a partner of the *World Sinology Federation* which is the regulatory body for pure breed dogs in the world just like the FIFA is for football. The *Livre des Origines* is extremely important as it traces the origins of the different breeds of dogs, and buyers know exactly the breed of the dogs they are purchasing. This issue of pedigree certificates can be done by only one central organisation for proper control and should not be left to organisations where there may be conflict of interest. What happens if there is an organisation which is also dealing with breeding of dogs and, at the same time, that same organisation asks for a permit for issue of certificates for breeding. Well, the way the legislation is framed, I think, makes this important issue very frivolous.

Now, I come to the question of import of dogs. According, again, to the Schedule which has been circulated, there is a ban on the import of Rottweilers. The Minister must have been informed - I am sure he must have been informed - that already in Mauritius there is a population of about 2000 Rottweilers here. So, although the law provides for no breeding or interbreeding, I wish to ask the Minister what measures his Ministry will take to control the breeding and interbreeding. Certainly, this is not an easy

task. *Est-ce que le mécanisme qu'il va mettre en place sera cent pour cent efficace, quatre-vingt-dix pour cent efficace. On ne sait pas. Le ministre pourra nous le dire.*

Mr Deputy Speaker, Sir, having said this, I must say that I am glad that all legislation having to do with the MSPCA has been repealed. I only wish now that those, who were controlling the MSPCA for their own benefits, their own interests at stake, do not come back again and repeat the same thing on the Council which will be created. This is certainly in the hands of the Minister.

Thank you, Mr Deputy Speaker, Sir.

The Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah): Mr Deputy Speaker, Sir, first of all, allow me to commend my colleague, the Minister of Agro-Industry and Food Security for presenting this very important Bill to the House.

My colleague has already exhaustively explained the rationale underlying this Bill. Allow me, at the very outset, Mr Deputy Speaker, Sir, to respond to the charming lady in red. First of all, Mr Deputy Speaker, Sir, this Bill does not pertain to dogs only. It must be clear that this Bill is for animals. It is for animals in general and I propose to talk a little bit about other animals rather than on dogs only.

With regard to transparency, Mr Deputy Speaker, Sir, the hon. Lady suggested that she has some concerns. I need to bring out to her attention, Mr Deputy Speaker, Sir, the very reason why my colleague has brought this Bill to the House, he is also proposing amendments in the Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Act 2013 for the exact reason that the hon. Lady was stating that it was not transparent, it was ineffective and inefficient. So, he has brought about these changes to make sure that this is an institution, this is a body that will be able to work and act accordingly. More so, Mr Deputy Speaker, Sir, now the Minister is taking it upon himself whereas before he had to answer for a body on which he did not have any control; which was totally free to do as they wish. Now, with the proposed amendments, he will be answerable to Parliament.

With regard to the election of Council members, Mr Deputy Speaker, Sir, I do not think that this institution is either too big or too insignificant. If it was big enough, I suppose we would have taken the Electoral Supervisory Commission to take charge of the election, but I don't think it is insignificant. It is acceptable for the Supervising Officer to take care of the election and we will have to trust the officers of the Ministry.

Now, with regard to dog attacks and trying to constrain all dogs, I can understand what she is getting the hon. Lady, but I think it won't be practical. I can understand why we need to control Rottweilers and Dobermans, but I don't think it would be practical to restrict all dogs.

Now, with regard to hon. Dr. Satish Boolell, who, unfortunately, is not here, I would like to quickly go through the history of Bills and Enactments with regard to animal welfare. The first one was Animal Destruction Act 1918 that is going to be repealed; the second one was Animal Diseases Act 1925

and then came the Artificial Insemination of Animals (Control) Act of 1946 and then we had the Prevention of Cruelty to Animals Act of 1957.

So, these are pre-Independence Bills that we have had. The only post-Independence Bill that we have is the Mauritius Society for Prevention of Cruelty to Animals Act 1971 and the Mauritius Society for the Prevention of Cruelty to Animals (Officers' Powers and Protection) Act 1972 and after that, it is my colleague who brought out the amendments with regard to Animal Welfare and Protection, that is, the Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Bill 2013. So, the hon. Member would be well guided to see that it has been, fortunately, once again, Members on this side of the House, who brought about legislation to take care of welfare of animals.

In fact, Mr Deputy Speaker, Sir, exactly 42 years ago, it was under Sir Seewoosagur Ramgoolam's Government and I am given to understand, at his personal initiative, that a piece of law was enacted to prevent cruelty to animals. We all know his love for animals and I can say the same for the current Prime Minister and many Members of this House, and above as well. Hon. Dr. Boolell discussed about my own private security. I don't have any private security, but I do have a few pet dogs. I don't want to get into these details

Mr Deputy Speaker, Sir, it is clear, we all know animals. The Mauritius Society for Prevention of Cruelty to Animals Act has served a meaningful purpose for several decades. It has achieved some of its aims. It has created awareness for animal welfare and health and provided registration and veterinary services. We are now coming up with a new piece of legislation. This will strengthen animal welfare once again. This is being presented by this Government, the Labour Government in alliance with the PMSD.

There is a point I wish to raise with regard to what's actually happening here, Mr Deputy Speaker, Sir. I went through literature and I read that Dr. Gail Golab, Director of Animal Welfare for the American Veterinary Medical Association's Animal Welfare Division, distinguishes classes of people with regard to animal welfare. He suggests that different people assesses and evaluates the welfare of animals differently. According to Dr. Golab, there are three classes of people. The first one is a group of people who think about what is going on with the body, such as health, reproduction and growth, that is, they are more physical.

The second group of people focuses on the mind and how the animals feel and their pain, their suffering, their contentment and pleasure. I remember in 2003, I had the opportunity to meet with somebody at l'Espérance Trébuchet who would gather cows and he would keep them and prevent them from being sent to the slaughterhouse. So, this is the kind of people who have love and affection for animals.

The third kind of people – this is the theory – equates welfare with natural and how close does the animal finds itself as if it is freely being in nature. The difficulty is that – I don't think that any of these

categories are necessarily bad. You have the physical type, you have the feelings, emotional type and you have those who have a propensity towards the natural type. What is this Bill doing? This Bill is taking into consideration the 'what is the situation' and is paving the way towards 'what ought to be the situation', that is, our social perspective and ethical concerns.

I think there is a fundamental difference between this Bill and the previous Bill, that is, the MSPCA Act. I will try to explain, Mr Deputy Speaker, Sir. This current Bill seeks to remedy some of the loopholes of the MSPCA Act. I would like to highlight one key difference in the objects of the Act and the present Bill.

While the main object of the MSPCA Act is to promote kindness and prevent or suppress cruelty to animals, that of the Animal Welfare Bill is to promote the welfare and good treatment of animals. I think it depends on the stages of our economic history, then we had to teach people, children, this is what actually was done. If I could refer quickly to the Bill that was presented by Sir Satcam Boolell, under the leadership of Sir Seewoosagur Ramgoolam. I quote from his speech –

“The need for the education of young people in the animal welfare has been felt for some time and the society, in collaboration with the Ministry of Education, is engaged in preparing a suitable booklet for pupils of primary schools, film shows and an annual essay competition for students in secondary schools have been made a regular activity in this field.”

So, what actually the lawmakers at that time did was to make sure that we start understanding the idea of suppressing cruelty, but now we are trying to bring about this cultural shift to show that we have to care for animals. By law, there would be strong actions possible, whereby there would be fines and imprisonment. I hope we won't have to get to that. I hope seriously and sincerely that we have this shift in social ethics and culture. You would agree, Mr Deputy Speaker, Sir, that the determining factors of social ethics are culture, traditions, science and economics. It is, of course, the people who decide what they can and what they can't do, what they can and what they cannot live with. So, in this day and age that our GDP *per capita* has reached about 9,000 dollars, now we are aiming to double this figure. We have to start understanding that there is a way that we have to treat animals. Of course, as it was said by great thinkers like Mahatma Gandhi, the way we treat our animals is what make of us as a civilisation.

Mr Deputy Speaker, Sir, as I said, this current piece of legislation reinforces laws on dog fighting. More generally, there is a variety of precise requirements being placed upon animal keepers which oblige them to feed, provide water and proper housing and regularly go for check-ups of their pets. For those who have studied in Europe, I am sure we know that you don't mess with animals there and I hope very quickly this country reaches this standard. It is a question of education. I say it again, the cultural shift that we have to bring about, that will make us proud as a nation.

This Bill will also provide for control of stray cats as well, it is not just for dogs, Mr Deputy Speaker, Sir. The provisions in the Bill provides more efficient tools, notably through adequate sanctions imposed on the perpetrators to ascertain that those who do not care for their animals properly, can be dealt with aptly and promptly, before animal welfare problems shoot up. It will take the time that it takes, but I hope it will happen very quickly.

With regard to our international image, Mr Deputy Speaker, Sir, on the international arena, many countries have various laws which cater for animal welfare. For example, in the UK, besides the Animal Welfare Act 2006, we can note the presence of many societies, like the Society for the Protection of Animals Abroad, that is, SPANA which caters for the animal welfare. Concern for animals' welfare is becoming global. The Animal Welfare Bill was passed in Ireland some months ago.

Mr Deputy Speaker, Sir, this Bill is one of the major aspects of *Maurice Ile Durable* concept of our Prime Minister's concern with regard to sustainable development in terms of animal health and welfare. Animal protection is linked to food security, to ecological protection, to societal values and ethics.

Wildlife, Mr Deputy Speaker, Sir, plays a key role in the biological and ecological processes that are extremely important to maintain life equilibrium. Endless interactions, amongst animals, plants and microorganisms maintain the balance in nature. Animals aid to retain plant species from overcrowding each other by consuming them. Many fauna help to blow out the seeds of plants, either by carrying them on their fur unknowingly or by swallowing seeds they can digest when they eat fruits and later depositing the seeds elsewhere in their excrement.

I do not have to remind ourselves the fate of the dodo which spread plants around the island. Consequently, protecting the welfare of animals is protecting the ecology as a whole.

Mr Deputy Speaker, Sir, protection and care of animals reflect the soul of a country. And here, I am indeed very grateful to my colleague, the Minister of Agro-Industry and Food Security, for bringing forward this piece of legislation. This requires commitment to provide education and awareness building. We are thankful to the Non-Governmental Organisations which have been carrying out sensitisation campaigns in a formidable way with the education programmes and schemes for adoption of animals. It is important to educate the community to take responsibility for and manage animal welfare such as responsible pet ownership. The Mauritius Society for Animal Welfare would have all our support to promote education, advocacy and knowledge transfer to enable the community to achieve animal health and welfare standards.

Mr Deputy Speaker, Sir, animal and human welfare go hand in hand. I am here referring to farmers and breeders whose livelihood depends on animals. It is, therefore, important that we should also think about service delivery, both veterinary and law enforcement. We need to train more people in

dealing with animals' health and welfare. I am here pleased to announce that the Open University is considering the introduction of courses leading to a Diploma in Vet Services and a Certificate in Animal Welfare and the setting up of a veterinary school is also being envisaged.

Mr Deputy Speaker, Sir, with regard to research, it is now known that Scientists and Government agencies are working together to improve technology and welfare with minimum impact on current rearing systems and infrastructure. I think this would be of interest to many Members here. Chicken seems to be the most widely used meat in this country. I think it would be good to know that in the UK, 5% of broilers are now reared in partnership with Freedom Food, that is, a certification scheme founded by the RSPCA in 1994 to promote animal welfare. Do we know the standard of the food that we are eating? Are we aware of improved welfare, free range, organic and slower growing breed? I think these are questions that are asked by the public because there are expectations with regard to price, quality, safety and welfare because these are issues concerning sanitation and bio-security.

So, I think this Bill goes beyond just those pets which have not been dealt with correctly. I do not have any doubt that in time, Mauritians will get to the stage that we will be proud of ourselves and this is a very good start, Mr Deputy Speaker, Sir. We would also ensure that, as recommended by the World Organisation for Animal Health, some research is directed towards the development of programmes for education and scientific research relevant to animal welfare.

Mr Deputy Speaker, Sir, I would like, now, to conclude by stating that this is yet another historical piece of legislation which is being introduced by this Government and which is in line with our international commitments to the World Organisation for Animal Health which requires that States should create or update where necessary legislation that prevents cruelty to animals as well as legislation that enables and establishes a legal basis for complying with OIE standards for animal health, safety of animal products for human consumption and animal welfare as well as supporting guidelines for the use of good practice to encourage compliance with the OIE standards.

Mr Deputy Speaker, Sir, I do not have any doubt that this Bill will, I hope, very quickly bring about the shift in our code of conduct, our mindset and our social ethics. It will bring us in line with other great nations of the world.

I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: I suspend the sitting for 1 hour 15 minutes for dinner.

At 7.29 p.m. the sitting was suspended.

On resuming at 8.51 p.m. with the Deputy Speaker in the Chair.

Mr Obeegadoo: Mr Deputy Speaker, Sir, this Bill is a welcome initiative and I agree on one point at least with hon. Dr. Arvin Boolell that this Bill is an important one. Indeed, preparing to intervene

on this Bill, I came across this quote from the German philosopher Adorno who referring to the German concentration of the combat *Auschwitz* had this to say –

‘Auschwitz begins wherever someone looks at a slaughterhouse and thinks
‘they’re only animals’.’

I think that is a very well taken point that reminds us of the cruelty that is conspicuous in our society as regards animals. This Bill is a welcome initiative to the extent that it purports to address the issue of cruelty towards animals, but is also important concerning the problem of stray dogs, that is, of a very grave problem in our country and not only from the economic point of view.

So, there was need for a new piece of legislation, there was need to consolidate all the various pieces of legislation and subsidiary legislation and sometimes antiquated legislation dealing with the subject and, in that sense, I think that on this side of the Opposition we heard that a Bill on animal welfare was being presented, we were very keen to study it and we welcome the idea of having one single piece of legislation to govern all issues pertaining to animals as the Minister put it, treatment of animals throughout history has been a measure of civilisation and men’s relationship or human kinds relationship to animals has been dynamic throughout the ages and as our society progresses and as we seek to attain new standards of behaviour of human and humane behaviour it is only right that we should also redefine our standards of conduct towards animals.

