



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 29 MARCH 2016

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Members

Members

THE CABINET**(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)**

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Technology, Communication and Innovation
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare

Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin (Temporary Transfer to RRA)
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 01 of 2016

Sitting of 29 March 2016

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

ANNOUNCEMENTS

- (i) **REPUBLIC OF SOUTH AFRICA - GAUTENG PROVINCIAL LEGISLATURE - DELEGATION - STUDY TOUR VISIT**
- (ii) **IPU - DEPUTY SPEAKER - AFRICA GROUP REPRESENTATIVE**
- (iii) **LIVE BROADCASTING OF THE PROCEEDINGS OF THE HOUSE PROJECT - IMPLEMENTATION**

Madam Speaker: Hon. Members, I have three short announcements to make before we proceed with the business of the House. First, I wish to inform the House of the presence in our midst today of a delegation from the Gauteng Provincial Legislature of the Republic of South Africa, led by the hon. Mike Madlala, Deputy Chairperson of Committees, on a study tour visit to the National Assembly. On behalf of hon. Members and in my own name, I extend a warm welcome to the delegation and wish them a fruitful and pleasant stay in Mauritius.

Second, I am pleased to announce that the hon. Deputy Speaker was, at the last IPU General Assembly held in Lusaka from 19 to 23 of March 2016, elected by the governing council of the IPU to serve as the representative of the Africa Group, representing 48 Member States of the African Continent, on the Committee to Promote Respect for International Humanitarian Law of the IPU with effect from April 2016.

Hon. Members may wish to note that this is the first time that Mauritius has been elected to serve on a Committee of the Inter-Parliamentary Union. On behalf of the hon. Members and in my personal name, may I wish the hon. Deputy Speaker well in his new responsibilities.

Third, hon. Members, I wish to update the House in regard to the implementation of the Live Broadcasting of the Proceedings of the House Project by the National Assembly.

Following the adoption of the motion of the Rt. hon. Prime Minister for the adoption of the report of the Select Committee on the Live Broadcasting of the Proceedings of the House and Matters Ancillary Thereto on 23 of October 2015, a Steering Committee was set up for the implementation of the Live Broadcasting of the Proceedings of the House Project. The Steering Committee is chaired by the Clerk of the National Assembly.

In parallel, I caused a Monitoring Committee to be set up under my Chairpersonship to follow up the project.

The Live Broadcasting of the Proceedings of the House Project is made up of several components -

- With regard to the procedural component, there is need, on the one hand, to amend the Standing Orders and Rules of the National Assembly 1995 presently in force to provide for the setting up of a Broadcasting Committee and the motion standing in the name of the Rt. hon. Prime Minister in relation thereto is on today's Order Paper and, on the other hand, to amend a few enactments and the Attorney General's Office is working thereon.
- With regard to the human resources component, procedures have been initiated for the creation of the relevant posts to man the in-house Production Unit.
- With regard to the logistical component for the setting up of the in-house Production Unit, space has been earmarked within the precincts of the National Assembly.
- With regard to the technical component, tests and surveys have been carried out in the Chamber. Some modifications will have to be brought in the Chamber to uniformise the lightings for quality image broadcasting. Needful is currently being done accordingly. Hon. Members will notice the presence of a test camera on the wall on my right which is being used to check the specific technical configuration of the Chamber.
- Regarding the television transmission, I have to announce that the National Assembly is no longer required to send the signal to the National Broadcaster, the MBC since Multi Carrier Limited is providing a dedicated channel for the live broadcasting, which will transmit the signals that will be produced by the in-house Production Unit of the National Assembly.

Hon. Members can rest assured that I will leave no stone unturned for the timely implementation of the project. In this respect, the cooperation of all stakeholders to make Live Broadcasting of the Proceedings of the House a reality is being relied on at the soonest possible.

Thank you.

PAPERS LAID

The Prime Minister: Madam Speaker, the Papers have been laid on the Table -

A. **Office of the President** –

The 42nd Annual Report of the Ombudsman for the year 2015. (In Original)

B. **Prime Minister's Office** –

- (a) Certificate of Urgency in respect of the following Bills (In Original) –
 - (i) The Build Operate Transfer Projects Bill (No. I of 2016); and
 - (ii) The National Disaster Risk Reduction and Management Bill (No. II of 2016).
- (b) The Annual Reports 2012/2013 and 2014 of the Rodrigues Regional Assembly.
- (c) The Mauritius Citizenship (Amendment) Regulations 2015. (Government Notice No. 243 of 2015)
- (d) The Rodrigues Regional Assembly (Prohibition of use of Plastic Bags) (Amendment) Regulations 2015. (Government Notice (Rodrigues Regional Assembly) No. 1 of 2015)
- (e) The Transfer of Prisoners (Republic of Seychelles) Regulations 2016. (Government Notice No. 24 of 2016)
- (f) The Investment Promotion (Invest Hotel Scheme) Regulations 2015. (Government Notice No. 238 of 2015)
- (g) The Double Taxation Avoidance Convention (Kingdom of Morocco) Regulations 2015. (Government Notice No. 244 of 2015)
- (h) The Banking (Processing and Licence Fees) Regulations 2015.

(Government Notice No. 1 of 2016)

- (i) The Companies (Payment of Fees to Registrar) Regulations 2015.
(Government Notice No. 3 of 2016)
- (j) The Jewellery (Dealer's Registration and Transactions) (Amendment) Regulations 2016. (Government Notice No. 4 of 2016)
- (k) The Housing and Population Census 2011 – Volume 1: Methodology Report.
- (l) The Insurance (Industry Compensation Fund) Regulations 2015.
(Government Notice No. 249 of 2015)
- (m) Loan Agreement on Economic and Technical Cooperation between the Government of the Republic of Mauritius and the Government of the People's Republic of China.
- (n) Virement Certificates Serial Nos 1 to 30 – Quarter 2 (October-December 2015) (Estimates 2015-2016). (In Original)
- (o) Virement Warrant Return Nos 4 to 9, 11 & 12 – Quarter 2 (October-December 2015) (Estimates 2015 – 2016). (In Original)
- (p) Virement (Contingencies) Warrant Return Nos. 5, 7 – 16, 18 & 20 - 24– Quarter 2 (October-December 2015) (Estimates 2015 - 2016). (In Original)
- (q) The Digest of Energy and Water Statistic 2014.
- (r) The Digest of Social Security Statistics 2013.
- (s) The Income Tax (Amendment) Regulations 2016. (Government Notice No. 28 of 2016)
- (t) The Income Tax (Amendment of Schedule) Regulations 2016.
(Government Notice No. 27 of 2016)
- (u) The Land (Duties and Taxes) (Amendment of Schedule) Regulations 2016.

(Government Notice No. 31 of 2016).

- (v) The Digest of Road Transport and Road Accident Statistics 2014.
- (w) The Digest of External Merchandise Trade Statistics 2014.
- (x) The Digest of Public Finance Statistics 2014.
- (y) The 2013 Census of Economic Activities: Phase 1 – Small Establishments.
- (z) The Annual Report and Audited Accounts of the Sugar Insurance Fund Board for the year 2014.

C. **Ministry of Tourism and External Communications** –

- (a) The Tourism Authority (Tourist Enterprise Licence Fees and Operating Fees) Regulations 2015. (Government Notice No. 241 of 2015)
- (b) The Tourism Employees Welfare Fund (Collection of Contribution) (Amendment) Regulations 2016. (Government Notice No. 12 of 2016)
- (c) The Tourism Authority (Snorkelling Zone and Speed Limit Zones for Pleasure Craft) (Belle Mare) Regulations 2016. (Government Notice No. 18 of 2016)
- (d) The Tourism Authority (Prohibition of Jet Ski) Regulations 2016. (Government Notice No. 25 of 2016)
- (e) The Tourism Authority (Amendment of Schedule) Regulations 2016. (Government Notice No. 26 of 2016)

D. **Ministry of Energy and Public Utilities** –

- (a) The Central Water Authority (Water Supply for Domestic Purposes) (Amendment) Regulations 2016. (Government Notice No. 10 of 2016)

- (b) The Wastewater (Fees) (Amendment) Regulations 2016. (Government Notice No. 11 of 2016)
 - (c) The Energy Efficiency (Registration of Energy Auditors) Regulations 2016. (Government Notice No. 32 of 2016)
 - (d) The Annual Report 2014 of the Wastewater Management Authority.
- E. **Ministry of Public Infrastructure and Land Transport** –
- (a) The Annual Report and audited accounts of the Bus Industry Employees Welfare Fund for the year ended 31 December 2014.
 - (b) The Construction Industry Development Board (Prescribed Period) Regulations 2015. (Government Notice No. 5 of 2016)
 - (c) The Construction Industry Development Board (Registration of Consultants and Contractors) (Amendment) Regulations 2015. (Government Notice No. 6 of 2016)
 - (d) The Road Traffic (Conductors and Drivers of Public Service Vehicles) (Amendment) Regulations 2015. (Government Notice No. 248 of 2016)
- F. **Ministry of Education and Human Resources, Tertiary Education and Scientific Research** –
- (a) The Annual Report 2013 of the Private Secondary Schools Authority.
 - (b) The Annual Report 2012 of the Mauritius Institute of Training and Development.
- G. **Ministry of Health and Quality of Life** –