That being said, Mr Deputy Speaker, Sir, like my colleagues who intervened before me on this side of the House, I have certain qualms, and, at times, serious qualms about certain provisions of the Bill that is before us. Let me start with the issue of governance. I believe hon. Mrs Hanoomanjee referred to this before I addressed the House. I am indeed very concerned. We all know that the MSPCA has been in a very sorry state for a number of years now, which is why we all welcomed the initiative of Government to try and put some order in the institution that is responsible for the treatment of animals. However, it is important not to throw away the baby with the water. One needs to understand what was wrong with the MSPCA. Certainly a problem of lack of means of funding, certainly a problem of, shall we say, infelicitous choice of the Executive Heads, Secretariat of the MSPCA. But let us recall that the MSPCA has existed for very long, since it was set up by Sir Seewoosagur Ramgoolam more than 40 years ago, and it is only in recent years that the situation has deteriorated to the extent we have witnessed. Some people have said to me: well, this is the responsibility first and foremost of the present Government that has allowed things to deteriorate to such an extent.

We had an MSPCA that was largely autonomous. Let us remember it had, I think, 22 members; 18 elected - the hon. Minister will correct me if I am quoting wrongly the figures from the Act - by the Annual General Meeting, freely choosing their President, if that was the term then. This arrangement worked very well for most of this 40 odd-year period until recently. What I am concerned about and, as I

said, the point was made by hon. Mrs Hanoomanjee - I am going to try my best, Mr Deputy Speaker, Sir, not to repeat the excellent speech given by hon. Dr. S. Boolell and hon. Mrs Hanoomanjee also - that this Bill before us provides for a Council composed of 15 Members, of which eight will be representatives of the Executive, either from Ministries or designated by the Minister. In other words, we are going to have a new organisation, society, which will in effect be under the control of the Minister, and I am concerned. Before, we had only two Ministries on this Council: Agriculture and Environment. Now, we are going to have Local Government, Tourism, Health plus, of course, the Ministry of Agro-Industry and Food Security.

Surely, the course of progress is to give more autonomy with certain safeguards. Here, we are reversing something that the Government did more than 40 years ago, by concentrating control over the Society for Animal Welfare in the hands of the Executive, with a deciding power, a veto power to the Minister as regards who will run this Society. I cannot but feel very apprehensive about this organisation that is likely to become some sort of a parastatal, with the culture of parastatals, with the risk of stifling all the very healthy inputs from civil society, partnerships from NGOs that are so critical to the success of this new endeavour; and a very valid endeavour it is too. So, that is my first concern.

Now, turning to other aspects of the Bill, and trying not to repeat what was said by other colleagues, I would just ask the hon. Minister, in a non-antagonistic manner, to consider a few points I want to raise. Under the Power of entry and search, under clause 5(3), I note that it is proposed that 'an authorised officer who enters any land or premises for the purposes of this section may be accompanied by such person as he considers necessary.' Again, I have my doubts as to whether this proviso should be couched in such general terms, or whether the persons who will be allowed under this legislation, Mr Deputy Speaker, Sir, to enter your and my premises be restricted to officers and employees of the Society and Police Officers. Whereas here, it seems to open up to any person that the authorised officer, at that particular point, in those particular circumstances, may deem fit to bring along with him. So, just one element of concern there where I would ask the hon. Minister to please clarify what the intention of the Government is in this particular case, and if there is any reason to bring an appropriate amendment.

Clause 31(1) (b) - Registration of dogs and other domestic pets, states -

"Every owner of a dog shall cause the dog to be microchipped before registration."

I wonder whether we should not try and find some more felicitous drafting; whether, for instance, it should not refer to the dog to bear a form of permanent identification, using microchip technology, because this is what it is about. It is not the microchip, but the permanent identification that the law should be concerned with, using microchip technology. This is not a mere question of semantics. In years to come, it may be of importance. I would like the hon. Minister to consider this point.

Under clause 32, Mr Deputy Speaker, Sir, I would like to raise a couple of points. As we know, there is an obligation under clause 31 to register one's dog. In fact, this already existed; any dog owner - and this law confirms that requirement - must by law register his dog. I would like to suggest to the hon. Minister that if that registered dog is stolen, is lost, whether there should not be an obligation on the owner to report to the authorities, being given the danger that this dog might represent to society, being given the cruelty to which that animal may be subjected. From both perspectives, is there not a need? Similarly, once that animal has died, is there not a need to report it to the authorities? Otherwise, you will have a register where you will insert the name of your dog. But how does it get removed from that register? We risk otherwise having a register in a few years' time, half of which will consist of dead animals, of dead dogs. So, if you register, there must be a process to deregister.

So, I would like to suggest that this point, unless I have missed it, I have not seen anything addressing the issue in this Bill to consider. Likewise on a related point of reporting to the authorities, what about a dog that has mauled or bitten a person? Should not there be a procedure or an obligation incumbent upon the owner to report this matter to the authorities so that the person bitten may be provided with appropriate medical assistance - and I think here of children from poor families bitten by a dangerous animal who may not be provided with immediate care and assistance and that the intervention of the authorities maybe called for.

Another suggestion, Mr Deputy Speaker, Sir, concerns the requirement to have animals neutered under clause 32, sub-clause 2 (c). Can I, again, raise the issue here with the hon. Minister to ask him whether this neutering - if that is the appropriate term - should not be certified by a Veterinarian? Because as the law stands...

(Interruptions)

The hon. Minister will explain and if it is provided for that this is always carried out by Veterinarians, then presumably it will carry with it, if it is done privately, a certificate to establish that same has been properly done.

The law also provides for dogs to be securely fenced off from the general public. Could I suggest that in such cases there should also be notices at access points to such properties where there are dangerous dogs so that everybody is clearly warned even if it is trespassing that there be appropriate warning considering that very often it is children who are victims of such accidents? Those are some suggestions under clause 32.

I would like to turn to clauses 36 and 38. These points, I believe, have been made by hon. Dr. Boolell to the extent that they relate to the list of dogs under Schedule 1 and Schedule 4. The First Schedule relates to dangerous dogs and I was wondering, going through the list and I discussed this with

some Veterinarians, what happens when there is a crossbreed as between the races listed here? Is race the appropriate term?

(Interruptions)

Breed. So, should we not have a proviso that would possibly run along the following lines to include in the First Schedule –

“Any other dog which has the appearance and physical characteristics that predominantly conform to the standard to any one of the above breeds as established by the DVS.”

In other words, a crossbreed as amongst those breeds listed in the First Schedule that can be as dangerous if not more dangerous than the listed dogs. So, my suggestion would be that we have a proviso there subject to certification by the DVS that a dog sharing the same characteristics as a result of being a crossbreed could be included under the First Schedule.

But it is under the Fourth Schedule that I share the concerns expressed both by hon. Dr. Boolell and hon. Mrs Hanoomanjee. Why is it when you consider the list of incidents or accidents – more incidents than accidents – where people have been bitten, attacked, mauled or even killed by dogs over the last ten years, one notices that there are amongst those dogs Rottweilers and Dobermans.

The Rottweiler and the Doberman are listed under the First Schedule as dangerous animals, but it is not listed under the Fourth Schedule as a breed that should not be imported and for which there should be no breeding in Mauritius, that is, a breed that will become evanescent - is that the right term - that will gradually disappear from our soil. Not that I am arguing that Dobermans and Rottweilers should be included in the Fourth Schedule, but I am just asking for the logic because it seems to me - and I hope I am mistaken – that, in fact, there has been some sort of an arithmetic calculation here because there are many Rottweilers and they are quite popular, because there are many Dobermans, and although they are dangerous under the First Schedule, they don't get listed under the Fourth Schedule because it does seem odd.

I have gone through the reported list of attacks and I haven't seen that many American Pit Bull Terriers even less Amstaffs or blue nose pit bulls and so on, but I have noticed many cases of Dobermans and Rottweilers attacking people. So, I would very much like to know whether this is a natural political expediency as to the decision to exclude from the Fourth Schedule these dangerous dogs.

I share the concern of hon. Dr. Satish Boolell about the Amstaffs, the American Staffordshire Terrier, which according to the information that has been provided to us by owners of such dogs, that dog is not, in other countries - they have quoted the examples of France and United States where the Amstaff is not considered to be a dangerous dog. Apparently, it looks like the Pit Bull Terrier; people often confuse the two and believe they had the same characteristics whereas the Amstaff is not. It is a big dog, but it is not a good guard dog. It is not an aggressive dog. So, because there would appear to be some

400 Amstaffs in Mauritius and there is even an association of Amstaffs owners, I wonder the hon. Minister must have received representations from them whether there is not a real need to reconsider, they call themselves ‘the American Staffordshire Terrier Club Mauritius’ and they make a very powerful case - I am no expert – in favour of the Amstaffs being excluded from the list.

So, I am not raising these points in an antagonistic manner in the hope that the hon. Minister will keep an open mind and that there may still be time for the issue of the Amstaffs to be reconsidered as to whether it needs to be included under the Fourth Schedule or even the First Schedule for that matter. I won’t go into the details. I think the point was made by hon. Dr. Satish Boolell before me on this issue.

Two other points which I would wish to raise under clauses 41 and 42 concern stray dogs that are picked up by the successor to the MSPCA provided he has the means, three days for the owner to retrieve these dogs. Being given that the sentence of death which is going to be imposed on them after three days is the most radical and irreversible measure that can be taken by a human being against an animal. Again, I am no expert, I am just raising the point whether these three days’ time period is appropriate or whether it should not be extended. I don’t know. I have heard of cases in the past of owners desperately after having realised that their animal is not there and that they may have been picked up by the MSPCA, they rush. Could it be extended? I know it costs the State to keep these animals, but could it be extended to something that might appear to be more reasonable; five days, six days, whatever just to make sure that, just as we are against...

(Interruptions)

...absolutely as brilliantly a mind next to me would advise, the owner can be claimed the cost for having kept the dog for a few more days if he is eventually retrieved by the owner. Turning to clause 42, here, I have a real concern. We are talking of euthanasia and what clause 42 states is that –

“42. Powers of Court

Where a person is convicted of an offence under this Act (...)”

An offence means any offence under this Act. The Court may, in addition to the penalty imposed on the owner, the fine or whatever, order the euthanasia of an animal involved in the commission of the offence. So, that means that if I have allowed my dog to stray under the terms of this legislation, I am taken to Court and I am fined and because this poor dog has, by straying, been involved in the commission of the offence, he can be condemned to death by the Court. For any offence under this Act, the Court, in its wisdom, according to the subjective considerations of the Magistrate, because there are no guidelines here, can condemn that dog to euthanasia. So, I would like to ask the Minister again to reconsider this.

If we are really talking here about combating cruelty to animals, should we have it that any Court, for any offence, can condemn any animal to euthanasia through no fault of that animal and whatever the seriousness or lack of seriousness of the offence? That cannot hold. So, could we not, Mr Deputy

Speaker, Sir - through you I am appealing to the hon. Minister - qualify this proviso so that there are specific circumstances where the Court of its own volition decides upon euthanasia.

Having raised those points, Mr Deputy Speaker, Sir, I must say I am a bit puzzled about the consultation that is supposed to have taken place before the presentation of the Bill. The Minister did make a passing remark about consultation. Hon. Dr. Boolell was eloquent about consultation over three years, but forgive my ignorance, I was not aware of any consultation. I have not seen any public advertisement in the press calling for views. I have not witnessed any press conference or statement in the House. Maybe I am wrong, forgive my ignorance, but inviting people to react to something that would have been posted on the website, I am just concerned, being given the representation that hon. Dr. Boolell and myself, and the Leader of the Opposition that we have heard from animal lovers whether the consultation has really been a wide consultation with the public at large.

Mr Deputy Speaker, Sir, what is this Bill about? What is the main thrust of this Bill? What are we trying to achieve? To consolidate, to update, to modernise! Fine! We have all agreed. This Bill talks about experimentation and I am a bit confused. When hon. Dr. Boolell discussed this with me earlier on, I said to him, well, maybe...

(Interruptions)

Well, there is one Boolell who speaks to me every day. I don't have the honour of being spoken to by the Minister of Foreign Affairs. That is right.

(Interruptions)

I was saying, Mr Deputy Speaker, Sir, that the experimentation gets me completely confused. I said to hon. Satish Boolell that there is nothing wrong with experimentation. Well, let us have one single legislation and consolidate everything and yet when we listened to the Minister here, he announced that there would be a sort of Clinical Trials Bill that will address this issue again. So, which is which? I don't understand why, if there was going ever to be a separate piece of legislation, it had to be included in this Bill to the extent that experimentation does not sit very well with the safeguards against cruelty and I support entirely what hon. Dr. Satish Boolell had to say.

The other main thrust is registration. Everybody agrees. Each and every dog must be registered. Another main issue is that of dangerous dogs. Again, we agree, we have some qualms; I have mentioned them about which breeds, but the principle that there should be less of dangerous dogs established by law and that certain breeds should not increase in numbers in Mauritius and their disappearance should be prepared through non-importation and non-breeding. Fine!

Then, there is the issue of force sterilisation and, again, I have an open mind as to this. Let us be very clear, this Bill is for sterilisation. What it says is that unless, Mr Deputy Speaker, Sir, you register as a breeder, unless you have objection to your dog being sterilised, all dogs would be sterilised. Maybe that

is the way it has to be to combat the problem of stray dogs. Maybe, but let us be very frank and honest. What we are talking about here is for sterilisation of all dogs because if I don't sterilise my dog and I am not registered as a breeder, you do realise, Mr Deputy Speaker, Sir, what a risk I run at any moment of my dog committing an offence punishable by law; of getting too close to a dog of the opposite sex.

That is the main thrust of the Bill, but my concern is what will be the practical effect of this Bill. Is it that we are going to the vast majority of our countrymen, of our fellow Mauritians to be in a state of illegality? This Bill says that, as soon as it is proclaimed, not to have your dog securely fenced off, not straying, taken out only on a leash, but that would mean that three quarters of Mauritius would be outside the law.

We all know that we still have a long way to travel in Mauritius before we are in a situation as they are in any developed countries where all animals are kept indoors. In Mauritius, houses are separated by bamboo edges or sometimes not even that. How are you going to deal with this? We will be placing three quarters of the population in a state of illegality. I don't understand what is going to happen. I am not against this, but I would like the Minister to explain to us, how, in practice, this is going to work. Somebody said to me this is a law for the rich and I asked him why and he said: you know, it is part of our Mauritian culture, Mr Deputy Speaker, Sir, I am sure you would agree that we grow up with animals. Most of us, here, as children, we have had pets animals who roamed around freely and we have our pet who will be friend with the pets of our neighbours, those that roam the streets. This is part of the experience of growing up in Mauritius and it is a pedagogical experience. You learn to care for animals; you learn to be responsible through animals.

Now, when this law is passed if it is ever enforced, what does it mean? Do you know how expensive it would be for somebody to have a pet dog? That dog will have to be registered. That dog will have to be sterilised. That dog will have to be fenced off from the general public. 90% of the population will not be able to rise to the challenge, if only through lack of financial means. That is why this person came to me and said: "Look, this is a Bill for the rich!" Although I can agree with the objective and the principles, I ask myself: how will it be enforced if it is proclaimed tomorrow morning? I think there is a very serious issue there which leads me to the question of the means and the funding.

The most important reason why the MSPCA failed was because it was not provided with adequate means. We all know how many vans the MSPCA had to go round the country collecting stray dogs; we all know how few people it had and how it was deprived of appropriate equipment. But I have not heard the Minister - however well I listened - informing the House about what means Government proposed to entrust this new society with. I say 'this new society', because I wonder whether we really had to change the name. Even hon. Dr. Arvin Boolell could not remember the name and said the society

which will replace the MSPCA. This is going to be quite a mouthful and maybe it is rather unpedagogical.

Let me return to my main point. With what means will this new society be entrusted? If it is going to be starved of financial resources, equipment and staffing, like the MSPCA was, then it is going to be condemned to failure. Has the hon. Minister obtained guarantees from the hon. Prime Minister that this society will be entrusted with appropriate means, come the Budget in a few months' time? I think that is a critical issue. How will the society operate to monitor the evolution of the situation around the country?

The situation is very serious. There is not one public place where you do not find dozens of stray dogs roaming around. But how will it monitor and how will it enforce the legislation, Mr Deputy Speaker, Sir? Unless, my good friend, the hon. Minister, gives this House precise details of the means, of the equipment, of the staffing and of the plans as to how to implement, so as not to place the majority of Mauritians from one day to the next in a state of illegality, we cannot take this Bill seriously. It will become law, but will the law be taken seriously? It would be very bad for a country to have a law that is not adhered to, that is not enforced and that is not respected, Mr Deputy Speaker, Sir.

One last word to make a plea for training of dogs. There is one prerequisite for everything that is being said in this legislation. It is the education of dog owners - let me put it that way- and the training of dogs. The facilities for training of dogs are woefully lacking in our country. They simply do not exist. If, Mr Deputy Speaker, Sir, you have a dog and want it properly trained, you do not have many options in the country, as it is right now. The MSPCA has got, I think, two training classes for dogs or you resort to a private trainer, which is very expensive indeed.

Again, I would like to appeal to the hon. Minister to address this issue when he is summing up, that unless we have a broad, proactive campaign to educate public opinions, to educate dog owners and to afford facilities for the training of our dogs, again, this piece of legislation will not go very far.

I have done, Mr Deputy Speaker, Sir.

(9.14 p.m.)

Mr R. Issack (Fourth Member for Stanley & Rose Hill): M. le président, j'ai écouté les différents intervenants très attentivement, surtout, nos amis de l'Opposition. Evidemment, l'Opposition doit jouer son rôle et je comprends que les intervenants ont disséqué le projet de loi. Ils ont certainement raison sur quelques points, mais il faut voir les choses de manière un peu plus juste.

Ce projet de loi, je dois l'avouer, en le lisant, j'ai eu un sentiment qui s'apparente un peu au bonheur. Pourquoi? Parce que tout le monde, ici, nous avons un attachement avec les animaux, nous aimons les animaux.

(Interruptions)

Il n'est pas là. S'il était là, j'aurais expliqué peut-être un peu différemment.

(Interruptions)

J'allais répondre.

(Interruptions)

C'est vrai, M. le président. Ce projet de loi a pour objectifs principaux:

(a) to promote the welfare and good treatment of animals”.

Il n'y a pas un seul membre de cette Assemblée qui serait contre.

(Interruptions)

Bien au contraire, il a beaucoup de considération pour les animaux.

(b) to protect animals from distress, pain or suffering”.

En écoutant nos amis de l'Opposition, ils ont exprimé leur crainte et leur appréhension. C'est tout à fait normal, c'est légitime. Mais, cette loi, en elle-même, vient en faveur des animaux, pour leur protection, parce que les animaux ont aussi des émotions. C'est vrai que les animaux ont des émotions. Les animaux ont une façon d'exprimer de manière muette. Les animaux ont une façon de démontrer leur affection d'une manière si différente de celle des humains. Cette loi est pour justement donner plus de liberté à ces animaux-là d'exprimer, non seulement leur affection, mais aussi leur vouloir vivre. Cette loi c'est aussi pour -

“Regulate dog keeping, dog breeding and the importation of certain types of dangerous dogs;”

Voilà une loi qui vient mettre de l'ordre dans le monde des animaux! Voilà une loi qui vient mettre de l'ordre dans le monde des humains également!

M. le président, je crois que c'est l'honorable Dr. Arvin Boolell qui a bien fait comprendre qu'une loi ne se prépare pas à la légère. Il y a eu des consultations, il y a eu certainement des échanges, il y a eu également des recherches et, évidemment des études avant que le projet de loi soit présenté. Si un tel projet de loi existait au 16^{ème} ou au 17^{ème} siècle, peut-être que le Dodo serait toujours là. Je suis tout à fait d'accord avec le ministre de l'Agro-Industrie qui a cité, je crois, Mahatma Gandhi. Mahatma Gandhi avait dit quelque chose comme -

« La grandeur d'une nation se juge par le traitement dont elle fait preuve vis-à-vis des animaux. »

Voilà un projet de loi qui vient ajouter à la grandeur de notre pays. Cela fait longtemps qu'on aurait dû changer cette loi qui quelque part est un reflet religieux. Cette loi comprend aussi son aspect religieux parce qu'elle rejoint l'Hindouisme, l'Islam, le Bouddhisme, le Jaïnisme, et toutes ces religions nous apprennent à aimer les animaux. Toutes ces religions nous apprennent à avoir une considération spéciale pour les animaux.

Je ne connais pas grand chose en ce qui concerne d'autres religions, par contre je sais ce que l'Islam dit à propos des animaux. Une femme avait un jour, ou bien pendant quelque temps, affamé un

chat et, pour cette raison, cette femme a été envoyée en enfer! Alors qu'une prostituée qui avait vu un chien assoiffé, avait fait un geste fort honorable. Elle avait, avec sa chaussure, pris un peu d'eau dans un puits et elle avait offert cette eau au chien. Par conséquent, elle a eu le paradis! C'est pour vous dire que dans le traitement des animaux l'être humain peut trouver son salut.

(Interruptions)

Les animaux évidemment sont des vies dans notre vie. C'est Jean de La Fontaine qui avait dit ceci : « Je me sers des animaux pour instruire les hommes.» Mais malheureusement il y a beaucoup parmi nous qui n'ont pas encore compris la valeur des animaux ! Beaucoup parmi nous n'ont pas compris les instructions...

(Interruptions)

Je ne m'attaque pas à mon ami l'honorable Bachoo! N'agissez pas comme un troupeau!

(Interruptions)

Tout animal mérite le respect. Les animaux ont des droits et nous avons des devoirs envers eux.

(Interruptions)

Nous avons le devoir de les protéger, de protéger leur environnement et de protéger leur habitat.

Imaginons un moment ce que les animaux représentent pour les enfants ! Les enfants sont émerveillés par les animaux. Les adultes sont fascinés par les animaux.

(Interruptions)

Ou pé malade ar Bachoo ou !

(Interruptions)

To pu vine ène bébette to même talère!

(Interruptions)

C'est ce qu'on appelle la bestialité de l'homme et l'humanisme des animaux !

(Interruptions)

M. le président, ce que j'ai relevé dans ce projet de loi, et je vois que ça fait tiquer certains membres de l'Opposition, c'est l'expérimentation sur les animaux, la cruauté envers les animaux! Il ne faut pas confondre entre expérimentation et cruauté.

(Interruptions)

The Deputy Speaker: Hon. Henry!

Mr Issack: Dans nos écoles et collèges et dans les classes de biologie nos étudiants et étudiantes ont recours à la dissection des animaux. Mais il est précisé dans le projet de loi que tout doit être fait pour que les animaux ne souffrent pas autant ou qui ne souffrent pas du tout. D'ailleurs le Parlement européen a pris la décision pour qu'on ait le moins recours possible...

(Interruptions)

The Deputy Speaker: Carry on!

Mr Issack: M. le président, je disais que le Parlement européen a décidé qu'on aurait de moins en moins recours...

(Interruptions)

The Deputy Speaker: Hon. Khamajeet!

(Interruptions)

Mr Issack:...à l'expérimentation sur les animaux. Je crois aussi que le ministre des Affaires étrangères, de l'Intégration régionale et du Commerce international, le Dr. Boolell, a fait ressortir que de moins en moins on...

(Interruptions)

The Deputy Speaker: Hon. Baloomoody!

Mr Issack: ...exporte les macaques, et l'Union Européenne également va dans cette direction pour qu'on n'utilise plus les primates pour des expérimentations et des expériences.

A l'Ile Maurice la cruauté envers les animaux n'existe pas vraiment. Comme en Espagne, par exemple, ce qu'on fait avec les taureaux. Le combat des coqs n'existe pas chez nous. Je crois que dans le projet de loi présenté par le ministre Faugoo il est question également d'infliger une amende de Rs15,000 et de six mois de prison au maximum à tous ceux qui vont enfreindre la loi. Je crois que ce n'est pas assez sévère, on aurait dû être plus sévère encore. Parce que tous les Mauriciens se souviennent de ce *clip* où des gens insouciantes avaient égorgé un cheval! Cela avait horrifié toute la population: jeunes et vieux, hommes et femmes. Voilà une loi qui vient, non seulement, protéger les animaux mais également punir ceux qui vont blesser les animaux physiquement tout aussi bien que dans leur dignité.

M. le président, je vois que dans le projet de loi, le ministre soutient aussi que *the minimum standard* sera accordé aux animaux en ce qui concerne *their accommodations*. On traite bien les animaux, on veut que les animaux vivent bien dans ce pays et je ne partage pas les appréhensions de mon ami l'honorable Obeegadoo quand il dit qu'avec cette loi, il va falloir que 75% des Mauriciens prennent des dispositions pour garder leurs animaux chez eux avec des barrières.

Mais ce n'est pas vrai ! Au contraire, cette loi vient responsabiliser les Mauriciens. Cette loi vient également donner l'occasion aux Mauriciens de réfléchir sur leur action vis-à-vis des animaux ; les chiens errants, les chiens qui quittent leur cour pour aller dans la rue, pour courir après des enfants ou d'autres personnes. Ce sont autant de dangers qu'il va falloir éviter. On ne peut pas avoir chez soi un animal et qu'on ne maîtrise pas cet animal, qu'on ne le garde pas. Ce n'est pas une infraction, ce n'est pas mal s'occuper de cet animal. Bien au contraire, on est en train de donner toute l'attention qu'il faut aux animaux domestiques. Imaginons le nombre de fois, le nombre d'accidents, le nombre d'incidents qu'il y

a eus par rapport aux animaux. Il y a des personnes qui ont été mordues, blessées gravement ; il y en a d'autres qui ont même été déchiquetées par des chiens.

Donc, voilà une loi qui vient responsabiliser les propriétaires d'animaux. Voilà une loi qui vient mettre de l'ordre dans ce chaos qui a prévalu pendant longtemps, par exemple, sur nos plages. Je crois que l'honorable madame Hanoomanjee faisait référence aux chiens qui devraient porter des muselières. C'est pour la sécurité des autres, la sécurité d'autres animaux également. Mais ce n'est pas tout le temps que l'animal aura sa muselière. Ce n'est pas tout le temps ! Il n'y a pas longtemps, une dame venant de l'étranger et qui séjournait à Maurice a été mordue par deux bergers allemands. Donc, si les deux chiens étaient muselés, certainement cette dame n'aurait pas eu à subir de tels problèmes.

En ce qui concerne les chiens errants, c'est un véritable problème. Quand on va à la boucherie, par exemple. Je crois qu'à travers l'île c'est comme cela. Au marché, sur nos plages, c'est un problème pour les touristes les chiens errants ! C'est un problème pour les Mauriciens les chiens errants ! Les chiens errants sont également un problème pour d'autres animaux !

Il y a pas mal d'accidents qui ont été causés à cause des chiens errants. Donc, voilà une possibilité maintenant pour mettre de l'ordre, quitte à trouver les moyens, mais il va falloir désormais que nos rues, que nos plages, que nos côtes soient propres. C'est très important pour que nous puissions libérer les voies publiques, les espaces publics qui sont envahis par des animaux. Il y a aussi *the breeders*, les éleveurs. Voilà une loi qui vient réglementer un *business* qui se fait de manière peut-être même sauvage. Aujourd'hui - l'honorable Lesjongard n'est pas là - j'ai vu une annonce dans l'Express ; une petite annonce. J'ai téléphoné pour savoir quel était le prix d'un chien Amstaff ; R 25,000. Vous imaginez combien de gens font l'élevage de chiens, de chiens de race, de pseudo chiens de race, et c'est dangereux s'ils ne sont pas réglementés, s'il n'y a pas des normes à respecter. Quelqu'un qui fait l'élevage de chiens est un problème pour ses voisins. Il y a cette odeur pestilentielle ; il y a cette pollution sonore, et Dieu sait combien de gens ont des problèmes avec leurs voisins à cause de l'élevage.

Désormais, avec cette loi, les éleveurs de chiens auront à s'enregistrer ; on aura un meilleur contrôle sur eux, et ce sera bon pour tout le monde, même ceux qui achètent les chiens. Je crois que l'honorable Dr. Satish Boolell disait que référence n'est faite qu'aux femelles. Donc, pour une à cinq chiennes, on aura à payer R 10,000, six à dix, ce sera R 25,000, et onze à monter ce sera R 100,000. Il faut réglementer. On ne peut pas continuer à laisser les gens opérer de manière sauvage, de manière illégale, alors que cela devient - l'honorable Madame Hanoomanjee a fait ressortir cela - un business lucratif.

Donc, M. le président, c'est une loi qui aurait dû arriver depuis bien longtemps, et aujourd'hui nous devons féliciter le ministre Faugoo de nous avoir présenté ce projet de loi qui viendra certainement assainir une situation. Il faut voir la philosophie de cette loi ; il faut voir la gestion, la bonne gouvernance

qui découlera de cette loi. Donc, c'est une loi qui, dans l'ensemble, sera bien accueillie par la population. Evidemment, à écouter les critiques de l'opposition, si elles sont constructives, probablement, en temps et lieux, s'il va falloir améliorer, on va améliorer.