- (a) The Occupational Safety and Health (Safety of Scaffolds) (Amendment) Regulations 2015. (Government Notice No. 240 of 2015)
- (b) The Medical Council (Amendment of Schedule) Regulations 2015. (Government Notice No. 2 of 2016)
- (c) The Report of the Director of Audit on the Financial Statement of the De Chazal Maternity Home Fund for the period ended 31 July 2014. (In Original)

H. **Ministry of Local Government** –

- (a) The District Council of Savanne (Cemetery/Crematorium) Regulations 2015. (Government Notice No. 247 of 2015)
- (b) The Local Government (Exemption from Building and Land Use Permit) Regulations 2015 (Government Notice No. 250 of 2015)
- (c) The Local Government (Amendment of Schedule) Regulations 2015. (Government Notice No. 251 of 2015)
- (d) The District Council of Moka (Fees, Dues and other Charges for Classified Trades) (Amendment No. 7) Regulations 2015. (Government Notice No. 23 of 2016)
- (e) The Municipal Town Council of Beau Bassin Rose Hill (Fees, Dues and other Charges for Classified Trades) Regulations 2016. (Government Notice No. 29 of 2016).
- (f) The District Council of Savanne (Fees for Classified Trades) Regulations 2016. (Government Notice No. 30 of 2016)
- (g) The District Council of Rivière du Rempart (Fees for Classified Trades) Regulations 2016. (Government Notice No. 33 of 2016)
- (h) The City Council of Port Louis (Streets and Squares) (Amendment)

Regulations 2016. (Government Notice No. 38 of 2016).

- (i) The City Council of Port Louis (Collection and Disposal of Waste) Regulations 2016. (Government Notice No. 39 of 2016).

I. **Ministry of Technology, Communication and Innovation** –

The National Identity Card (Extension of Validity Period) (Amendment) Regulations 2016. (Government Notice No. 9 of 2016)

J. **Attorney General's Office** –

- (a) The Report of the Director of Audit on the Financial Statements of the Recovered Assets Fund for the six-month period ended 30 June 2015.
- (b) The Institutions Agréées (Amendment No. 2) Regulations 2015. (Government Notice No. 239 of 2015)
- (c) The Report of the Director of Audit on the Financial Statements of the Law Reform Commission for the year ended 31 December 2014.

K. **Ministry of Agro-Industry and Food Security** –

The Annual Report 2015 of the Sugar Investment Trust.

L. **Ministry of Arts and Culture** –

- (a) The Audited Financial Statement of the Ramayana Centre as at 31 December 2014.
- (b) The Annual Report 2013 of the Aapravasi Ghat Trust Fund.
- (c) The Mauritius Marathi Cultural Centre Trust (Amendment of Schedule)

Regulations 2016. (Government Notice No. 35 of 2016)

- (d) The Mauritius Tamil Cultural Centre Trust (Amendment of Schedule) Regulations 2016. (Government Notice No. 36 of 2016)
- (e) The Mauritius Telegu Cultural Centre Trust (Amendment of Schedule) Regulations 2016. (Government Notice No. 37 of 2016)

M. **Ministry of Industry, Commerce and Consumer Protection** –

- (a) The Consumer Protection (Control of Imports) (Amendment No. 6) Regulations 2015. (Government Notice No. 242 of 2015)
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 35) Regulations 2015. (Government Notice No. 245 of 2015)
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 36) Regulations 2015. (Government Notice No. 246 of 2015)
- (d) The Annual Report 2014 of the Mauritius Standards Bureau.
- (e) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment) Regulations 2016. (Government Notice No. 8 of 2016)
- (f) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment) Regulations 2016. (Government Notice No. 13 of 2016)
- (g) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 2) Regulations 2016. (Government Notice No. 14 of 2016)
- (h) The Rodrigues Consumer Protection (Control of Price of Taxable and

Non-Taxable Goods) (Amendment No. 3) Regulations 2016. (Government Notice No. 15 of 2016)

- (i) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 4) Regulations 2016. (Government Notice No. 16 of 2016)
- (j) The Annual Report 2013 of the State Trading Corporation.
- (k) The Consumer Protection (Control of Fairs) Regulations 2016. (Government Notice No. 19 of 2016)
- (l) The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) (Amendment) Regulations 2016 (Government Notice No. 22 of 2016).

N. **Ministry of Financial Services, Good Governance and Institutional Reform** –

- (a) The Annual Report 2014 of the Financial Intelligence Unit.
- (b) The Financial Services (Consolidated Licensing and Fees) (Amendment) Rules 2016. (Government Notice No. 17 of 2016)

O. **Ministry of Business, Enterprise and Cooperatives** –

The Annual Report 2014 of the Saint Antoine Planters Co-operative Trust.

P. **Ministry of Social Security, National Solidarity and Reform Institutions** –

- (a) The Annual Report 2014 of the Probation and Aftercare Service.
- (b) The Report of the Director of Audit on the Financial Statements of the National Savings Fund for the 18-month period ended 31 December 2010.
- (c) The Annual Report and the audited Financial Statements of the Senior

Citizens Council for the year 2014.

- (d) The Reform Institutions (Premises) (Amendment) Regulations 2016.
(Government Notice No. 20 of 2016)
- (e) The Annual Report of the Sugar Industry Labour Welfare Fund for the
Financial Year 2014.

Q. **Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and
Outer Islands** –

- (a) The Land-Based Oceanic Industry (Prescribed Area) Regulations 2015.
(Government Notice No. 7 of 2016)
- (b) The Annual Report 2014 of the Seafarers Welfare Fund.
- (c) The Fisheries and Marine Resources (Import of Fish and Fish Products)
(Amendment) Regulations 2016. (Government Notice No. 34 of 2016)

R. **Ministry of Civil Service and Administrative Reforms and Ministry of
Environment, Sustainable Development and Disaster and Beach
Management** –

The Annual Report and audited accounts of the Beach Authority for the year
ended 31 December 2012.

S. **Ministry of Labour, Industrial Relations, Employment and Training** –

The Banks Fishermen and Frigo-workers Remuneration Regulations 2016.
(Government Notice No. 21 of 2016)

ORAL ANSWERS TO QUESTIONS

**MINISTER OF ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND
DISASTER AND BEACH MANAGEMENT (FORMER) - RESIGNATION**

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the former Minister of Environment, Sustainable Development and Disaster and Beach Management, hon. Jayeshwur Raj Dayal, CSK, PDSM QPM, he will –

- (a) state the reasons why he has asked him to step down, indicating if he has been made aware of the threats and pressures being exerted on the businessman and on the journalist involved in the radio broadcast of 23 March last following which the former Minister was asked to step down and, if so, indicate if he will take measures to prevent any cover-up, and
- (b) for the benefit of the House, obtain from the Commissioner of Police, information as to if the latter has turned down a request from the Independent Commission against Corruption for the arrest of the former Minister and, if so, indicate the reasons therefor.

The Prime Minister: Madam Speaker, in regard to part (a) of the question, on 22 March 2016, I took cognizance, through the media, of the broadcast of a recorded conversation presumably between the former Minister of Environment, Sustainable Development and Disaster and Beach Management and one Mr Saheed Nawab Soobhany, alias Patrick Soobhany. From the conversation, it appeared that the former Minister of Environment, Sustainable Development and Disaster and Beach Management asked for a gratification from Mr Soobhany.

I was also made aware that Mr Soobhany had reported an alleged act of corruption against hon. Dayal to ICAC.

In view of the seriousness of the allegations, I convened hon. Dayal and the Senior Chief Executive of the Ministry of Environment, Sustainable Development and Disaster and Beach Management to my Office on 23 March 2016, and I requested the former to temporarily step down as Minister pending the completion of the enquiry by ICAC, so as to ensure that ICAC has full latitude to conduct its enquiry.

I am not aware of any threat or pressure being exerted on Mr Soobhany or any journalist involved in the radio broadcast, and the Commissioner of Police has confirmed that no declaration has been made to the Police in this regard.

Madam Speaker, I have all times been insisting on good governance, ethical practices, transparency and integrity. In this context, I would like to restate emphatically what I said publicly last week. I want Mauritius to develop a culture of integrity and honesty. To that end, I will not condone or tolerate anybody or any act that puts at stake the reputation of the country and of its institutions. Whoever errs will be dealt with by the appropriate independent institutions so that justice and truth prevail. I wish to emphasise that there will be no cover-up, as had been the case under the previous Government for long years, leading to a culture of fraud and corruption.

I think the population knows me enough to gauge the seriousness and firmness of my commitment in this respect.

Madam Speaker, in regard to part (b) of the question, I am informed by the Commissioner of Police that, on Friday 25 March 2016, at around 11 30 hours, two investigators from the ICAC called upon him in connection with a request for assistance for arrest and lodging of provisional charge against former Minister Dayal.

The Commissioner of Police took cognizance of the request of ICAC and at the same time was made aware of the fact that former Minister Dayal was still at the office of the ICAC where he was giving his statement.