Pour terminer, je souhaite féliciter le ministre de l'Agro-industrie pour cette loi qui sera tellement salubre pour l'île Maurice, et surtout pour les animaux.

Merci.

At this stage, Mr Speaker took the Chair.

(9.53 p.m.)

Mr Faugoo: Mr Speaker, Sir, it is nearly 2200 hours; we had a very long debate indeed on the Animal Welfare Bill. Let me start by thanking all the hon. Members from both sides of the House for their contribution in the present Bill. I wish to be very short and focussed in the reply to the various issues and questions that have been raised by especially hon. Members from the other side of the House, Mr Speaker, Sir.

Mr Speaker, Sir, I hasten to say that I was rather flabbergasted by the stand, the remarks and the comments of hon. Dr. Satish Boolell. I was expecting from the hon. Member who was the first one to talk on the Bill from the other side of the House to at least recognise, acknowledge the effort of Government in bringing the present legislation, Mr Speaker, Sir. I won't say I was pleased, but I was happy when I heard hon. Mrs Hanoomanjee and also my friend, hon. S. Obeegadoo, on the other hand, when they commented on the Bill; he was rather positive, I must say. All the same and, rightly so, he asked certain questions and raised certain issues which are not so clear in his mind. So, they have the right to ask and this is what exactly they did.

Mr Speaker, Sir, I want to be convinced myself. I have worked on this Bill for quite some time. I want to know, I want to be convinced where we have gone wrong. We are today - as I said in the beginning - reviewing, consolidating, modernising certain statutes which have been there for the past century, as I said. 100 years, one of the Act, Animal Destruction Act, dates back to 1918. The second one, Prevention of Cruelty to Animals dates back to 1957, 56 years on the statutes and lastly, the two Acts pertaining to the MSPCA; one which is 1971 and the other one 1972 which gives us around 42 years it has been there, Mr Speaker, Sir.

Today, we are shifting from the concept of cruelty to animals to the new concept which is recognised by the world, by all the countries developed or otherwise, to welfare of animals. This is a very important shift in the attitude, in regulations, in institutions, whatever it is, Mr Speaker, Sir. How can we, after so long, after so much wide consultations - I recall hon. Obeegadoo said he was not so happy when my hon. friend Dr. A. Boolell said that there were wide consultations. But it is a long time, it is about a year or even before we had put that Dog Control Bill and the Dangerous Dog Bill on the website of my

Ministry for public consultation, not only institutional; not only with relevant stakeholders, but the public at large because today, as I said and it has been said so many times, that we are consolidating, we were minded, in the first place, maybe to come in bits and pieces but then we decided the best way forward could not be otherwise than coming with a consolidated Bill, Mr Speaker, Sir.

How can we after so much work, so much effort being put in, go wrong on the principle; on the general framework which has been provided for under the present Bill, Mr Speaker, Sir, without admitting, we might have skipped, we might have overlooked certain details and this is normal. I am not admitting that that is so, but there are so many things which have been raised by hon. Mrs Hanoomanjee and my friend Obeegadoo, that can be taken care of by regulations. Why do we have a parent law and why in a parent law there are provisions made and power given to the Minister to come up later on with regulations?

All the points that have been raised, I don't want to go one by one, but put it globally, lump it together, all of them can be taken care of by regulations when we learn by experience, when we put in practice what is being prescribed in the present legislation. We are going to learn. It is a learning process. If it took us 100 years to come to this august Assembly to review a law which was there for 100 years in our Statute Book, I don't think with the present law, with the present *démarche* of the Government, we are going to wait for another 100 years, Mr Speaker, Sir. So, we cannot go wrong, as I said, because what we have provided for is the general framework, general principles of law; no Government, no Ministry, no Minister comes for legislation in this Assembly on exceptions. We come on general principles of law, not to cater for exceptions, Mr Speaker, Sir.

Now, when we have a look at the Bill, the first part of the Bill talks about promotion of animal welfare; as I said, we are shifting from cruelty to animal welfare which is the trend worldwide. Now, this is something new. We are not creating or inventing the wheel as we say, Mr Speaker, Sir. We have taken a copy, we have borrowed notes from other parts, other countries, which have enacted laws and they have wide experience in this sector, Mr Speaker, Sir. So, this was never there. Where have we gone wrong when we provide for legislation to do with promotion of animal welfare? This is the first important element of the Bill.

Secondly, on experiments, I think hon. Members raised this issue of experiments. Why they said this is in contradiction with the whole spirit of the Bill? We are talking of promotion of animal welfare, but why experiments have been included in this Bill. Mr Speaker, Sir, this section, it is out of choice. We have included this, because we are only replicating a piece of legislation which is there, which exists already under Prevention of Cruelty to Animals (POCA). As I said in my speech, we are working on the Pre-Clinical Trial Bill which will cater for experiments on its own, be it by Mauritian institutions or even to open up opportunities for firms from abroad to come and invest in this sector. But this is something

different, this is something separate, which we are going to work on and come back to the House, Mr Speaker, Sir.

So, we have not invented anything here also on experiments. We are only replicating. We are repeating what was there in the Statutes and if we don't put this here, Mr Speaker, Sir, how do we cater for if there is a situation where there is an epidemic, for example, in the country? If tests need to be carried out, who is going to give the authority for such tests to be carried out?

So, this is there temporarily until we come up with a proper and final Bill, which is going to be introduced in this House, Mr Speaker, Sir. I was surprised when hon. Dr. Satish Boolell spoke about the society and I was under the impression that he was as if defending the society this time. Mr Speaker, Sir, the MSPCA was riddled, I must say, with conflicts; we all know. It was riddled with malpractices and abuse. I know MSPCA is one of the statutory bodies which is run rather independently.

Something similar to MSPCA, which is also a statutory body where Government - even the previous Government - had a very bad experience, is the Mauritius Family Planning Welfare Association (MFPWA), Mr Speaker, Sir, where the control of administration was left altogether by the elected members.

We had to come to this very august Assembly on two occasions to amend the main legislation and to provide for an Interim Committee to run the MFPWA; this was the first experience. The first time it was, I think, hon. Ashock Jugnauth - who was the then Minister of Health - who had brought the amendment to the Mauritius Family Planning Association Act to provide for because of the same reasons, because of conflict of interests, because of abuse and malpractices. When I was Minister of Health, I recall, I brought a Bill to do away with the Interim Committee and we provided for better law for them to stand alone, to operate on their own and to give them independence in the way hon. Obeegadoo wished. What happened? I think my friend, the actual Minister of Health, hon. Bundhoo had to come back again in this House, last year or the year before, to amend the legislation and to come up with an Interim Committee to take charge of the administration of that particular institution, Mr Speaker, Sir. So, what are we doing today? We had all the reasons to come up with amending, bringing some changes in the MSPCA, Mr Speaker, Sir.

As far as control of dogs is concerned, Mr Speaker, Sir, we said there was no legislation then, at all. This is the first time we are classifying dangerous dogs. Mr Speaker, Sir, one point was raised by hon. Dr. Satish Boolell. I know there have been lots of representations by one particular club, the American Staffordshire Terrier Club. I think they are about 100 members and 400 American Staffordshire Terrier dogs in the country. So, he said that from their definition of American Staffordshire Terrier, they define it as a good dog, as a family dog, but this is not the case in so many countries, in the UK, Scotland, Singapore, Malaysia. We have not sort of dreamt of which dogs are going to be dangerous dogs and

which dogs are going to be non-dangerous, Mr Speaker, Sir. We have taken the best practice elsewhere. This is what we have done. Again, we are not inventing. We have taken the best practice which exists elsewhere; it is evidence-based.

I am not a technician, Mr Speaker, Sir. I have taken for granted what the Technical Committee, what professionals in the sector have come up with. On this score again, as I said, Mr Speaker, Sir, this is the first time we are defining dangerous dogs. It is a dynamic issue. If tomorrow we are having problems with other breeds, this can be taken care of, as I said, with regulations; there is no problem.

(Interruptions)

As I said, Doberman is not a dangerous dog in other jurisdiction. This is why we have kept it the way we have. They are dangerous because they pose a potential danger to the public; this is why they are in Schedule 1 and not in Schedule 4. But if tomorrow, after one year, two years, with experience we see and notice, and it is proved – not beyond reasonable doubt - on a balance of probabilities that any other breed should be shifted from Schedule 1 or even dogs which are not in Schedule 1 to Schedule 4, there is no problem. There is mechanism. The law allows us without coming to this august Assembly and providing for such legislation by way of regulations, Mr Speaker, Sir.

Let me briefly answer to some of the questions which have been raised, Mr Speaker, Sir. I think my friend, hon. Obeegadoo raised some issues. To start with, on governance I have already replied. There are 7 members as I said. We cannot have a committee with 22 members. I don't know of any committee under any statute which provides for a Board of 22 members. It becomes ineffective and it is not efficient at all. So, we have reduced it to 15; 7 elected and some ex-officio members, but there are three who can be nominated. Of course, there was a point which was raised by hon. Mrs Hanoomanjee. We are not going to put people on the Board who do not have any knowledge in the field. On the contrary, in the law we have stated it black on white that one from the three has to be a Veterinary Surgeon. So, we are left with two. The two will be nominated from the civil society. We need members from the public who have shown, maybe, interest in the sector, Mr Speaker, Sir.

On power of entry and search, this is a legal issue which was raised by hon. Obeegadoo. He queried whether 'accompanied by such persons' means 'anybody'. It cannot mean anybody; it should not mean anybody. It means any other officers - of course, an officer who has power. This also, Mr Speaker, Sir, can be taken care of in regulations. It can be defined by regulations.

There was also the question of budget. I must say, already the MSPCA was being funded by Government to the tune of Rs3.5 m. annually. Over and above, for the past two consecutive years, 2011 and 2012, Government had given about Rs10 m.; Rs20 m. altogether for special programmes, not for the general budget support, but specially for control of stray dogs, Mr Speaker, Sir.

Additional funding - I must say, there are other incomes. The MSPCA was running three hospitals, Mr Speaker, Sir. But, because of inefficiency and abuse, I was told - when the Interim Committee went there for the first week – that, today, in 2013, at the end of the day, the Secretariat sends 2 or 3 drivers to go to the hospitals to collect the money in cash, come to the Headquarters, to the office and they distribute Rs1,000 to one, Rs1,000 to another one and this they said for the fuel of tomorrow. There was no accountability at all. This is where we are coming in to put some order and bring some transparency in the system. This is why we have given some powers to the Ministry in the beginning, but this also can be reviewed.

I, myself, am bringing this law, but I must agree to some extent with the arguments that are being put forward. I mean agreement to some extent, Mr Speaker, Sir, because I, myself, at the beginning was saying that I am not all for it sort of making a statutory body run by NGOs, some sort of parastatal. Far from it, this is not our intention. The new entity, MSAW, is going to be independent; is going to be run as MSPCA was being run, Mr Speaker, Sir. I have no doubt on this.

So, let me again briefly answer some of the issues which were raised by hon. Dr. Boolell on the other side of the House. The first question which he asked whether monkeys in captivity will be caught by the provisions of the law, especially clause 3 - the answer is yes. The short answer to his query is yes, Mr Speaker, Sir, because, as I said, we should not forget that there are few firms in Mauritius which have been granted licence to breed and export monkeys. It was not something which was done yesterday. I have a list of those firms. The first one is in 1985; the second one in 2004; the third one in 2004; again in 1990; the last one in 2009. So, it was there. I must say that there was no law on this.

Today, we are saying even monkeys, so it is not only dogs, and I must say, the first point which was raised by hon. Mrs Hanoomanjee, she says we should have come with a law to do with dogs on its own separately and then come back with another piece of legislation to do with other animals. Had I come with a law to do with dogs only, she would have said but why dogs only. I am sure! I can bet! Then the argument would have been why we are wasting the time of the House; why work on one single piece of legislation when we could have covered...

(Interruptions)

Pile je gagne, face tu perds. Whichever way we come, there would have been arguments because they are in Opposition. As my friend said earlier, they are there to oppose.

Mr Speaker, Sir, there was another issue of euthanasia. Euthanasia is the best way in the world to get rid of a dog which we want to get rid of for justified reasons. I said earlier, I think, during the amendment of the MSPCA Bill that we are moving from catching and killing. Hon. Dr. Satish Boolell made a mountain, I must say, out of a *molehill*. The law which is there since 1972 allows the MSPCA. They are specialised. They have been given the power to catch and kill. It is there in our statute book.

What has been done since 1972, Mr Speaker, Sir? It is only now we are coming with a shift in policy. We are saying we don't agree.

We, in Government; we, on this side of this House, don't agree with catching and killing not because of what was put in *News of the World* in the UK because we are not convinced. We do not agree because we believe in welfare of animals, Mr Speaker, Sir. So, we are ourselves proposing a new programme which has served so many countries, which is evidence-based again. Where it has worked in so many countries, we are thinking of a new concept which is catching, neutering and releasing, Mr Speaker, Sir. We have always been saying since my good friend was Minister of Agriculture - when you ask how many stray dogs we have in this country. So, we say what we hear. MSPCA says 200,000, sometimes more, sometimes little less so that they continue to have that particular role. I have been told by specialists that we should not believe MSPCA when it comes to 200,000 dogs.

For the first time, today, when we are talking of animal welfare in this august Assembly, we have a team from India who is actually carrying out a survey. It is first of its kind, a team of ten people from India. They have done it in so many countries. We have been advised by international organisations, by professionals in the UK who have collaborated with us and helped us, given us the support and today they are going to finish, maybe, in a couple of days' time, Mr Speaker, Sir.

For the first time, we are going to have a figure which is going to be official, something which we can defend; something which we can say with clarity that this is the figure. As I said, hon. Dr. Boolell took the exception for the general rule. When we say airport, hospital, these are strategic places. What we are saying if a dog is caught on the street on a public place other than a hospital, a dispensary or a public place which is very important; we are a country which depends on tourists, Mr Speaker, Sir. They were talking of visa, they were laughing. You want tourists to land in Mauritius at the airport - an airport which is going to world class and the first thing they see is stray dogs around. So, what we are saying is that this is an exception to send the right signal. It is not the general rule. The general rule is any stray dog which is going to be caught is going to be kept. There is provision in the law that it should be returned to the owner, if there is a registered owner. If there isn't, this dog will be kept for adoption. Now, with the new system which we are bringing in, it is going to be netted and released. By exception, if it poses a social problem, if it poses a health problem, then exceptionally it will be euthanised, that also euthanised by a vet in an environment which will be proper for the animals, for the dogs, Mr Speaker, Sir. So, this is what we are doing.