Based on the fact that the former Minister had not yet completed his statement to ICAC, the Commissioner of Police requested the investigators to come back when the former Minister would have given his full statement and to provide further information to sustain the arrest, as is the normal practice.

I am further informed by the Commissioner of Police that, as at to date, the ICAC has not reverted back to him on this matter.

In the circumstances, the request of ICAC for assistance for arrest and lodging of provisional charge against former Minister Dayal could not be entertained by the Commissioner of Police at that point in time.

Madam Speaker, I wish to inform the House that, at no point in time, did the Commissioner of Police turn down the request of ICAC for arrest and lodging of provisional charge against former Minister Dayal.

I also wish to inform the House that there are a number of cases where ICAC made requests to the Commissioner of Police for the arrest and lodging of provisional charges in respect of persons against whom ICAC was investigating, but the requests were not acceded to. Such cases go as far back as 2009.

Further, section 71 (4) of the Constitution provides that the Commissioner of Police shall not, in the exercise of his responsibilities and powers with respect to the use and operational control of the Force, be subject to the direction or control of any person or authority. In this case, the Commissioner of Police exercised his powers based on facts available to him at that time.

Madam Speaker, I want our institutions to function independently according to law. I expect the ICAC to take action in accordance with the provisions of the Prevention of Corruption Act. The Act defines an “act of corruption” as follows -

- (i) any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;
- (ii) the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
- (iii) the abuse of a public or private office for private gain;
- (iv) an agreement between two or more persons to act or refrain from acting in violation of a person’s duties in the private or public sector for profit or gain;
- (v) any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.

Madam Speaker, we have a mandate from the people to clean up the country wherever there is any act of fraud and corruption.

(Interruptions)

I solemnly say that this is my...

(Interruptions)

You can laugh, you!

(Interruptions)

Madam Speaker: Order, please! Order!

(Interruptions)

The Prime Minister: People have had enough of you!

(Interruptions)

Madam Speaker: Order, please! Can you allow the Rt. hon. Prime Minister to reply!

The Prime Minister: We have a mandate, Madam Speaker, from the people to clean up the country wherever there is any act of fraud and corruption. I solemnly say that this is my mission and I will fulfil it with all the determination it requires.

(Interruptions)

Madam Speaker: Please, do not interrupt the hon. Prime Minister!

The Prime Minister: And in that mission the institutions have to play their roles fully and in total independence and without fear and favour. And I will see to it that this is done.

Thank you, Madam Speaker.

Mr Bérenger: I did not hear the Rt. hon. Prime Minister say whether he listened to this shocking radio broadcast that really shocked the whole nation. Did he listen to that and is it on the basis of what he heard with his ears that he took action against the then Minister?

The Prime Minister: I did not listen to that, but I read the transcript which was passed on to me.

Mr Bérenger: Well, I think that's very unfortunate that the Rt. hon. Prime Minister has not listened to it because he would have realised that the whole country...

(Interruptions)

He said, if I heard correctly, that he did not listen; that he read a transcript. Is that correct? Yes! Well, that is why I am saying that it is very unfortunate because otherwise he would have been shocked like the rest of the country and do I take it that it is on the basis of that transcript and not as it should have been listening to that shocking broadcast itself that he found that there was a *prima facie* case to ask the then Minister to step down?

The Prime Minister: Madam Speaker, by reading the transcript itself, I was shocked, and that is the reason why I asked the Minister to step down.

Mr Bérenger: I agree fully with that part of the Prime Minister's answer.

(Interruptions)

The whole country was literally shocked that morning, Madam Speaker.

Is it a fact that the then Minister, who has resigned, has, in the meantime, been questioned by ICAC under warning?

The Prime Minister: Of course, I have been told that statement will be taken and completed from him and afterwards all the documents will be presented to the Commissioner of Police when he will have to take action.

Mr Bérenger: I have heard the Rt. hon. Prime Minister say that there will be no cover-up but also that there has been no report of any threats or pressure put on that businessman and on that radio reporter according to the Commissioner of Police. Is the Rt. hon. Prime Minister satisfied with the very VVIP treatment granted to the Minister when he had the cheek to go to the Police to put a charge on those who had come with courage to denounce what had taken place?

The Prime Minister: The hon. Leader of the Opposition really makes me laugh.

(Interruptions)

Because...

(Interruptions)

Madam Speaker: Please, you have asked a question, hon. Leader of the Opposition, allow the Rt. hon. Prime Minister to reply!

(Interruptions)

Hon. Jhugroo, please allow the Rt. hon. Prime Minister to reply! There has been a question! Hon. Jhugroo!

(Interruptions)

Would you allow the hon. Prime Minister to reply!

The Prime Minister: Madam Speaker, first of all, those who have complained against hon. Dayal, they are protected by the law, by PoCA. But, hon. Dayal, as any other

citizen, has got a right to go and complain if he thinks that some offence has been committed against him. So, what is wrong in that? Why blame the Police?

Mr Bérenger: Can I know from the Rt. hon. Prime Minister at the CCID who is handling that case supposedly brought in by the then Minister? Is it Mr Jangi, if not, who is in charge of that part of the enquiry?

The Prime Minister: I cannot answer that, because I have not been told who is enquiring. I did not ask who is enquiring.

Mr Bérenger: Madam Speaker, as far as the second part of my question is concerned, is the Rt. hon. Prime Minister aware that there is the very strong feeling outside that the Police practices *deux poids deux mesures* when it is opponents of the present Government or any Government for that effect, past also, or people who use Facebook supposedly against the law, they are arrested immediately, but in that case, the Commissioner of Police admits that he did not grant permission to go and arrest the former Minister?

(Interruptions)

The Prime Minister: Madam Speaker, I am really surprised by the hon. Leader of the Opposition. They have been complaining outside, they have been canvassing people, telling them that this law allowing provisional charges, arresting people, is very unfair, that it should be changed and that people should not be arrested and provisionally charged before...

(Interruptions)

Madam Speaker: Order, please! Hon. Mohamed!

The Prime Minister: ... a *prima facie* case is established.

(Interruptions)

They are saying it, but in the case of hon. Dayal, if the Commissioner of Police has taken precautions not to do what they are complaining about and to make sure that decision is taken at the right time when he is satisfied that there is a *prima facie* case and that he should act, I say the Commissioner of Police is 100% right.

(Interruptions)

Mr Bérenger: Can I just ask the hon. Prime Minister, therefore, he finds it right that the Commissioner of Police should refuse to ICAC - I am sure they took legal advice before asking the Commissioner of Police to arrest the former Minister? Is he telling me, therefore,

that ICAC was completely wrong, acted in a wrong way and that the Commissioner of Police was right?

The Prime Minister: Well, according to the Opposition, he should not have acted the way that they are now saying he should have acted.

Mr Bérenger: Can I know - we had the pretext, the excuse from the Commissioner of Police that he was still at ICAC, giving the impression that the Police would be waiting and as soon as he comes out - since then and now that he is under questioning by ICAC under warning, why has there been no action by the Commissioner of Police since then?

The Prime Minister: Well, the answer is very simple; as yet, the ICAC has not come back to the Commissioner of Police and, therefore, the Commissioner of Police cannot act in vagueness.

Madam Speaker: Yes, hon. Baloomoody!

(Interruptions)

Mr Baloomoody: Thank you. Can the Rt. hon. Prime Minister tell us for what reasons - forget about the enquiry, we know as experienced barristers that many people have been arrested by ICAC before they even start giving their defence, section 53 of PoCA refers to the Powers of arrest and it says -

- “(1) Where the Director-General is satisfied that a person who may assist him in his investigation -
- (a) is about to leave Mauritius;
 - (b) has interfered with a potential witness; or
 - (c) intends to destroy documentary evidence which is in his possession and which he has refused to give to the Commission (...).”

He may ask for powers of arrest.

Madam Speaker: Yes. What is the hon. Member’s question?

Mr Baloomoody: May I ask the Rt. hon. Prime Minister on which ground – forget about the statement part, but on the other one - did the Director ask for hon. Dayal to be arrested?

The Prime Minister: All this is irrelevant to the case!

(Interruptions)

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. Can I know from the Rt. hon. Prime Minister who is NSS, whether he has been made aware that Mr Rakesh Gooljaury has been acting as an *agwa* to ask the businessman to take money and then remove the case and this in the enquiry in ICAC? Will the hon. Prime Minister ask the Police to enquire and take possession of the cell phone of Mr Gooljaury and see whether it is true?

The Prime Minister: I am not aware of it.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker.

(Interruptions)

Could the Rt. hon. Prime Minister ask the Commissioner of Police the following: on what basis and what standard does he use for Members of the Opposition or opponents of Government when it comes time for him to exercise this discretion that he so properly uses of arresting or of not arresting, and why is it that when it comes to Members of Government, he decides not to arrest until the enquiry is over as opposed to when it comes to opponents of the Government, he decides to arrest them even before the enquiry has started?

(Interruptions)

The Prime Minister: As far as I am aware from what...

(Interruptions)

Shut up!

(Interruptions)

Madam Speaker: Hon. Mohamed!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

Sit down!

(Interruptions)

Order!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

Can I ask hon. Members to have some order in the House, please!