There are a lot of other issues which have been raised, but I think I have answered most of the important ones. There are so many issues and rightly so. There are many issues which can be taken care of, as I said, by regulations. I do not want to dwell into those issues though as I said, I agree, they are pertinent ones, but which can be considered afterwards. So, allow me again to thank my officers, Mr

Speaker, Sir; the officers of the State Law Office and also all the stakeholders and people from outside who collaborated with us, who gave the valuable input for us to formulate; for us to consolidate all these legislations and regulations, Mr Speaker, Sir.

Allow me with these few words to commend the Bill again to the House, Mr Speaker, Sir.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Animal Welfare Bill (No. XV of 2013) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Animal Welfare Bill (No. XV of 2013) was read the third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 09 July 2013 at 11.30 a.m.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) rose and seconded.

Mr Speaker: The House stands adjourned.

(10.14 p.m.)

MATTER RAISED

CHILDREN & YOUTH WITH DISABILITIES – EDUCATION FOR ALL

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, je demanderais le droit de m'adresser à la Chambre, ce soir, à propos du...

Mr Speaker: The hon. Member may proceed now.

Mr Obeegadoo: Mr Speaker, Sir, I asked for the right to address the House this evening on the issue of the urgent need to address the situation of children and youth with disabilities within the perspective of education for all and out of fairness. I sought to give notice to the three Ministers concerned about the issue which I am going to raise. I was wondering whether, Mr Speaker, Sir, you have been informed that the Minister in charge of Child Development would not be in attendance...

Mr Speaker: I can't see the Minister.

Mr Obeegadoo: I am informed she is not in the country. So, fair enough! Autrement j'aurais été très déçu.

M. le président, l'éducation pour tous est un droit. Pourquoi l'éducation pour tous est un droit? C'est parce que l'éducation, aujourd'hui, définit la possibilité de vivre dans la dignité. L'éducation nous permet d'affirmer notre humanité. L'éducation est importante sur le plan économique. Soit dit en passant, il a été estimé que, si tous les handicapés – j'utilise le terme 'handicapé', autrement capables, si vous voulez - travaillaient au Canada, par exemple, le produit intérieur brut augmenterait de 7.7%. L'éducation est importante sur le plan social pour des raisons que nous savons tous, et je ne vais pas m'étendre dessus, ce soir. Cela explique pourquoi depuis 1948, la déclaration universelle des droits de l'homme, le droit à l'éducation pour tous est reconnu, et par la suite, l'État mauricien a pris des engagements, en 2000 à Dakar Education pour tous, l'adoption de l'agenda de Dakar, l'objectif du millénaire pour le développement ayant trait à l'enseignement primaire pour tous et ensuite en 2006 la Convention sur le droit des personnes handicapées qui a été ratifiée par l'État mauricien.

Chez nous-mêmes, à Maurice, je voudrais rappeler que *l'Education Act*, tel que nous l'avions amendé en 2003, prévoit le droit de tout jeune d'être scolarisé jusqu'à l'âge de 16 ans. Quelle est la situation, aujourd'hui, à Maurice, M. le président? Selon les statistiques officielles, malheureusement, nous savons que près de 10,000 enfants – je crois que c'est, plus précisément, 9,300 enfants, entre l'âge de 5 et 16 ans qui ne sont pas scolarisés. Nous savons que 2% des enfants entre 5 et 12 ans ne vont pas à l'école et que 28% d'un groupe d'âge n'obtient pas le CPE. Donc, non scolarisation! Pourquoi ? Deux cas de figure. Des enfants qui, à l'âge de 5 ans, ne s'inscrivent pas à l'école et, malheureusement, il n'y a toujours pas un mécanisme pour s'assurer, puisque toutes les naissances sont rapportées désormais à Maurice, que tous ces enfants intègrent l'école.

Puis, le deuxième cas de figure, ce sont les enfants qui décrochent, qui abandonnent l'école, à un certain moment, au cours de leur scolarisation. Encore une fois, il n'y a toujours pas un mécanisme, malgré tous nos appels, pour faire le suivi des enfants qui, subitement, disparaissent de l'école. La question qui se pose est: quelle est la part occupée par les enfants handicapés parmi ceux qui ne sont pas scolarisés ou ceux qui se retrouvent déscolarisés ? Nous avons posé la question, M. le président, de savoir combien d'enfants handicapés, en âge d'être scolarisés, y-a-t-il à Maurice? En 2011, quand cette question fut posée, ici-même, le ministre de l'Éducation répondit qu'il y avait eu un relevé, qu'il n'était pas satisfait des résultats et qu'il verrait comment faire pour avoir des chiffres, des statistiques plus crédibles et il avait parlé du ministère de la Sécurité Sociale qui avait été, paraît-il, impliqué dans ce relevé. Il nous avait promis de faire le nécessaire et de revenir avec une déclaration à la Chambre. Cela remonte à novembre 2011. Et puis plus rien ! Aujourd'hui, si l'on pose la question: combien d'enfants handicapés y-a-t-il à Maurice en âge d'être scolarisés ? *Statistics Mauritius* nous dit: 3,900 et quelque,

dont 3,500 enfants seraient scolarisés. Donc, 12% ou 13% des handicapés qui ne vont pas à l'école. J'ai de forts doutes quant à la véracité de ces chiffres, d'autant plus qu'on a demandé aux gens, à eux-mêmes, de dire s'ils étaient handicapés.

Et quand nous savons la psychologie des enfants, un enfant n'ira pas rapporter un handicap et les difficultés d'apprentissage qu'il aurait nécessairement si les parents ne le font pas. Donc, le problème majeur c'est qu'il n'y a pas eu un recensement précis du nombre d'enfants handicapés en âge d'être scolarisés. L'*UNESCO* estime qu'un tiers des enfants non-scolarisés dans le monde sont des enfants avec des besoins éducatifs spéciaux, des enfants handicapés. Quelle est la situation à Maurice? En 2013, nous n'avons toujours pas de réponse précise! Les ONG - auxquelles nous avons parlé - avancent le chiffre de 6,000 enfants handicapés. Selon elles, il y a seulement 1,850 qui sont inscrits aujourd'hui dans 50 institutions, dont 44 relèvent du privé, chiffre de 2011. Qu'elle est la situation exacte, nous ne savons pas! Mais que faire? Si nous sommes tous d'accord - et j'espère que nous pouvons tous être d'accord au sein de cette Chambre - que, selon les obligations que nous nous sommes imposées en tant qu'État, nous devons assurer que tous nos enfants, que tous nos jeunes, indépendamment du fait qu'ils aient ou non des handicaps, doivent être scolarisés. Que faire? D'abord ce recensement, savoir combien il en existe et où ils se trouvent ces enfants. Cela n'a toujours pas été fait!

Deuxièmement, c'est d'avoir des structures d'accueil appropriées pour ces enfants selon les besoins spécifiques de chaque enfant, prenant en compte la diversité des situations et la diversité des besoins. Cela, M. le président, commence par la petite enfance et c'est pour cela que j'avais souhaité que la ministre, l'honorable Madame Martin soit là, parce que vous savez comment cela se passe, chaque ministre fait porter le chapeau à l'autre en disant que ce n'est pas de son ressort. Nous l'avons entendu souvent au sein de cette Chambre.

En Angleterre, par exemple, en Grande Bretagne il y a un programme qui s'appelle le *Early Support Pilot Programme* qui cherche à accorder un soutien accru aux bébés, aux enfants handicapés dès la naissance, c'est-à-dire, il y a une prise en charge par l'État dès la naissance pour s'assurer que ces enfants aient les mêmes chances que tout enfant, quelque soit les handicaps. Cela n'existe pas à Maurice. Nous savons que le diagnostic pose toujours problème. On peut parler de diagnostic précoce même à l'école primaire. Les facilités n'existent pas encore même s'il y a eu quelques efforts, et je ne le nie pas.

Donc, il y a le besoin de recensement, il y a le besoin de structure d'accueil dès le plus jeune âge et, troisièmement, se pose le problème du financement. Je vous rappellerai, M. le président, qu'avant 2003, l'État ne contribuait pas financièrement au fonctionnement de toutes ces ONG qui s'occupent des enfants handicapés. L'État prend en charge dans ces écoles uniquement ceux qui ont de légers handicaps, qui peuvent être intégrés dans les classes normales. Il y a quelques écoles - je crois qu'elles sont trois - primaires publiques où il y a quelques facilités spéciales; l'école de Solferino est un exemple et il y en a

deux autres encore. Mais, généralement, c'est le privé qui s'occupe de la majorité de ces enfants handicapés.

Ce n'est qu'en 2003 que le ministère de l'Éducation d'alors établit un registre de ces ONG et, pour la première fois dans le Budget de 2003, une dotation budgétaire fut prévue pour ces écoles. Je crois que c'était R 5,000 par tête d'élève par mois. En 2005, pour la première fois, nous étions parvenus à la parité, c'est-à-dire, garantir à chaque enfant, qu'il soit handicapé ou pas, le même montant de financement de l'État.

Et nous avons alors pris l'engagement de donner plus aux enfants handicapés dans les années à venir. Malheureusement, cela n'a pas été fait. Depuis 2005, en ce qui concerne la dotation budgétaire, cette parité n'a pas été respectée. C'est pour cela qu'aujourd'hui - et j'ai parlé à différentes ONG avant de m'adresser à la Chambre ce soir - le financement de l'État compte pour à peine 20% du budget de ces organisations. Demandez au *Society for the Welfare of the Deaf* ! Demandez à différentes organisations et ils vous diront la même chose ! Les jeunes qui ont plus de 18 ans n'ont pas de financement. Demandez à l'Association Arc-en-Ciel, aucun financement ! Pourtant, les bien-portants qui iront à l'Université de Maurice seront subventionnés par l'État, mais pas les handicapés ayant 18 ans !

Pour revenir à mon propos, l'APEIM est l'illustration parfaite d'une ONG qui s'occupe aujourd'hui de 250 enfants directement dans neuf écoles ; 600 enfants bénéficiant de leurs cours. L'APEIM est aujourd'hui menacée de fermeture et les honorables membres Mme Ribot, Mme Dookun-Luchoomun, Mme Labelle et moi-même avons soulevé cette question semaine après semaine. L'APEIM va toujours vers la catastrophe et il y a une marche de solidarité le 10 juillet, M. le président. On ne comprend plus rien de ce qui se passe ! Le ministère de l'Éducation adresse une lettre aux organisations au mois de mai pour dire que la question avait été confiée à l'*Office for Public Sector Governance*. Et puis, quelques semaines plus tard, on écrit à ces mêmes organisations pour dire que c'est maintenant le ministère qui a mis sur pied un comité pour étudier la chose et on demande – surprise, surprise - à ces organisations de dire au ministère, en juin 2013, de '*give the number of pupils on roll, details of their levels of impairments, number of teaching staff, respective qualifications, salary paid, number of non-teaching staff, financial statement for the last two years*'.

A croire que le ministère de l'Éducation n'ait jamais détenu ces informations ! Alors, comment parler du droit à l'éducation des enfants handicapés quand le ministère ne s'en soucie guère !

M. le président, le problème du financement est au cœur même de la question. Je pourrais vous parler d'enseignants spécialisés. Ces organisations ne sont toujours pas dotées d'enseignants spécialisés et dépendent d'enseignants du primaire qui leur sont prêtés. Il n'y a toujours pas de *Special Educational Needs Coordinators* pour s'occuper de ces enfants.

M. le président, je suis tombé sur un document soumis par la *Federation of Disabled People's Organisations (DPO) Mauritius* au *Universal Periodic Review*, en date de 2013, qui vient dire tout simplement, et je cite –

« *The Educational System is supposedly free for all Mauritian children, but it is not so for children with disabilities.* »

Parce que nous savons que ces enfants et les parents de ces enfants ont besoin de moyen très conséquent pour assurer l'accès à l'école, si encore les structures existent ! Ils ne peuvent souvent pas bénéficier du transport gratuit qui est disponible, de tout ce dont ils ont besoin en plus d'un enfant dit normal. Ici, je voudrais soulever l'attention de l'honorable Madame la ministre de la Sécurité Sociale, une question que j'ai déjà évoquée ici. Vous savez que les enfants handicapés bénéficient d'un *Carer's Allowance* si c'est certifié par le panel médical. Ce *Carer's Allowance* a pour condition que les parents ne gagnent pas plus de R 150,000 par an. Vous voyez ce que cela veut dire. L'honorable ministre des finances nous a parlé aujourd'hui du *poverty line* de R 11,000.

Donc, même des parents qui gagnent moins que ce *poverty line* n'ont pas droit à ce *Carer's Allowance* ; R 150,000 par an ! Si un parent fait des heures supplémentaires qui l'emmènent au-delà de R 150,000, il perd le tout. R 150,000 seulement ! Et ce montant - l'honorable Madame la ministre nous le confirmera - n'a pas été revu depuis sept ou huit ans, M. le président ! Je suppose que je ne suis pas le seul à recevoir la visite des parents, ayant des enfants handicapés, qui éprouvent énormément de problèmes pour prendre en charge l'éducation de leurs enfants.

M. le président, je ne vais pas être beaucoup plus long. Je vais demander un changement d'attitude avant tout de la part de ceux qui nous gouvernent. A chaque fois que cette question est évoquée ici, nous témoignons d'une désinvolture qui ne fait pas honneur à la République.

En 2010 déjà, suite à une question de mon collègue le député Ramano, l'honorable ministre de l'Éducation admettait que, *there is still much to be done*. Il disait qu'il allait étudier la possibilité suggérée par le député Abdullah Hossen, qu'il faudrait avoir des bourses spéciales pour ces enfants. Je n'ai vu rien venir en deux ans. Il nous parlait de ce relevé qu'il allait entreprendre avec le ministère de la Sécurité Sociale. Rien ne s'est passé ! Il avait dit : 'je ne vois pas pourquoi on me pose la même question encore une fois, à moins qu'on n'ait pas compris'. Mais rien n'est fait en un an et demi, M. le président !

(Interruptions)

Et il nous dit, évidemment, comme toujours : 'Je viendrai avec une déclaration à la Chambre en temps et lieux'. Un an et demi plus tard, nous attendons toujours cette déclaration. Lorsque la question est soulevée à nouveau avec l'histoire de l'APEIM cette année-ci, en avril, même réponse ! Au mois de mai, l'honorable Madame Ribot a soulevé la question. On lui dit : 'Je crois que l'honorable membre est en retard sur les événements, à moins qu'elle n'ait pas suivi tout ce qui a été dit au niveau de cette

Chambre'. Et cela continue ainsi et dans la pratique rien ne se passe. Aujourd'hui, l'APEIM est toujours au bord de la faillite et l'APEIM annonce la fermeture de toutes ses écoles, M. le président.

Il nous faut un changement d'attitude au plus vite pour que, *all children and young people with disabilities have the right, comme tous les autres enfants, to free and compulsory education that is accessible and meets their individual needs.*

Je vais donc, M. le président, conclure en faisant un appel au nom de cette humanité qui nous rassemble tous, ici, au-delà des clivages politiques qu'enfin finalement l'on reconnaisse que les enfants handicapés ont le même droit à l'éducation et que pour cela ils ont besoin non seulement de la parité, mais de plus de ressources par tête d'élève, j'entends bien. Plus de ressources pour pouvoir accéder et réussir leur scolarisation, M. le président ! J'adresse donc un appel en ce sens au ministre concerné.

Merci.

(10.32 p.m.)

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Speaker, Sir, I have listened very attentively to hon. Obeegadoo talking on this issue of urgent need to address the situation of children and youth with disabilities, although he has talked about other children as well, out of school children. So, I will limit myself mainly to children and youth with disabilities.

Mr Speaker, Sir, I would like to thank the hon. Member for giving me, at least, the opportunity to make better known what my Ministry has done, is doing and is considering doing, to address the situation of children and youth with disabilities within the perspective of Education for All.

Mr Speaker, Sir, I agree with the hon. Member on all that he has said insofar as the importance of education is concerned for our children - in fact, for all the population and especially Education for All. So, I won't stay too much on this aspect of the reasoning. I also agree on the importance of the right to Education for All.

Mr Speaker, Sir, let me situate the context in its proper perspective. Despite what we have heard from the hon. Member, we, in Mauritius, are in the forefront in the attainment of most of the Education for All Goals - EFA Goals - and also the two education-related Millennium Development Goals (MDGs). Basic education for all, Mr Speaker, Sir, is a reality in Mauritius and equitable access does exist for all to gain a quality education.

I agree, though, that we have still efforts to put in insofar as to the EFA Goals, especially as to one of the six EFA Goals, that is, the attainment of the 50 percent target on Adult Literacy. If we put this one aside, as I was saying, if not all, at least most of the EFA Goals have now become a reality for the country. I must, before going further, Mr Speaker, Sir, spell it out loud and clear that a real revolution is very surely taking place in the domain of the education of our children with special needs.

Inclusion, Mr Speaker, Sir, is the leitmotiv that runs across the education system of the Republic. We have always believed in the provision of equality of opportunities to all students and this explains the diversity of actions and projects and programmes mounted to ensure that there is no exclusion whatsoever. Keeping in view the theme of the motion of the hon. Member, I will concentrate today on the case of children with special education needs. I must point out, Mr Speaker, Sir, while referring to children with special education needs being catered for by the Ministry, the age bracket is 3 to 20 years.

Mr Speaker, Sir, my Ministry has undertaken a series of affirmative actions in order to improve the plight of children with disabilities and bring them as far as possible at par with their peers in the mainstream schools. The Education and Human Resource Strategy Plan 2008-2020 places a premium on Special Education Needs (SEN) and enunciates policy guidelines to ensure that, by 2020, all children requiring Special Education Needs (SEN) in Mauritius enjoy access to relevant and high quality SEN education.

Mr Speaker, Sir, I will, for the edification of the House, highlight some of the measures taken, articulating the four major thrust areas that are the cornerstones of the SEN policy. These are –

- (i) The issue of increased and improved access;
- (ii) Partnership with NGOs;
- (iii) Capacity building and Support services, and
- (iv) The adoption of International best practices.

My Ministry, Mr Speaker, Sir, has put up new Integrated Units in Government primary schools around the island so as to reach out those who have to travel long distance. In fact, since 2012, that is, last year, eight Integrated Units have been set up to cater for different disabilities. These Integrated Units are

–

- D. Hurry Government School (Goodlands)
- Montagne Ory Government School
- Henry Buswell Government School (Rose Hill)
- Rose Belle South Government School
- Gandhi Government School (Flacq)
- Nouvelle France Government School
- G. Chuttur Government School (Ecroignard)

With the exception of Rose Belle South, Mr Speaker, Sir, all the other Integrated Units are fully operational in active collaboration with NGOs, more specifically *Autisme Maurice*, Society for the Welfare of the Deaf, Loïs Lagesse Trust Fund for the disabled, *Lizié dans la main*, *Association des Parents de Déficients Auditifs (APDA)* and *Association des Parents D'enfants Inadaptés de l'Ile Maurice (APEIM)*.

In addition to the above, eight new SEN schools run by NGOs have been registered in 2012, bringing the total to 61.

In addition, my Ministry had to fight an uphill battle to remove the stigma that had traditionally been attached to children with disabilities. We have had recourse to an Outreach Exercise for the registration of children with Special Education Needs (SEN). This exercise was initiated for the first time in 2010 and I am happy to state that, if, at the time of inception and commencement of this programme in 2010, the enrolment response was just five pupils, it rose up however to 68 pupils in 2011 and 59 additional pupils in 2012. For this year, 58 pupils have been admitted in schools. With this measure we have ensured that 190 children are taken on board in the education system.

A special team has been set up at my Ministry to channel these children to those institutions that can best address their specific needs, of course, including the mainstream school system. The team is constantly monitoring the situation and is working in close collaboration with the NGOs engaged in SEN activities.

In addition, with regard to children with mild disabilities admitted in mainstream Government schools, the following facilities are provided -

- (i) library services, laboratories and Computer Rooms are located on the ground floor;
- (ii) classrooms that include pupils suffering from disabilities are also located on the ground floor;
- (iii) ramps and handrail facilities and adapted toilets are being provided in a phased manner;
- (iv) enlarged print school books/manuals and question papers are produced for children suffering from visual impairment;
- (v) candidates with hearing defects are provided with the service of sign language interpreters for the purpose of examinations;
- (vi) children with disabilities are benefitting from extra time for examinations;
- (vii) there is flexibility to release pupils with disabilities earlier than other students so that they do not face any movement difficulties, and
- (viii) a flexible approach is being adopted to allow parents who wish to call at schools during the day to provide any extra assistance that may be necessary for their children with disabilities.

These are supplemented by a set of positive measures by the Ministry of Social Security, National Solidarity and Reform Institutions and these include...

Mr Speaker: Hon. Minister, you are left with three more minutes.

Dr. Bunwaree: Unfortunately, Mr Speaker, Sir, I have...

Mr Speaker: Proceed until the three minutes are over.

Dr. Bunwaree: My hon. friend has talked for 20 minutes.

Mr Speaker: Well, I am applying the Standing Orders. I am sorry!

Dr. Bunwaree: I bow to your ruling. I will have to come again with that. But it is such an important point that the nation will appreciate, Mr Speaker, Sir.

As I said, these are supplemented by a set of positive measures by the Ministry of Social Security, National Solidarity and Reform Institutions and these include -

- (i) The provision of a scholarship to children with disabilities who have passed their CPE by the National Council for the Rehabilitation of Disabled Persons (NCRD). Presently, some 116 students with disabilities are benefitting from the François Sockalingum Award.
- (ii) Payment of the examination fees for students with disabilities who come from low-income groups;
- (iii) As a further assistance to parents who are registered under the Social Register of Mauritius, a sum of Rs750 is paid for each disabled child attending school, and who has a 75% monthly attendance;
- (iv) Furthermore, such support is not restricted to schooling alone, but is also extended to the TVET sector. In this context, the Ministry of Social Security, National Solidarity and Reform Institutions is integrating youths with disabilities in vocational training programme.

The Ministry of Social Security, National Solidarity and Reform Institutions also has a scheme whereby it provides financial assistance to parents for meeting transport cost. The bus fare of accompanying parents is refunded. The number of beneficiaries under this scheme is about 2,000 and a sum of more than Rs14 m. is spent under this item annually.

In the same context, the taxi fare is refunded for students with disabilities who cannot travel by ordinary means of transport to attend classes at the University.

Mr Speaker, Sir, I have got quite a lot to speak on that.

Mr Speaker: You have one more minute.

Dr. Bunwaree: What I will suggest is that I will come with a statement to give further details on all the points that have been raised by the hon. Member and to speak also my heart. I only wish to end for today by saying that there is, in fact, a real revolution going on insofar as children who have got special needs are concerned and we are trying our best to bring them on board in the mainstream as far as possible, and in other cases in specialised schools as well.

Thank you, Mr Speaker, Sir.

Mr Speaker: Time is over!

At 10.58 p.m., the Assembly was, on its rising, adjourned to Tuesday 09 July 2013 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

CHILD DEVELOPMENT UNIT – MINOR A. A. N. A. – COMPLAINT

(No. B/612) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to minor A. A. N. A., she will state if her Ministry is in presence of a complaint filed by the father thereof and, if so, indicate the –

- (a) date thereof;
- (b) reasons therefor, and
- (c) actions, if any, taken in relation thereto.

Reply: In regard to minor A. A. N. A., I am informed that my Ministry is in presence of several complaints filed by the father thereof, Mr M. A. since 13 February 2011.

Actions have been taken accordingly by my Ministry and the case is ongoing. I would like to remind the House that cases referred to the Child Development Unit are of sensitive and confidential nature. Nevertheless, I shall endeavour to provide the hon. Member with the required information.

In regard to minor A.A.N.A, the case was first reported to the CDU of Bell Village by the Plaine Verte Police Station on 13 February 2011. The case had been lodged by the father as an alleged case of child abduction and attempt upon chastity by one Mr K. N. On the same day, Mr K. N. was arrested. He was released on bail on 21 February 2011.

On 13 February 2011, the CDU Officer attended to the recording of statement and psychological counselling was given to minor. The father, Mr M. A, and minor A.A.N.A were requested to attend the CDU Office on two different occasions, but they did not turn up.

On 27 April 2011, Mr M. A. attended CDU Office and reported that his daughter had absconded with the same person. On 03 May 2011, minor was found and after having been seen by the psychologist of the CDU, she was referred to Brown Sequard Mental Health Care Centre (BSMHCC) where she was admitted. She was discharged on 15 May 2011 and her father took her responsibility.

On the same day, the CDU was informed by Mr M. A. that he had filed a case at the Police Station to the effect that minor had again absconded. On 07 July 2011, a case of missing was reported to the MCIT of Port Louis by the father.

On 13 July 2011, the MCIT informed the CDU that minor A.A.N.A was found. Both father and daughter were seen by the CDU psychologist on the same day. The father was advised either to take minor's responsibility or to make an application to have her placed at the Rehabilitation Youth Centre (RYC) given that she was observed to be beyond control. Father informed CDU that he was willing to take responsibility of his daughter.

On 04 September 2012, the case was referred anew by the Police to the CDU as a case of physical assault by father on minor. However, no statement could be recorded on that day as minor was not in a state to talk. She was seen by the CDU psychologist and admitted to Dr. Jeetoo Hospital for treatment.

On 07 September 2012, a visit was effected at Dr. Jeetoo Hospital by CDU Officers. The minor requested for her mother who was accordingly contacted by CDU Officers. Minor's treating psychiatrist at Dr. Jeetoo Hospital recommended that follow-up be maintained at the BSMHCC.

On 12 and 18 September 2012, CDU Officers visited minor A.A.N.A at Dr. Jeetoo Hospital. The minor confirmed on both occasions that she would not give any statement as she wanted her relationship with her father to improve.

On 17 September 2012, minor's mother was convened at the CDU Office and was informed of the medical status of her daughter.

On 19 September 2012, the father attended the CDU Office on appointment. He alleged that his daughter was still in contact with Mr K. N. and that minor's mother was encouraging her. He was advised to follow the Dr. Jeetoo Hospital Psychiatrist's recommendation. In case the minor absconded anew, he was advised that he could file a case of 'child beyond control'.

Following her discharge on 20 September 2012 from Dr. Jeetoo Hospital, minor was transferred to BSMHCC for ongoing treatment.

On 11 March 2013, the father called at CDU Office of Bell Village to file a new case. He alleged that minor was still in contact with Mr K. N., and that he had hit his daughter with slippers as she refused to clean the house. He added that on 16 February 2013, minor and her mother attended Plaine Verte Police Station to report a case of domestic violence against him. Mother and daughter were accommodated at *SOS Femmes* until 21 February 2013. Mr M. A. was strongly cautioned against such violent behaviour both by Police and CDU Officers.

On 11 March 2013, the case was referred to the CDU Flacq as Police confirmed that minor and her mother had moved to Montagne Blanche.

On 13 March 2013, the father informed CDU Flacq that minor was roaming the streets of Port Louis with Mr K. N. and her whereabouts were unknown. Upon verification, the Police reported that the information was unfounded.

Following further complaints from father on 25 March 2013, and during visits effected on the same day by CDU Officers, minor's mother informed that Mr M. A. is of doubtful character and both mother and minor alleged that indecent proposals were made to A.A.N.A. The CDU Office of Bell Village assisted the recording of their statement.

On 26 March 2013, following a site visit effected at Montagne Blanche, CDU Officers were informed that minor and her mother had moved back to Port Louis, but exact address was unknown. The

Brigade pour la Protection des Mineurs was informed accordingly. On 17 May 2013, the CDU Officer visited minor who was living with her mother in a rented house at Plaine Verte. They were advised to continue their psychological sessions.

On 20 May 2013, father called at CDU Office and alleged that the minor had broken a window pane at his place and that the minor's mother was following treatment at BSMHCC. He expected the CDU to commit minor to a shelter or to remand her to RYC.

The CDU psychologist was of opinion that the minor cannot be placed in a shelter given her tendency towards aggressive and destructive behaviour. According to her psychiatric condition, minor's behaviour is unpredictable and she can be a risk to herself and residents of shelters. As a measure of last resort, Mr M. A. was advised to initiate Court procedures to remand minor to RYC. On 23 May 2013, father enquired on the actions taken by CDU arguing that the child is at risk in the custody of her mother.