(Interruptions)

Hon. Mohamed! You have asked the question!

(Interruptions)

You expect a reply! Okay!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

Order in the House, please!

(Interruptions)

Can we have some order!

(Interruptions)

Then I sit down!

(Interruptions)

Do you want me to suspend the proceedings? I will, but you are losing the time of the House and I think that we have to ensure that Question Time is used to the best effect. We are losing the time of the House with trivial comments.

Mr Bérenger: Do I take it, Madam Speaker, on a point of order that you did not hear what the Rt. hon. Prime Minister said, meaning that you find what he said parliamentary?

Madam Speaker: Hon. Leader of the Opposition, I have to say that I didn't hear.

(Interruptions)

I promise that I will listen to the proceedings.

(Interruptions)

I will listen to the proceedings!

(Interruptions)

Right, I didn't!

(Interruptions)

I didn't. I will listen to the proceedings and I will come back to the House.

(Interruptions)

I have the right to come back to the House

(Interruptions)

...and I will come back to the House after I have listened.

(Interruptions)

The hon. Member believes or not, he doesn't have the right to challenge the Chair!

(Interruptions)

Okay. He believes or not, he doesn't have the right to challenge the Chair!

(Interruptions)

Let me remind the hon. Members that I had in the past promised to listen to proceedings and I have come with appropriate rulings, and I will do so.

(Interruptions)

I will do so! And I will remind you also, hon. Mohamed, that you cannot challenge the Chair.

(Interruptions)

You have asked the question, you have to listen to the reply.

(Interruptions)

Hon. Prime Minister, do you want to reply to the question which has been asked by hon. Mohamed?

(Interruptions)

The Prime Minister: Yes. As far as I am aware, the same standard is being used towards everybody.

(Interruptions)

I am aware!

Madam Speaker: Hon. Mohamed, if you have a question, you stand up and ask it!

(Interruptions)

Order, please!

(Interruptions)

Hon. Soodhun, order!

(Interruptions)

Hon. Soodhun, I am addressing you!

(Interruptions)

Hon. Soodhun, please don't get overexcited! We have got important business to do in the House. Please, don't get overexcited, both sides of the House!

(Interruptions)

Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. We have just heard the Rt. hon. Prime Minister say how he was shocked reading the transcript. Being given that we have at least one case where a witness has had the courage to come forward, would the Rt. hon. Prime Minister now consider to get an independent review of every single decision taken by the hon. Minister at the EIA to ensure that there is no cover-up and everything has been done transparently?

The Prime Minister: Well, I am not concerned with what is being asked. We are concerned with the present case.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Can I ask the hon. Prime Minister whether the ICAC, as soon as the businessman has made his statement against former Minister Dayal, has seized all the documents; has secured all the papers so as not to allow any tampering of the document and of the enquiry? Did they do it on the same day and, if not, when did they do that?

The Prime Minister: I have not enquired into this. The ICAC has been doing its work. If I had poked my nose, they would say I should not have poked my nose.

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: Madam Speaker, the former Minister has been asked by the Rt. hon. Prime Minister to step down and the Rt. hon. Prime Minister has told us because he, as a Prime Minister, was shocked when he read the transcript. He would have been even more shocked if he had listened to the broadcast and the former Minister is being questioned by ICAC under warning. Does he find it proper that some leaders from the MSM should express their *solidarité* with the former Minister while this is going on thus putting indirect pressure on both the Police and the Judiciary?

(Interruptions)

Madam Speaker: Order, please! Order! Hon. Jhugroo, please!

(Interruptions)

The Prime Minister: Well, everyone has got his own feelings and he expresses his feelings. Why should I be against that?

Madam Speaker: Hon. Leader of Opposition, you have got other questions? You don't have. Questions addressed to the Rt. hon. Prime Minister. Hon. Members, the Table had been advised that Parliamentary Question B/9 with regard to the agreement signed between the Government of the Republic of Mauritius and the Republic of South Korea regarding the study and implementation of major road projects and Parliamentary Question B/12 with regard to the re-development of the Port Louis project addressed to the Rt. hon. Prime Minister will now be replied by the hon. Minister of Public Infrastructure and Land

Transport. Parliamentary Question B/23 with regard to the overseas missions undertaken by the hon. Minister of Financial Services, Good Governance and Institutional Reforms and Parliamentary Question B/25 in regard to overseas mission undertaken by the hon. Vice Prime Minister, Minister of Housing and Lands, addressed to the hon. Ministers respectively, will now be replied by the Rt. hon. Prime Minister, time permitting.

Dr. Sorefan: Madam Speaker, if you would allow me, the question that relates to the Agreement, I sent that question to be answered by the Minister of Public Infrastructure and Land Transport. I don't know why this has gone to the Prime Minister. I seek your advice that the question be answered within the time that I set my question. My question was set in January to the Minister of Public Infrastructure and Land Transport and not to the Prime Minister. Now, I see that my question will be answered very late, if not, not answered at all.

Madam Speaker: Hon. Dr. Sorefan, if you refer to the Standing Orders, you will find that the Chair does not have any control on the transfer of questions to Ministers. This does not lie with me. I don't have any control on this.

(Interruptions)

It's according to the Standing Orders, if I may.

ROAD ACCIDENTS - DRIVERS/RIDERS - INFLUENCE OF ALCOHOL

(No. B/1) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to road accidents, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof in which the drivers/riders involved therein were driving/riding under the influence of alcohol, over the past two years, indicating the number thereof that have been fatal.

The Prime Minister: Madam Speaker, with your permission, I will reply to Parliamentary Questions B/1 and B/8 together as they relate to the same subject matter.

I am informed by the Commissioner of Police that from January 2014 to 24 March 2016, there have been 931 accidents in which the drivers/riders were under the influence of alcohol, out of which 13 resulted in fatal accidents.

I am also informed by the Commissioner of Police that from January to 24 March 2016, 37 fatal road accidents have been reported to the Police in which 39 persons have lost their lives. Preliminary investigations have revealed that the causes of the accidents include speeding, non-observation of traffic signs, using handheld cellular phone while driving, heedless crossing of the road by pedestrians, drunken driving and dangerous driving. Enquiry is still ongoing in these cases.

Madam Speaker, I am informed that in view of the increasing number of road accidents, two additional measures have been implemented to curb down the trend since the beginning of this year -

- A hot spot policing has been put in place by positioning police vehicles, round the clock, at strategic locations. The Police Officers in the police vehicles perform vehicles stop and check on a regular basis, and
- A “Bottleneck Operation” has also been put up in place, whereby an artificial slowdown of the traffic along roads is created during which drivers are checked and sensitised on road safety and security issues.

Mr Ameer Meea: In a recent past PQ put by me in October 2015, relating to the same subject, the Rt. hon. Prime Minister stated to the House that new measures are being envisaged by the Ministry of Public Infrastructure and Land Transport whereby necessary legal amendments are to be made in order to curb the issue of fatal accidents. One of this was that driving under the influence of intoxicating liquor and drugs to be categorised as an arrestable offence. It has been nearly six months that this has been announced to the House. May I ask the Rt. hon. Prime Minister why this has not been done yet and when it will be done?

The Prime Minister: Well, I understand they are working on it.

Dr. Sorefan: Madam Speaker, recently, we had a lot of hit and run fatal accidents. Will the Rt. hon. Prime Minister tell us how many of the families have benefitted from the Prime Minister’s Fund for those cases?

The Prime Minister: Well, the hon. Member must come with a specific question.

Mr Ameer Meea: Going back to the same past PQ, it was also mentioned by the Rt. hon. Prime Minister that a National Road Safety Commission chaired by the Rt. hon. Prime

Minister will be set up. Can I ask the Rt. hon. Prime Minister whether this Commission has already been set up and how many times did he chair these meetings?

The Prime Minister: No, the Commission has not been set up yet, but I have asked the Commissioner of Police to take certain measures. I mentioned two very important measures that are being taken.

Mr Ganoo: In view of the dramatic figures which the Rt. hon. Prime Minister just gave to the House in terms of the number of drivers who have been contravened for driving under the influence of alcohol and the number of fatal accidents as a result thereof, can I ask him whether one urgent measure should not be the immediate suspension of driving licence when a driver has been found to be under the influence of alcohol? In fact, the past Government tried that option, but this provision in our law was struck down because it was anti-constitutional on the ground that the suspension of the licence was not done under judicial authority. This was the pronouncement of the Supreme Court. May I ask the Rt. hon. Prime Minister if he can look into this aspect anew and see whether the law cannot be amended to provide for the immediate suspension of a drunken driver when he is arrested and when he has been tested positive, but this to take place by way of judicial authority, that is, the suspect be brought before the Magistrate the next day or the day after and the order is issued by the Magistrate to suspend immediately his driving licence?

The Prime Minister: This will be considered. I personally agree with the hon. Member that we must be very strict in these cases.

Dr. Sorefan: Madam Speaker, recently, most of the fatal accidents are caused by motorcyclists. In the past, duty-free was allowed by the ex-Minister of Finance and Economic Development in the Budget to the tune of 200cc duty-free. I recall saying that we have to increase the Casualty Department...

Madam Speaker: Ask your question, hon. Dr. Sorefan!