On 27 May 2013 (Monday), with a view to assessing the allegations made by Mr M. A., the CDU convened the mother and daughter for an appointment on 31 May 2013. They made new allegations against Mr M. A. and the case was referred to the Police.

On 28 May 2013, father produced a copy of the Minutes of Proceeding dated 29 October 2012 whereby the Magistrate had set aside his application to commit minor in RYC on grounds of the mother's objection and her subsequent undertaking to look after her child.

On 04 June 2013, mother and daughter reported a case of sexual abuse on minor by father. Mr M. A. was arrested and released on bail on 05 June 2013. As per information obtained from the Police, enquiry is still under way.

SPECIAL EDUCATION NEEDS SCHOOLS – NGOS – GRANT-IN-AID

(No. B/613) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Education and Human Resources whether, in regard to the grants-in-aid payable to the Non-Governmental Organisations which run Special Education Needs Schools, he will state the number of Non-Governmental Organisations which have submitted their respective proposals, following the issue of a letter from his Ministry, dated 10 June 2013 and with Ref: ME/46/34/10, indicating when the Committee set up to look thereinto is expected to submit its report.

Reply: As at 01 July 2013, 24 out of the 38 NGOs running Special Education Needs (SEN) Schools which are registered with my Ministry and are paid a grant-in-aid as support to carry out their educational activities have submitted their proposals.

The Committee set up at the level of my Ministry with the responsibility to review the grant-in-aid formula is expected to submit its report within 3 months.

BADMINTON - NATIONAL TECHNICAL DIRECTOR -- APPOINTMENT

(No. B/614) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to one Mr N. K. T., Acting *Directeur Technique National* for badminton, he will state the date and conditions of appointment thereof.

Reply: The services of Mr N. K. T. of Malaysian Nationality have been enlisted by my Ministry on the recommendation of the Mauritius Badminton Federation since 14 January 2013.

He is drawing a monthly salary of Rs50,100 which is *at par* with other National Technical Directors in post. In addition, he is being paid an allowance of Rs29,900 to bring his monthly salary to the equivalent of USD 2600, plus a rent allowance of Rs10,000 monthly.

Following the publication of the Errors, Omissions and Anomalies Committee Report on the PRB Report 2013, his travelling and car entitlement conditions are being cleared with the Ministry of Civil Service and Administrative Reforms.

ROCHE BRUNES – CYCLING TRACK & GYMNASIUM - CONSTRUCTION

(No. B/615) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the project for the construction of a cycling track and a gymnasium for kick-boxing in Roche Brunes, he will state where matters stand.

Reply: A plot of land of an extent of 10 acres situated at Roche Brunes has already been vested in my Ministry in October 2010. The site has been cleared for the construction of a velodrome, among others.

The Mauritius Cycling Federation initially proposed a project for the construction of a velodrome at the site. It has now informed my Ministry that the financial implications for this project are approximately Rs60 m. and that the International Cycling Union will contribute only 2000 euros and hence it cannot be financed by the Federation. They have further informed that the local sponsors have also not responded positively up to now.

Consequently, my Ministry is presently looking into the possibility, subject to availability of funds, to implement this project which will comprise other facilities including the Kick- Boxing Gymnasium, during the financial year 2014.

TERRE ROUGE-VERDUN LINK ROAD - CONSTRUCTION

(No. B/618) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of the Terre Rouge-Verdun Link Road, he will state –

- (a) if works are being carried out as per the implementation schedule, and
- (b) when will it be operational.

Reply: I am informed that works on the Terre Rouge-Verdun Link Road, which will be a 15.7 km long highway, are as per schedule except on a stretch of 2.3 km where unexpected landslides have taken place. Following the landslides of 13 February 2013, the Road Development Authority requested for the immediate mobilisation of the geotechnical experts from the consultants who advised that the works should be stopped temporarily on that stretch to allow them to proceed with additional geotechnical investigations and to propose appropriate solutions. This exercise has now been completed. Works pertaining to the protection of the slopes and the lowering down of the ground water level would start shortly depending on the weather conditions.

The contractual completion date is still 17 July 2013. However, I am informed that the contractor has applied to the consultant for an extension of time because of the unusual and unexpected landslide occurrences.

I am further informed that, in due course, the RDA will examine the recommendation of the consultant in connection with the extension of time and a decision will be taken accordingly in the interest of the project.

PROGUARD LTD - SPEED CAMERAS

(No. B/619) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the recent installation of speed cameras by Proguard Ltd., he will state, if, following the recent technical problems encountered therewith –

- (a) the contract in relation thereto has been reviewed;
- (b) any penalty has been claimed, and
- (c) if his Ministry is proposing to allocate the management thereof to another entity.

Reply: I wish to inform the House that the technical problem encountered in the implementation of the project has already been solved and the speed cameras are being put into operation by stages on a region wise basis -

- (a) In the first stage, on 24 June 2013, four fixed cameras were put into operation along the Motorway M1 and M2, along with six mobile speed cameras.
- (b) In the second stage, four fixed speed cameras have been put into operation in the region of Upper Plaine Wilhems on 29 June 2013.
- (c) The other fixed speed cameras will be put into operation shortly.

In regard to parts (a) and (b), the scope of work has been modified in accordance with clause 33 of the General Conditions of Contract, and the contract price will be accordingly adjusted in reckoning of the works which have been retrieved from the supplier in relation to services to be provided by the

supplier. A Due Diligence Committee has been set up at my Ministry to determine the adjustment to be made.

Moreover, the delay to put into operation the first phase of the project will entail the application of the penalty clauses provided in the contract agreement and the amount of the penalty will be worked out after complete commissioning of the first phase which consists of the installation and operation of 20 fixed and 6 mobile cameras.

With regard to part (c), in light of complaints and apprehensions of the public, my Ministry has modified the scope of work and the processing of violations is now being done by the Police Officers of the Photographic Enforcement Unit (PEU). Thus, the question of allocating the management of the project to another entity does not arise.

FOYER NAMASTÉ - OMBUDSPERSON FOR CHILDREN - RECOMMENDATIONS

(No. B/620) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the *Foyer Namasté*, she will state if she is aware of the recommendations of the Ombudsperson for Children in relation to the children attending thereto and, if so, indicate the actions taken, if any, by her Ministry in relation thereto.

Reply: I wish to refer the hon. Member to the reply made to the PNQ on 16 April 2013, wherein I mentioned the measures taken by my Ministry as regards the recommendations of the Ombudsperson for Children's Report 2011-2012 in respect of *Foyer Namasté*.

In addition, my Ministry received three recommendations from the Ombudsperson for Children's Office as follows -

- In a letter dated 08 April 2013 and faxed to my Ministry on 09 April 2013, that -
 - (i) minor A. B. and minor S. should be immediately removed from *Foyer Namasté*, and
 - (ii) urgent appropriate action be initiated to ensure that Mr J. A. A. and Mr S., be denied access to the other children of *Foyer Namasté*.
- In another letter dated 18 April 2013, reference was made to a conversation the Ombudsperson for Children had with one of my Officers on "19 April 2013" regarding children who had been removed from *Foyer Namasté*, and
 - (iii) requesting that the latter be allowed to continue their schooling and/or therapy in the specialised institutions they used to attend.

As regards recommendation (i), I wish to inform the House that prior to the recommendation of the Ombudsperson for Children received on 09 April 2013, the two children from *Foyer Namasté* who

were allegedly sexually abused, had already been removed and placed at one of the shelters of my Ministry.

Referring to recommendation (ii), following a statement made to the Police by a former resident regarding a case of alleged sexual abuse on his person, and the subsequent arrest of the alleged perpetrator, the 23 children under Court Orders placed by the CDU of my Ministry were transferred to other shelters in line with the recommendation of the Ombudsperson for Children.

The designation "Place of Safety" granted to *Foyer Namasté* by my Ministry under the Child Protection Act 1994, as subsequently amended, was suspended with effect from 11 April 2013 until further notice.

I must point out that when the letter was handed over on 10 April 2013 to Mr B.V.M., President of the Board of *L'Association d'Hébergement pour les Personnes Inadaptées* also known as *Foyer Namasté*, he informed the Ministry that the Board could not do without Mr J.A.A. and that his services would be retained in an advisory and therapeutical capacity.

As regards recommendation (iii), with a view to ensuring smooth adaptation of the children to their new environment, psychologists of my Ministry have been attending to their requirements.

Regarding one child who was attending Special Educational Needs Society, arrangement has been made, in view of travelling distance, for him to attend a centre closer to the shelter where he now resides. Similar provisions have been made for other minors attending various educational centres.

As regards three other children who used to follow therapeutic sessions at Open Mind Centre, I refer the hon. Member to the reply I made to PQ No. B/390.

MITD – NGOs - PROTESTS

(No. B/621) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Mauritius Institute of Training and Development, he will state if he has taken cognizance of the protests of the Trade Unions and of the Non-Governmental Organisations further to the -

- (a) termination of the contract of Mrs S. S., as teacher thereat;
- (b) suspension of Mrs P. B., as psychologist thereat, and
- (c) issue of a severe warning to Mr H. M., a trade unionist and, if so, indicate if his Ministry has inquired thereinto.

(Withdrawn)

NTC - BOARD

(No. B/622) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and

Shipping whether, having regard to the prevailing state of affairs at the National Transport Corporation, he will state if Government will consider –

- (a) the immediate re-composition of the Board thereof;
- (b) bringing changes at the senior management level thereof, and
- (c) commissioning an independent audit of the management of the affairs thereof.

(Withdrawn)

UNIVERSITY OF MAURITIUS - LAW PRACTITIONERS VOCATIONAL COURSE

(No. B/623) 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 vocational courses for prospective law practitioners, he will, for the benefit of the House, obtain from the University of Mauritius, information as to if it has received complaints from students thereof in relation to the holding thereof and, if so, indicate the –

- (a) nature thereof, and
- (b) measures taken, if any, in relation thereto.

Reply: I am informed by the Vice-Chancellor of the University of Mauritius that the students of the Law Practitioners Vocational Course 2013 addressed a letter to him on 07 June 2013, raising, *inter alia*, the following issues -

- (a) availability of resource persons giving lectures;
- (b) fees paid by students;
- (c) postponement of examinations;
- (d) facilities provided to students;
- (e) attendance of students, and
- (f) planning and organisation of lectures.

I am further advised by the Vice-Chancellor of the University of Mauritius that the Dean of the Faculty of Law and Management, the Officer in Charge of the Centre for Professional Legal Studies and the Programme Coordinator of the course met the students on Friday 14 June 2013 to reassure them that all necessary measures are being taken by the University to address their concerns in the most appropriate manner.

I am also informed by the University of Mauritius that the Faculty of Law and Management will ensure that students complete their syllabus before the examinations and it has contacted the Council for Vocational Legal Education to consider a postponement of the examinations.

NGOs – “SANS DOMICILE FIXE” - SUPPORT

(No. B/624) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the people who do not have a fixed place of abode, he will state the –

- (a) official number thereof;
- (b) names of the Non-Governmental Organisations involved in actions for the benefit thereof;
- (c) policy of her Ministry in relation thereto, and
- (d) budget allocated therefor.

Reply: I am informed that the Social Aid Act 1983 which provides for all types of social aid does not specifically provide for the payment of any social assistance to people who do not have a fixed place of abode. Accordingly, the official number of such category of people is not available at my Ministry. However, any person including persons with no fixed place of abode is entitled for a social aid if he satisfies the requirements under the Act.

With regard to part (b), I am informed that only Caritas receives an annual grant-in-aid from the NGO Trust Fund under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions to the tune of Rs795,395 in connection with “*Abri de Nuit*” at *Trou Fanfaron* where around 25 persons are accommodated.

However, I am also informed that the total annual budget for “*Abri de Nuit*” is around Rs1.1 m. and the remaining amount comes from CSR Funds. I am further informed by the Ministry of Social Integration & Economic Empowerment that two other NGOs are involved in providing support to the “*Sans Domicile Fixe*”.

As for parts (c) and (d), no specific budget is allocated to my Ministry except the grant-in-aid to Caritas provided by the NGO Trust Fund and my Ministry does not have any specific policy for this category of people under Performance Based Budget.

I have been informed that the Ministry of Social Integration & Economic Empowerment is actually implementing a project to house a Night Shelter, for “*Sans Domicile Fixe*”, and the hon. Member can certainly have additional information if a proper question is put to the relevant Ministry.

I wish to inform the House that the issue of people without a fixed place of abode cuts across different Ministries such as Ministry of Finance, Ministry of Gender Equality and Ministry of Social Integration. I am, therefore, prepared to hold consultations with my colleagues concerned with this matter with a view to developing a holistic approach with clearly defined policies for people who do not have fixed place of abode.

MITD - FACT FINDING COMMITTEE – MEMBERS - FEES

(No. B/625) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Education and Human Resources whether, in regard to the Fact Finding Committee set up to look into the

recent case of alleged improper behaviour of an instructor of the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the Institute, information as to the total cost thereof, indicating the fees paid to each member thereof.

Reply: As the House is aware, a Fact Finding Committee was set up by Government under the Chair of a Presiding Magistrate, Intermediate Court (Criminal) to look into the alleged case of abuse on a minor student of the MITD.

I wish to point out that the Committee consisted of one member only, i.e. the Chair. The Chief Registrar acted as Secretary. Secretarial and other support staff also serviced the Fact Finding Committee.

In line with Recommendation 9 paragraph 19.31 of the PRB Report 2013, my Ministry has already made a case to the Ministry of Civil Service and Administrative Reforms for determination of allowances to be paid to the Chairperson, Secretary and other support staff of the Fact Finding Committee by the Standing Committee, in line with approved criteria as guidelines.

The Ministry of Civil Service and Administrative Reforms has requested for additional information regarding the number of sittings held in order to determine the allowances to be paid.

Payment will be made following the determination of the allowances as to be conveyed by the Ministry of Civil Service and Administrative Reforms. The costs thereof in terms of allowances will be available in due course and will be circulated.

DENTAL SPECIALISTS - REGISTRATION

(No. B/626) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to dentistry, he will, for the benefit of the House, obtain from the Dental Council, information as to the criteria considered for dental surgeons to be registered as dental specialists, indicating how same are implemented in respect of the practitioners thereof of the private and of the public sector respectively.

Reply: The criteria for the registration of Dental Specialist are laid down at Section 23 of the Dental Council Act for Dental Surgeons operating both in the public and private sectors.