Dr. Sorefan: ..because we are going to have a lot of accidents, but now we see there are lots of accidents. May we know whether this Government will come back and put duty on those motorcycles because we see a lot of new drivers for 200cc and they can't really handle those motorcycles and they kill themselves. Will the Rt. hon. Prime Minister see to it that in the next Budget there will be duty on the 200cc motorcycles?

The Prime Minister: Well, we will look into that.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: I will ask the Rt. hon. Prime Minister to refer back to the previous PQ, that is, in October 2015, where more than 10 measures have already been announced, including these two measures that he just mentioned. It has been six months that these 10 measures have already been announced and nothing has been done yet and we are very much worried on the alarming figures of fatal accidents. So, I will ask the Rt. hon. Prime Minister to instruct the Commissioner of Police or even the Minister of Public Infrastructure and Land Transport to work a bit quicker.

The Prime Minister: I suppose they are taking note.

Madam Speaker: Next question, hon. Jhugroo!

ROCHES NOIRES – BUNGALOW – THEFT

(No. B/2) **Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the theft in a bungalow in Roches Noires, on or about 03 July 2011, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry being carried out thereinto, indicating when formal charges will be lodged against the accused.

The Prime Minister: Madam Speaker, I wish to refer the hon. Member to my reply to Parliamentary Question B/484 on 15 September 2015, wherein I informed that the Police had referred the case file relating to the theft in a bungalow in Roche Noires, to the Office of the Director of Public Prosecutions.

I am informed by the Commissioner of Police that, on 28 March 2016, the Director of Public Prosecutions, who has found that four persons are involved in the alleged conspiracy, has advised that -

- (i) Mr D.G. be prosecuted for the offence of Effecting Public Mischief in breach of section 298 of the Criminal Code, and
- (ii) Messrs N.R., P.J. and R.S. be prosecuted together for the offence of conspiracy to an unlawful act namely, Effecting Public Mischief in breach of

section 109 of the Criminal Code (Supplementary) Act and also under section 298 of the Criminal Code, and

- (iii) the case against Mr D.G. be lodged first and after disposal of same, to proceed with the prosecution of the case against Messrs N.R., P.J., R.S., and to call Mr D.G. as witness for the prosecution.

Madam Speaker: Yes. Next question, hon. Jhugroo!

NOUVELLE FRANCE – INCIDENT - TEAR GAS USE

(No. B/3) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the incident wherein use was made of tear gas at Nouvelle France, on or about Wednesday 12 November 2014, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto, indicating if any arrest has been effected in connection therewith.

The Prime Minister: Madam Speaker, I wish to refer the House to the reply made to Parliamentary Question B/208 at the sitting of 31 March 2015, wherein I, *inter-alia*, stated that on 12 November 2014, during a private meeting by a candidate of *l'Alliance Lepep* held in a tent at Savanne Road, Nouvelle France, an object which discharged fire sparks and smoke was flung into the tent.

Three persons who complained of suffocation resulting from the smoke attended treatment at the hospital.

Madam Speaker, I am informed by the Commissioner of Police that on 28 March 2015, two persons were arrested and provisionally charged for “conspiracy for causing explosion likely to endanger life”. Thereafter, they were released on bail on 01 April 2015.

I am further informed by the Commissioner of Police that enquiry into the case has been completed and on 08 March 2016, the case file has been sent to the Director of Public Prosecutions for advice.

Mr Jhugroo: Will the hon. Prime Minister ask the Commissioner of Police if he can open an enquiry with regard to the source of the tear gas which was in possession of the persons concerned?

The Prime Minister: Well, I don't think I should ask him to do that. I think he should have done it.

Madam Speaker: Next question, hon. Bhagwan!

PMO - SENIOR ADVISERS – APPOINTMENT

(No. B/4) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Senior Advisers, Messrs P. M. and D. B., he will, in each case, state the -

- (a) net monthly pay and allowances drawn, and
- (b) Boards on which they serve as representatives of his Office, indicating the respective -
 - (i) date of appointment;
 - (ii) allowance drawn, and
 - (iii) number of overseas missions undertaken in connection therewith, giving details as to the countries visited and expenditure incurred.

The Prime Minister: Madam Speaker, Mr P. M. is drawing a monthly salary of Rs114,000 while the net pay of Mr D. B. is Rs127,000 inclusive of allowances. I wish to point out that the total salary and allowances of the three paid Advisers in my Office amount to Rs343,000 per month compared to Rs2,314,670...

(Interruptions)

...per month for the 21 Advisers who were employed by the former Prime Minister.

(Interruptions)

Madam Speaker: Order! Order, please!

The Prime Minister: In regard to part (b) of the question, Mr P. M. is not serving on any Board as representative of the Prime Minister's Office. As regards Mr D. B., he represents the Prime Minister's Office only on the GRA Board. He was

appointed to serve on the GRA Board on 13 March 2015 and is drawing a monthly fee of Rs25,000. He has not undertaken any overseas mission on behalf of the GRA.

I also wish to remind the House that between 2000 and 2005, at the time hon. Bhagwan was Minister of Environment, he had retained the services of as many as 11 Advisers.

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

(Interruptions)

Order! Yes.

Mr Bhagwan: The advisers were approved by the Prime Minister himself!

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

(Interruptions)

Mr Bhagwan: Madam Speaker, I am...

(Interruptions)

Madam Speaker: Hon. Members if there is no order in the House, the works of the House cannot proceed in peace. Please!

Mr Bhagwan: Madam Speaker, I am proud to have recommended to the then Prime Minister the appointment of advisers, but not advisers to be engaged in powder corruption, *Holi* powder corruption! Advisers to work for the country.

(Interruptions)

Madam Speaker, can I ask...

(Interruptions)

... the Prime Minister - he has been stating to the House *qu'il serait intransigent contre la fraude et la corruption. Son gouvernement est en train de donner de bons exemples.* Can the Prime Minister state to the House, the country and the nation when he will get rid of Mr 'prend casse' Maunthrooa who has been engaged in corruption in the Boskalis case?

(Interruptions)

Madam Speaker: Please, hon. Bhagwan...

(Interruptions)

Please, don't make any comments of this sort because there is a case in Court and the case has not been dealt with yet!

(Interruptions)

Please, as a seasoned politician, I would appeal to you, don't make those sorts of comments.

(Interruptions)

Mr Bhagwan:Not to you, Madam, from the Prime Minister!

Madam Speaker: I am just asking you not to make these sorts of comments because otherwise, there will be so much disorder in the House that we won't be able to proceed with the works of the House. Please!

(Interruptions)

Mr Bérenger: Can you look my way once in a while?

(Interruptions)

Madam Speaker: I do!

Mr Bérenger: Thank you! Not too often!

Madam Speaker: All the time!

(Interruptions)

Mr Bérenger: Can I ask the Rt. hon. Prime Minister whether I am right or wrong - and I am right - that advisers under the Constitution are appointed by the Prime Minister, not by Ministers! Appointed by the Prime Minister, therefore, when he said that when hon. Bhagwan was Minister, he approved! Appointment by the Prime Minister of those advisers!

(Interruptions)

Madam Speaker: Order please!

(Interruptions)

Order, hon. Bhagwan, please!

(Interruptions)

Hon. Bhagwan, please!

(Interruptions)

Hon. Jhugroo, please!

(Interruptions)

Hon. Bhagwan! Can I ask the hon. Members not to make provocative remarks?

(Interruptions)

Can I ask them not to make provocative remarks?

(Interruptions)

Hon. Jhugroo, please!

(Interruptions)

If hon. Members continue, I will have to suspend the sitting!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, I am addressing you!

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Hon. Jhugroo and hon. Bhagwan, do you want me to suspend the sitting?

(Interruptions)

I will suspend the sitting if you continue!

(Interruptions)

Hon. Jhugroo...

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Hon. Uteem, please!

(Interruptions)

Do you want me to suspend the sitting?

(Interruptions)

Hon. Members, once again, I am appealing to all of you because we are losing the time of the House. I have told you that we want to use the time of the House for the best practice of the House. Please!

(Interruptions)

Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. During the Private Notice Question, we have just heard the Rt. hon. Prime Minister say that when there was a serious allegation against hon. Dayal, he asked him to step down. In the case of Mr P. M. his own Vice-Prime Minister, hon. Ivan Collendavelloo represented Boskalis who went into Court and said they had given money to the adviser and the hon. Prime Minister does not find it fit to remove him as adviser?

(Interruptions)

Madam Speaker: Hon. Mahomed, you had a question? No! The hon. Prime Minister wants to reply!

The Prime Minister: I will answer. I am not removing Mr P. M. as adviser!

(Interruptions)

Madam Speaker: Next question, hon. Rughoobur!

NATIONAL DEVELOPMENT UNIT – PROJECTS - TENDER

(No. B/5) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the National Development Unit, he will give a list of the projects in respect of which bids have been launched over the current financial year, indicating in each case, the –

- (a) project value thereof, and
- (b) date of award thereof.

The Prime Minister: Madam Speaker, I am informed by the National Development Unit (NDU) that for the current financial year, the Unit has, in respect of its projects, resorted to various procurement exercises namely Framework Agreements for -

- (i) Drains and Associated Works;
- (ii) Roads and Associated Works;
- (iii) Amenities and Associated Works, and
- (iv) Consultancy Services.

As well as separate procurement for specific projects.

I am tabling the lists of projects awarded by NDU as at date for the total amount of Rs254,183,029.04.

The lists comprise projects related to drains, roads, amenities and provisions of street lanterns to be fixed by local authorities.

Mr Rughoobur: I thank the Rt. hon. Prime Minister for the reply. Since there is a sum of Rs60 m. which has been voted for drain works at Fond du Sac, for the cut-off drains, may I know from the Rt. hon. Prime Minister if tenders have already been launched or are being launched for the completion of this important project?

The Prime Minister: Well, it must be there. I do not know. The hon. Member must ask a specific question on that.

Mr Rughoobur: In relation to the framework agreement which the Rt. hon. Prime Minister just referred to, can I request the Rt. hon. Prime Minister to please look into this issue of awarding contracts to those district contractors, so that works are not too much

delayed as they are presently? For the time being, not a single project has started in our constituency.

The Prime Minister: I understand it is not true that no project has started. As the hon. Member has suggested, I will convey that to the Permanent Secretary of the institution.

Madam Speaker: The Table has been advised that PQ B/19 has been withdrawn!

CAMP CAROL & PEREYBERE – DRAINS - CONSTRUCTION

(No. B/6) **Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether in regard to the projects for the construction of drains respectively at Camp Carol and at Pereybere by the National Development Unit, he will, in each case, state the –

- (a) name of the contractor therefor, indicating if the site has been handed over thereto, and
- (b) expected completion date thereof.

The Prime Minister: Madam Speaker, I am informed by the NDU that, on 15 March 2016, it received approval from the Project Plan Committee for the drain projects at Camp Carol and Pereybère to be included in the Public Sector Investment Programme.

The NDU is presently finalising the bid documents for both projects to be launched by the end of April 2016.

Mr Rughoobur: I thank the Rt. hon. Prime Minister for the reply. The Rt. hon. Prime Minister being a man of action and somebody who has always laid emphasis on a result oriented approach, I would once again request him to please look into this issue of red tape at the level of the National Development Unit and to please see to it that this important project at Camp Carol and Pereybère is looked into and implemented as soon as possible.

Madam Speaker: Are you going to reply, Rt. hon. Prime Minister?

The Prime Minister: I do not see how I can answer such question! It is as if I am going to supervise everything now!

(Interruptions)

Well, it is not my job!

(Interruptions)

Madam Speaker: Hon. Dr. Sorefan, next question!

DRIVING SPEED LIMITS - SPEED CAMERAS - CONTRAVENTIONS

(No. B/7) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the driving speed limits, he will, for the benefit of the House, obtain from the Commissioner of Police, for the year 2015, information as to the number of –

- (a) contraventions booked respectively by
 - (i) fixed speed cameras, and
 - (ii) mobile speed cameras, indicating the sites where the contraventions have been booked, and
- (b) fines settled to date by drivers who have been booked therefor.

The Prime Minister: Madam Speaker, I am tabling the information requested by the hon. Member.

Dr. Sorefan: I can see that, with regard to this question, there is an overlap with the Ministry of Infrastructure for answer, and I am questioning the Prime Minister. There are certain places like Pellegrin and Midlands where we have the box of the camera, but without the camera inside. Will the Rt. hon. Prime Minister see with the Commissioner of Police that they are supplied with the camera inside? I have noticed that at Pellegrin, Quatre Bornes. I do not know whether they are paid for the contracting – the Minister of Infrastructure is taking note, which is good.

The Prime Minister: It will be looked into.

Dr. Sorefan: My second question, Madam Speaker. Will the Rt. hon. Prime Minister also see to it that, for mobile camera, we do have a sign before they place their mobile camera? Because drivers do not know. They are caught red-handed. They do this at Caudan, where we do have a camera within 50 metres. I do not see the point of a policeman sitting

with a mobile camera just when going to the South from Caudan Bridge. This is really a waste of time. They have done that three or four times.

The Prime Minister: If drivers drive and respect the regulations, speed limit, so, being caught red-handed, right-handed or left-handed, well, it does not matter.

ROAD ACCIDENTS (FATAL) – INQUIRY

(No. B/8) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to fatal road accidents, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof since January 2016 to date, indicating -

- (a) in each case, if the inquiry carried out thereinto has revealed the cause/s thereof, and
- (b) the additional preventive measures taken in the light thereof, if any.

(Vide reply to PQ No. B/1)

GRAND' BAIE INTERNATIONAL CONFERENCE CENTRE - CONVERSION - CASINO

(No. B/10) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the proposed conversion of the Grand' Baie International Conference Centre into a casino, he will, for the benefit of the House, obtain information as to where matters stand.

The Prime Minister: Madam Speaker, I am informed that the Grand' Baie International Conference Centre, which was grossly under-utilised and incurring operational losses, has been converted into a casino in replacement of the Trou-aux-Biches Casino, which was closed down some time back. The new casino, which started operations on 05 February 2016, is currently providing employment to 99 persons.

Mr Jahangeer: Can the Rt. hon. Prime Minister inform the House if there was a national bidding for the contractor who executed the work for the conversion?

(Interruptions)

Madam Speaker: Please, don't make provocative remarks! This applies to all the hon. Members of the House.

The Prime Minister: Well, I think the hon. Member should come with a specific question on that.

Madam Speaker: The Table has been advised that PQ B/15 has been withdrawn! Next question, hon. Ameer Meea!

CITE MARTIAL - CANAL ANGLAIS - REPAIRS

(No. B/11) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Canal Anglais, located behind the Military Road, in Cité Martial, Port Louis, he will state if -

- (a) consideration will be given for the urgent repairs of the cracks present therein which are causing water leakages into houses located in the vicinity thereof and, if so, when, and
- (b) the National Development Unit has carried out any survey thereof and, if so, indicate the outcome thereof.

The Prime Minister: Madam Speaker, I am informed by the NDU that a survey was carried out by its officers. The remedial actions proposed, namely cleaning and repairs of the bed of the canal have been entrusted to the City Council of Port Louis.

Mr Ameer Meea: Madam Speaker, I am really shocked by the answer given by the Rt. hon. Prime Minister because I have raised this issue several times in the House at Adjournment and with past PQs. This is a serious problem in my constituency whereby the canal itself has made its time. There have been so many cracks that, after the recent heavy rainfall, the water flooded in all the houses of people living nearby. In a PQ of last year, B/18, the Rt. hon. Prime Minister stated to the House: "I have given instructions to the

National Development Unit to cause a survey to be carried out and remedial action, if warranted, be taken.”

Therefore, may I ask Rt. hon. Prime Minister what happened to the survey? Has a survey been done, and what are the results of this survey?

The Prime Minister: I suppose it has been done and that, as a result of this, action is being taken. It is the Municipal Council that is going to do the needful.

Mr Mohamed: Can the Rt. hon. Prime Minister inform the House whether, while transferring this issue to the Municipal Council of Port Louis, provision was made to give them additional budget, since it is a problem that requires a lot of investment?

The Prime Minister: Certainly, yes.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ Nos. B/28 in regard to the Electrical Services Division addressed to the hon. Vice-Prime Minister, Minister of Energy and Public Utilities and B/34 in regard to the infrastructural development of the Victoria Station in Port Louis addressed to Dr. the hon. Minister of Local Government will now be replied by the hon. Minister of Public Infrastructure and Land Transport. PQ No. B/47 in regard to the proposed implementation of a hotel project in the region of St. Félix addressed to the hon. Deputy Prime Minister, Minister of Tourism and External Communications will now be replied by the hon. Vice-Prime Minister, Minister of Housing and Lands.

Hon. Ameer Meea!

PUBLIC BEACHES - BEACH TRADER LICENCE

(No. B/22) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the public beaches, he will, for the benefit of the House, obtain from the Beach Authority –

- (a) a list of the licensees who have been issued with a Beach Trader Licence -
 - (i) prior to January 2015, and

- (ii) since January 2015 to date, indicating their respective base of operation, and
- (b) information as to if the Authority has received complaints from local people and from tourists regarding the installation of beach chairs, deckchairs and umbrellas thereat and, if so, indicate the measures taken in relation thereto, if any.

Mr Wong Yen Cheong: Madam Speaker, with regard to part (a) (i), the information sought for is being tabled.

Since January 2015, no licence has been approved by the new Board. However, 11 licences have been issued which were approved by the previous Board in 2014.

With regard to part (b) of the question, I am informed that several complaints have been received from both local people and tourists. These complaints pertain mainly to beach users not having enough space for use and also preventing them to have a proper view of the sea frontage.

The Beach Authority has taken the following remedial measures -

- (a) Since January 2015 to date, 47 crack-down operations have been carried out by the Enforcement Unit of the Beach Authority together with the Police Department for strict enforcement of regulations in force, to ensure compliance with the conditions imposed in licences and for proper monitoring of trading activities on public beaches;
- (b) Following Board's approval obtained on 29 May 2015 and advice received from the Attorney General's Office on 26 June 2015, necessary actions have been initiated at the level of the Authority to reduce the number of mattresses and umbrellas on certain public beaches where there was excess in the number of mattresses and umbrellas issued as per the recommendations of the Technical Committee set up in July 2008, and
- (c) no new licence has been approved by the Board since January 2015 for the renting of mattresses and umbrellas.