One of the criteria is that the applicant has to establish to the satisfaction of the Council that he has, after obtaining his specialist qualification, undergone not less than one year of practical (including clinical) training under the supervision of one or

more specialists who has not less than 10 years' practical (including clinical) experience in the field in which the person has specialised.

As it was not possible to adhere to this criterion because of the unavailability of Dental Specialist with 10 years' experience in specific specialities to provide supervision, Section 23 (c) was amended in December 2012. Provision has now been made for the setting up of a Postgraduate Education Board for Dental Specialists to make recommendations, *inter alia*, to the Dental Council as regards registration of Dental Specialist. I am informed by the Dental Council that draft Regulations would be ready soon.

RODRIGUES - NEF - PROJECTS

(No. B/629) Mr J. F. François (Third Member for Rodrigues) asked the Minister of Social Integration and Economic Empowerment whether, in regard to Rodrigues, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to the projects, if any, for social housing, the eradication of absolute poverty and the improvement of the living conditions of those who are absolutely poor.

(Withdrawn)

RODRIGUES - SMALL SCALE DISTRIBUTED GENERATOR - OUTPUT

(No. B/630) Mr J. F. François (Third Member for Rodrigues) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the production of electricity from the Small Scale Distributed Generator, in Rodrigues, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the output thereof, as at to date.

(Withdrawn)

NTC - BUS ROUTES

(No. B/631) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the financial impact of the recent decision of the National Transport Authority to retrieve some of the routes which were formerly being operated by the Corporation.

Reply: I wish to inform the House that none of the National Transport Corporation routes have been retrieved, but services have been supplemented along six routes by other bus operators.

Following Government's decision of Friday 28 June 2013 to allow other operators to continue to operate along the above routes, except for Route 141, it is not possible at this point to quantify the financial impact of the decision.

However, I wish to inform the House that there has not been any deduction in free travel compensation or fuel subsidy granted to the National Transport Corporation in respect of those routes.

POINTE AUX SABLES – SHELTER FOR CHILDREN - TENDER

(No. B/632) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the shelter owned by Government at Pointe aux Sables, she will state if a tender has been launched for the management thereof and, if so, indicate -

- (a) when, and
- (b) the name of the successful bidder.

Reply: I am informed that invitations for bids were launched on two occasions namely on 24 January 2012 and on 31 October 2012 for Management Services for the Shelter for Children at Pointe Aux Sables.

As regards part (b), I am informed that for the first bidding exercise no bid was received. As regards the second invitation for bids, no award was made since none of the bids was responsive.

VANDERMEERSCH STREET - ROUNDABOUT - ROAD CONGESTION

(No. B/633) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the roundabout, on the Vandermeersch Street, near the Central Electricity Board, in Rose Hill, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the actions taken, if any, as at to date, under the Road Decongestion Programme, to alleviate the acute road congestion which occur thereat throughout the day.

Reply: I wish to inform the House that the roundabout, on the Vandermeersch Street and near the Central Electricity Board, in Rose Hill does not fall under the Road Decongestion Programme. This roundabout is an important node in this part of Rose-Hill. It acts as a control point for traffic coming from the Ébène regions, the Beau Bassin regions and the Rose-Hill bus station.

At this particular location, there is practically no adequate space for the provision of a grade separated junction. This might be the best solution to relieve the traffic problems. Alternatively, other solutions which have been assessed by the technicians of my Ministry are -

- (i) to relocate buses which ply in the east part of the country to another site in the vicinity of the *École Hotelière* of Ébène. This alternative is being appraised by the

TMRSU from a pedestrian safety point of view as the relocation might trigger a high pedestrian movement to and from the centre of Rose-Hill.

- (ii) some 2 years back, a reconnaissance was carried out by the TMRSU so as to assess the possibility of providing a link from the Ébène Road to Dr. E. Larche Street, found at the rear of Queen Elizabeth College. However, this link would have to cross the Grand River North West River which forms a very deep valley. Technically, this link would be very complex and costly.

Given that the Light Rail Transit Project is currently being designed, this roundabout and its surroundings shall be modified to provide for a comprehensive integrated transportation system. The Singapore Cooperation Enterprise is presently working on the design aspects and a solution might be obtained by August this year.

The construction of the A1-M1 Link will constitute part of the permanent solution and with the coming of Light Rail Transit and the redesign of that part of the Vandermeersch Street, the traffic congestion will become a matter of the past.

BAMBOUS & BEL OMBRE - YOUTH CENTRES

(No. A/211) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Youth and Sports whether, in regard to the proposed setting up of Youth Centres for the regions of Bambous and Bel Ombre, he will state where matters stand.

Reply: A Youth Centre already exists at Bambous. Regarding Bel Ombre, 5 acres of land has been vested in the Ministry for the setting up of an open air camping site with basic amenities for young people.

The Bel Ombre Foundation has also expressed its interest to provide sports amenities such as a Jogging Track, Beach Volley/Soccer and Boulodrome within the camping site. It is proposed to fence the plot of land and enlist Bel Ombre Foundation to provide some basic facilities.

ORANGE MOBILE NETWORK - CANCELLATION POLICY

(No. A/212) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Information and Communication Technology whether, in regard to the Orange Mobile Network, he will, for the benefit of the House, obtain from Orange, information as to if it has a cancellation policy, and, if so, how this is being made accessible to the customers thereof.

Reply: According to Mauritius Telecom, the question appears to relate to the commercial policy of Cellplus Mobile Communications Ltd (Cellplus) on mobile services.

Mauritius Telecom has pointed out that Cellplus is a company operating in a competitive environment and that disclosure of details of the company's commercial policy may affect the interests of

the company. However, the terms of all commercial contracts relating to the mobile services offered under the Orange Brand are available on Mauritius Telecom's website or in Orange Shops.

Mauritius Telecom has also pointed out that there are two main categories of mobile services being offered under the Orange brand, which are as follows -

- (a) Pre-pay Services (93% of mobile services on Orange Brand)
 - The customer purchases cards by which he recharges his account. The service is maintained as long as the customer recharges his/her account on the SIM card. Cancellation is at the customer's discretion.
- (b) Post-pay Services (7% of mobile services on Orange Brand)
 - These are services where a customer is billed on a monthly basis.
 - Post-pay services include offers with minimum subscription periods. Such services provide packages at discounted rates and the customer may benefit from reduced prices on the terminals (mobile hand-set).
 - As a counter-part to the discounted rates and to the reduced price of terminals, the customer commits himself to take the service for a minimum subscription period.
 - The customer may choose to avail of similar services on the pre-pay mode where there is no minimum subscription period.

JIN FEI TRADE DEVELOPMENT ZONE PROJECT - IMPLEMENTATION

(No. A/213) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)

asked the Minister of Housing and Lands whether, in regard to the Jin Fei Trade Development Zone Project, he will state -

- (a) if changes have been brought to the scope thereof and if so, indicate when notice thereof was given by the promoters thereof, and
- (b) where matters stand as to the implementation thereof.

Reply: The Jin-Fei Economic Trade and Cooperation Zone provides for a mixed-use and integrated development comprising an industrial zone, a commercial zone, a trade and logistics zone, a residential zone and a hospitality zone. As at date, there has been no change to the general scope of the project.

In regard to part (b) of the question, my Ministry has issued, to date, planning clearances for the construction of a warehouse, a service apartment and a Business Centre on the site. I am informed that construction works for the apartment complex and the business centre are ongoing, whereas the warehouse, a workshop and related additional common facilities are already operational.

PRICE OBSERVATORY - CLOSURE

(No. A/215) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the *Observatoire des Prix*, he will state if any decision has been taken for the closure thereof and, if so, indicate the reasons therefor.

Reply: I invite hon. Member to refer to reply made to PQ No. B/433 on 03 July 2012.

As the House is aware, the Price Observatory was established in March 2011 with a view to stimulating competition among supermarkets/hypermarkets and bring transparency in the evolution of prices of commodity to protect consumers.

It was, however, observed that some supermarkets/hypermarkets were involved in deceptive price practices rendering the price survey biased and the publication of the results thereof could mislead consumers.

Consequently, the publication of the price chart and the dissemination of the outcome of the price survey to the public through the media was deferred to review the mechanism of collecting prices so as to deter such practices. The price survey was started anew in August 2013 and the outcome made public as from early September. It has never been the intention of my Ministry to close the Price Observatory.

BAT POPULATION – SURVEY

(No. A/216) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Agro-Industry and Food Security, Attorney General whether, in regard to bats, he will state if he has been informed of an increase in the population thereof and, if so, indicate the measures that will be taken, especially before the upcoming fruit season, to

(a) control the number thereof, and

(b) prevent the disastrous effects thereof.

Reply: I am informed that the last survey carried out by the National Parks and Conservation Service (NPSC) in 2010 indicated that the total bat population was around 55,800 as at December 2010. This represented a percentage increase of 123.4% over the past 5 years since 2006.

Another survey was carried out in May/June 2012 to estimate the population during the off-fruiting season. 50 roosting sites all over the island were surveyed and the number of bats was estimated at 20,613. The survey concluded that during off-fruiting season, bats shift locations due to less availability of fruits and wind direction. The NPCSC will carry out a full

survey during the next fruiting season in November/December 2013 to assess the present bat population.

The Mauritian fruit bat, *Pteropus niger*, is an endemic species which is protected under the Wildlife and National Parks Act. It is classified as an endangered species by the International Union for the Conservation of Nature (IUCN). In fact, the IUCN has been requested to review the status of the Mauritian fruit bat and, following the visit of 2 IUCN bat specialists in May/June 2012, they have recommended to revert its classification from 'endangered' to 'vulnerable'. The proposal is still under consideration by the Red List Authority of the IUCN. Furthermore provision is being made in the new Native Terrestrial Biodiversity and Parks Bill for the setting up of a Special Technical Committee to control wildlife in Mauritius and to recommend control measures where any wildlife reaches pest level.

As regards the measures to prevent the damages caused by bats, the following measures are being implemented by my Ministry -

- Since November 2009, the AREU is implementing a bird netting scheme whereby orchard growers and backyard fruit tree owners are being provided with bird nets for protection of fruits at a subsidised rate. As at to date, 1,100 beneficiaries have benefited from the scheme and an amount of Rs9.5m. has been disbursed as subsidy.
- The AREU is also providing technical assistance to growers on pruning and management of fruit trees through sensitisation talks and demonstrations. Around 900 fruit growers have benefited from these sensitisation programs.
- The AREU and the Agricultural Services are identifying a list of commercial orchards for the planting of other fruit trees to be used as trap crops which are favoured by bats.
- The NPCS and the Forestry Service of my Ministry are collaborating on the project to restore our native forests so as to provide natural habitats and food for bats. In this regard, state forest lands in various regions have been identified for the planting of trees. This project is being implemented under the Protected Area Network Project which aims to restore more than 400 ha of forests by 2015. The project started in May 2012 and as at present, 70 ha of native forests have been restored.
- Furthermore, for the last 4 years, approximately 100,000 native plants have been planted in our National Parks and State Forest Lands to provide more natural fruits to prevent bats from raiding of orchards.

According to the last Fruit Damage Assessment Study carried out by AREU in November 2012, a decrease in the extent of fruit damage has been noted for the last year. This indicates that the measures which are being implemented are showing positive results.

ALFRED GELLÉ STREET, CITÉ MARTIAL - SEWERAGE PROJECT

(No. A/217) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed sewerage network project for the sewerage connection of house number 20 to 26, at the Alfred Gellé Street, in Cité Martial, in Port Louis, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to where matters stand, indicating if the survey works and survey for the region thereof have already been effected and, if so, indicate the outcome thereof and if not, why not.

Reply: I am informed that the survey works and the topographical surveys for the region of Alfred Gellé Street (House number 20 to 26) in Cité Martial, Port Louis were completed in mid-June 2013. The design of the sewer reticulation and house connections is being prepared by the consultant and will be completed by the end of December 2013. The implementation schedule of the project is as follows –

	Duration (months)	Expected Start Date	Expected Completion Date
Detailed Design and Preparation of Tender Documents	12	Jan 2013	Dec 2013
Launching of Tenders/ Evaluation and Award of Works Contract	6	Jan 2014	Jun 2014
Implementation Design/ Construction of works	18	July 2014	Dec 2015
Defect Liability Period	12	Dec 2015	Dec 2016

PORT LOUIS MARITIME & PORT LOUIS EAST - POWER CUTS

(No. A/218) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the power cuts which occurred in Constituency No. 3, since January 2013 to date, he

will, for the benefit of the House, obtain from the Central Electricity Board, information as to the number of reported cases thereof, indicating in each case, the -

- (a) date and time thereof;
- (b) region concerned therewith;
- (c) reasons therefor, and
- (d) measures that will be taken to prevent the recurrence of power cuts in that Region.

Reply: I am informed by the Central Electricity Board (CEB) that power cuts are either scheduled or unscheduled, arising from faults on the network.

Regarding parts (a), (b) and (c) of the question, the relevant information is being placed in the Library of the National Assembly. I am further informed that connection of additional electrical appliances by customers lead to overloading of the network resulting in blown high-tension and low-voltage fuses.

As regards part (d) of the question, I am informed by the CEB that the affected areas are supplied with electricity through 6.6 kV feeders from Nicolay sub-station. The feeder capacity is currently being upgraded to 22 kV, which will improve the reliability and quality of supply in the region. The works are expected to be completed during this year.

To further improve reliability of supply in the region, the CEB is also taking the following action –

- (i) gradually replacing the bare low voltage conductors by insulated ones;
- (ii) carrying out load tests on all transformers in the region, with a view to take corrective measures where faults are identified, and
- (iii) carrying out tree lopping, to avoid branches causing short circuits to the high-tension and low voltage networks.

MAHEBOURG SOCIAL WELFARE CENTRE (FORMER) – EYESORE

(No. A/219) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the building which formerly housed the Mahebourg Social Welfare Centre, situated in the vicinity of the Mahebourg Waterfront, he will state if he has been informed of the abandoned state thereof and that it represents an eyesore and, if so, indicate -

- (a) the remedial measures that will be taken, if any, in relation thereto, and

(b) if any project has been identified for the implementation thereof.

Reply: This Ministry has been informed by the Ministry of Gender Equality, Child Development and Family Welfare that the Mahebourg Social Welfare Centre was shifted to a new building on 29 March 2007 and since then the old building which formerly housed the Mahebourg Social Welfare Centre is under the responsibility of the State Property Development Company Ltd.