Thank you.

Mr Ameer Meea: The hon. Minister just informed the House that no licence has been issued starting 2015. But, according to a press article of *l'Express du mardi 26 janvier 2016*, *il y a eu quatre opérateurs dont leurs permis ont été renouvelés. Ces derniers ont effectué*

leurs paiements mais ils affirment ensuite qu'une lettre a été envoyée et cela a été fait par erreur, et on a demandé qu'ils récupèrent leur argent. Les quatre opérateurs ont décidé de porter l'affaire devant la justice. May I ask the hon. Minister if he is aware of these four cases whereby their licences have been renewed and, if yes, what action has been taken up to now?

Mr Wong Yen Cheong: Madam Speaker, unfortunately, I have not been informed of this, but I will look into it. Thank you.

Mr Ameer Meea: I know the hon. Minister is new to this Ministry, so, I won't be harsh upon him, but still I will ask the hon. Minister this matter of *transats* and umbrellas and chairs on the beach is a matter of public concern. It is a matter where on all our beaches, especially in the north, these people are taking the whole area, I will ask the hon. Minister if he can take some serious action against that, and I am sure he won't need any helicopter to do these actions.

Mr Wong Yen Cheong: Madam Speaker, I thank the hon. Member for his pertinent questions and request because on this side of the House, we are on the same length of thinking and I would propose to the Cabinet to review the policy for renting of mattresses and umbrellas on public beaches. Thank you.

BELLE MARE - STATE LAND - LEASE

(No. B/24) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the lease of a plot of State land for the construction of bungalows and apartments at Belle Mare to a company represented by Mr R. G., he will state the -

- (a) extent thereof;
- (b) terms and conditions thereof at the time of submission of the application therefor;
- (c) date of -
 - (i) issue of the letter of intent, and
 - (ii) signature of the deed therefor, and

- (d) expected completion date of the construction works, indicating if any extension has been granted therefor and, if so, give details thereof.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):

Madam Speaker, with regard to part (a) of the question, New Fashion Style & Design Ltd, represented by Mr D. G., referred to as Mr R. G. in the question, applied on 18 June 2009 for the lease of a plot of State land of about four acres at Belle Mare for a Mixed Retail & Entertainment Centre Project. A letter of reservation dated 21 August 2009 was issued in the name of New Fashion Style & Design Ltd for the project over a plot of State land of an approximate extent of 3A40P over part of *Pas Géométriques*, Belle Mare. The reservation was for a period of six months as from the date of the letter.

With regard to part (b) of the question, I wish to inform the House that, at the time of submission of the application, there were no terms and conditions attached to such applications. It is only as from year 2015 that a new policy framework for allocation of State land has been put in place at the level of my Ministry. This framework sets the main stages for the processing of applications for State land which includes submission of the approved application form and required documents such as preliminary plans, precise location plan of State land applied for and proof of financial capacity. The new procedures ensure that the process is fair and transparent and that the whole process embodies the principles of good governance.

In regard to part (c) (i) of the question, a Letter of Intent dated 18 February 2010 was issued by the company for the grant of an industrial lease over part of *Pas Géométriques*, Belle Mare of an extent of 3A38P. The lease is for a period of 60 years starting from 18 February 2010 with the rent payable in accordance with the provisions of the State Lands Act.

Regarding part (c) (ii) of the question, the deed of lease was signed on 22 September 2010.

With regard to part (d) of the question, in accordance with Article 3(a) of the lease agreement, “the Lessee shall complete construction of the industrial building and the installation of its plant/machinery within a period of 36 months as from the date of signature of this lease.”

On 02 August 2013, the company applied for an extension of the period of construction by 12 months and informed that it proposed to start construction by

September/October 2014 at latest. The request was acceded to and the company was granted a delay of one year as from 07 October 2013 to start construction.

On 08 October 2013, the company applied for a change of purpose of the lease from 'Mixed Retail and Entertainment Centre' to the construction of 'Apartment/Bungalow Complex' and on 17 October 2013 approval was obtained to amend the lease subject to conditions which I am going to table.

On 23 May 2014, New Fashion Style & Design Ltd informed the Ministry that once the development would be completed, the bungalows would be allocated through a '*Règlement de Copropriété*' and applied for an amendment to the lease. The request was examined and the company was informed by a letter dated 05 August 2014 that the lease would be amended to provide for -

- (i) the change in purpose into apartments/bungalow complex to be attributed through a '*règlement de copropriété*', and
- (ii) the lease would thereafter be transferred in the name of "*Syndicat des Co-Propriétaires.*"

The deed of amendment has not been signed till date. However, rent for the site amounting to some Rs2.3 m. for the year ending 30 June 2016 has been paid.

Madam Speaker, on 16 September 2014, the company informed the Ministry that construction of the said apartments/bungalows would start within the next 11 months as from date of the letter. On 19 September 2014, the Ministry informed the company that the Ministry had acceded to its request and that no further delay would be granted for the start of the construction works. The delay to start construction expired on 15 August 2015. A site visit was carried out on 02 September 2015 and it was observed that the construction of one concrete building had started on the subject site.

Madam Speaker, as at date, no further extension has been granted for construction works. Being given that the construction works have started and the promoter is up to date with the payment of rental, the views of State Law Office have been sought on the way forward.

Thank you.

Mr Bhagwan: Madam Speaker, can the hon. Vice-Prime Minister inform the House whether the reason for giving this new fashion style represented by Gooljaury is a special

favour given to him because he is now a blue-eye boy of Government? Is this a special favour? Have there been any such cases treated in the same manner?

Mr Soodhun: Madam Speaker, I have explained, I have taken time to say that it was not on my time, it has been done by the former Government.

(Interruptions)

Mr Bhagwan: Can the hon. Vice-Prime Minister inform the country that normally he goes on site, whether he has had a site visit himself on this site, from what we have been told, and whether this start of construction is a *faire semblant*? A *faire semblant*, as if the Police is coming and somebody is trying to just evade the Police. Can the hon. Vice-Prime Minister inform the House what mechanism he has put in place within his Ministry to have a close monitoring on that project so that no special favour be given to Mr Rakesh Gooljaury?

Mr Soodhun: I have just informed in my answer that we have set up a new framework and all is going to be done in transparency through the website. So, there is no favour, nothing like this.

Mr Bhagwan: Can the hon. Minister inform the House whether Mr Rakesh Gooljaury has had any meeting in his office with him with regard to that project particularly and whether there were any Minutes of Proceedings of that meeting?

Mr Soodhun: I have never seen this gentleman in my life and I don't want to say anything and I have never intervened on any such matter. I can assure the hon. Member that it is not in my habit to meeting people...

(Interruptions)

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. When the hon. Vice-Prime Minister took office, in the first few sessions he came to Parliament and said that he had initiated a series of enquiries and referred matters to the Police. Now, he, himself, said than more than seven years ago, 2009, the reservation was done. After seven years, the project has changed from an industrial geared project to a residential project and, up to now, there has been only one bungalow started. So, may I know from the hon. Vice-Prime Minister whether he had referred this matter to the Police for enquiry?

Mr Soodhun: I thank the hon. Member for just reminding the House. I have already said it. It has been a long procedure and he has respected. The former Government has given

all sorts of facilities, not me for what I have done. I have sent the case to the State Law Office to take necessary action.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: On 26 February 2016, the Cabinet took cognizance of a list of renewals of State land, be it residential, commercial, industrial or sociocultural and up to now this list which should normally have been on the website of the Ministry is not found. May I ask the hon. Minister why since February this year, this list of renewals of State land has not been posted on the website?

Madam Speaker: Hon. Ameer Meea, you are referring to another question. This question relates to the company represented by Mr R. G. So, please, come with another question. Next question! Yes, you have one question?

Mr Bhagwan: Can I know from the hon. Minister - to inform the country and the population, the taxpayers - why Mr Rakesh Gooljaury has been given, he is the only one who has been given this special favour, a lease and he has not started work and why has he not been taken to task and the land retrieved?

Mr Soodhun: I would advise my hon. colleague to meet his best friend, the former Prime Minister, because he has given all sorts of facilities...

(Interruptions)

Madam Speaker: Next question! Order! Next question!

(Interruptions)

Hon. Rughoobur, next question!

(Interruptions)

Order, please! Hon. Bhagwan, please! Hon. Bhagwan, would you continue!

(Interruptions)

Hon. Bhagwan, please!

(Interruptions)

SIR SEEWOOSAGUR RAMGOOLAM BOTANICAL GARDEN - UPGRADING

(No. B/26) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Agro-Industry and Food Security whether, in regard to the Sir Seewoosagur Ramgoolam Botanic Garden, he will, for the benefit of the House, obtain from the Sir Seewoosagur Ramgoolam Botanic Garden Trust, information as to if the upgrading thereof is being envisaged, indicating the measures that have been taken for the upgrading thereof over the past five years.

Mr Seeruttun: Madam Speaker,...

(Interruptions)

Madam Speaker: Hon. Bhagwan, please! Hon. Seeruttun, yes, please, proceed!

Mr Seeruttun: Madam Speaker, I shall, with your permission, reply to Parliamentary Questions B/26 and B/36 together as they both relate to the Sir Seewoosagur Ramgoolam Botanical Garden.

Madam Speaker, upon assuming duty as Minister of Agro-Industry and Food Security in December 2014, I have received disturbing news regarding the deplorable state of the SSR Botanical Garden. In fact, the SSR Botanical Garden was the subject of numerous criticisms from both local and international visitors and negative reports were published in the press that were tarnishing the image of the garden. I subsequently visited the garden and was really appalled by what I have seen.

The Board of the Sir Seewoosagur Ramgoolam Botanical Garden Trust was reconstituted in May 2015 and, since then, much work has been undertaken, especially regarding the daily monitoring of the *victoria amazonica*, commonly known as the '*nenuphar geant*' or giant water lilies. Hon. Members will recall that the giant water lily was badly affected by the apple snails and other pests and the number of *nenuphars* was reduced to almost nil some years back. Today, the water lilies are growing abundantly and the pond has got back to its yesteryear's beauty and pride. The garden was also properly maintained with the assistance of the Tourism Authority. The Trust will shortly upgrade the footpath around the water lily pond with flat stones and will upgrade the existing kiosk into an information kiosk on the giant water lily. I invite you all to visit the garden to appreciate the changes being made.

However, much improvement is still required and the Board has been working on a series of measures to rehabilitate the garden. These measures include the renovation of the Chateau Mon Plaisir, for which tenders were launched and I am informed that the tender

award will be made by the Board at its next meeting on 31 March 2016. The renovation works are expected to start shortly afterwards.

The warehouse has been renovated and is now being used as office cum conference room. The toilet blocks and toilet facilities for disabled persons are also being upgraded. All the ponds and canals in the garden are being rehabilitated. The security system is also being reviewed completely and a CCTV camera and surveillance system will be installed and the fencing around the garden is being replaced to strengthen security. Moreover, with the installation of Wi-Fi Hotspot and implementation of QR code, visitors will have online information on all plants and species at the garden as well as improved communication facilities.

Other measures being taken by the Trust comprise the upgrading of the parking and hawkers' area which will include modern and aesthetic souvenir shops, food shops and a cafeteria. Furthermore, a nursery will be set up to propagate existing and new plant species to be planted in the garden and also for sale to the public. A new orchid garden as well as a thematic garden with local fruits will be created.

As regards manpower, the Board will proceed with the recruitment of adequate staff, mainly gardeners, cleaners and security guards for the proper day-to-day upkeep of the garden and for ensuring better security of visitors.

Furthermore, the Board has enlisted the services of the world-renowned French botanist, horticulturist and landscape architect, Mr Gilles Clement to look into the present status of the garden with regard to its scientific, botanical, historical, infrastructural and esthetical aspects and propose actions for its rehabilitation. In this respect, Mr Gilles Clement was in Mauritius from 14 to 21 December last year and he has submitted his report two weeks ago. The Board is presently examining the report and will take necessary actions for its implementation.

Madam Speaker, I wish here to point out that Mr Gilles Clement is a regular visitor to Mauritius since the 1980s and he was requested back in 1999 to make an evaluation of the garden and propose rehabilitation measures. His report was, however, never implemented. I shall ensure that the new report submitted by Mr Clement is implemented so that the Garden becomes a major historical, botanical, scientific and touristic regional and world attraction.

As regards the number of visitors, I am informed that there were 49,000 local visitors and 231,175 foreign visitors in the year 2015 and the total revenue collected amounted to around Rs47.5 m.

Mr Bérenger: I am not surprised that he has been shocked when he visited Pamplémousses Garden. It is still, one year after elections, in a very, very bad state. We have been given a long list of ongoing works and lots of new rehabilitation. Can I know from the hon. Minister, for this financial year until the end of June, what amount of funds are available to the Board and what will be provided for or requested at this stage in the next Budget?

Mr Seeruttun: Well, as far as the amount of money that they have as at to date, I am informed that the Trust has some Rs75 m. cash available in their fund. I am sure with the report that has just been received from the Consultant, Mr Clement, and the recommendations made, they are going to implement the measures recommended in the year to come and also, some measures are going to be on a long-term basis. So, I believe now that we have something which is on hand and we are going to do whatever needs to be done to upgrade the garden and give it its reputation that it used to have in the past.

Madam Speaker: Do you have a question!

Mr Mahomed: Have the recommendations of Mr Gilles Clement been calculated and amounted for in respect of Budget provisions?

Mr Seeruttun: Madam Speaker, I have just said that the Trust is going to examine the report at its next meeting which is scheduled on 31 March and based on that, I am sure, they will try to work out the amount, the cost of implementing the recommendations, and probably I will be in a better position to give the hon. Member a reply on the cost involved with regard to the recommendations that are going to be put in place.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Madam Speaker, I just wanted to make a request to the hon. Minister regarding the training of the guides at the garden. In this whole process of the Implementation Plan that he has, can he take into consideration the sort of training of the guides and the professionalism of this *métier*?

Mr Seeruttun: Madam Speaker, I will take note of the suggestion made by the hon. Member and make sure that the personnel of the garden are being given proper training so that they could exercise their duties in a proper way.

Madam Speaker: I suspend the sitting for one and a half hours.

At 12.59 p.m., the sitting was suspended.

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

Madam Speaker: Hon. Dr. Sorefan!

FITNESS CENTRES – OPERATIONAL

(No. B/27) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Fitness Centres, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the date of coming into operation thereof, indicating if the setting up of additional ones is being envisaged.

Mr Bodha: Madam Speaker, I wish to inform the House that the decision to privatise the motor vehicle examination service, currently under the responsibility of the National Transport Authority was taken in 2009. Following a tender exercise in March 2011, three operators had been selected namely -

SN	Operators	Vehicle Examination Centre
1	SGS (Mauritius) Ltd	Forest Side
2	Auto Check Ltd	Plaine Lauzun
3	Eastern Stone Crusher	Laventure

A letter of award for the setting up and operation of private motor vehicle examination centres was issued to the three successful operators on 29 April 2013.

Madam Speaker, when I assumed office at the Ministry in December 2014, I took note that the previous Government had already approved the following conditions for the operation of the centres -

- (i) to allow the three private operators to operate the stations independently with the National Transport Authority holding regulatory functions for the purpose of ensuring quality service delivery, prescription of appropriate fees and that examination of vehicles is carried out in a fair and transparent manner and according to legal norms;
- (ii) to increase the vehicle examination fees by 50%;
- (iii) to charge a levy on each vehicle examined, and
- (iv) to set up a fourth centre.

Thereafter, Government decided to review the whole project and to add two new conditions, namely -

- (i) to charge a fee for the grant of an operating licence and upon renewal thereof, and
- (ii) to invite expressions of interest for the operation of one additional centre, that is, to come to a total of five centres for a better service on a regional basis.

Following negotiations held with the selected operators, two of them have agreed to start operating their respective fitness centres namely, Auto Check Ltd and Eastern Stone Crusher Ltd. However, they have expressed reservations regarding the setting up of two additional fitness centres in the immediate future. Government has agreed to consider this measure at a later stage in consultation with the operators, based on customer demand and in the public interest.

My Ministry is still in consultation with the third operator in a bid to rope in all the operators within this privatisation project.

A Steering Committee has been set up to come up with a road map and an implementation plan.

Madam Speaker, it is expected that the fitness centres will be operational in July 2016.

Dr. Sorefan: Madam Speaker, may we know on what criteria those three companies were given the Government property to set up their private Fitness Centres?

Mr Bodha: That was the exercise which was carried out in the past. There was the bidding exercise, there was the Technical Committee. We had a shortlisting of companies.

There were 10 companies and there was a Technical Committee under the chair of the MPI then, comprising of representatives of the Ministry of Housing and Lands, the Ministry of Finance and Economic Development, the Attorney-General's Office, the Valuation and Real Estates Consultancy Services, the Director of the Mechanical Engineering and the first task of the Committee was to make an assessment of investment made by the private operators.

Dr. Sorefan: Now, that we know the database of NTA which the private companies were going to use, in the past, I was made to understand that the database is going to be used by the private company, more or less obsolete. The hon. Minister, himself, came publicly saying that the database has been hacked by one of his officers. Now that the database is obsolete, how these companies are going to proceed with more or less obsolete database, without forgetting the irregularities that we have seen on horsepower, etc.

Mr Bodha: We have a question on this irregularity. I will answer the question later.

Madam Speaker, today, the NTA database relates to what we call the chassis number with a horsepower and the engine number. We are coming with a new database which will be a national database, which will be used by the Police, by the insurance companies, by the NTA and by the Fitness Centres. So, it will be one database transparent for everyone involved as regards regulating the vehicles. Today, we have the horsepower certificate that relates to two particulars: the engine number and the chassis number. In fact, we are going to what is internationally the norm today, what is called the vehicle VIN, the Vehicle Identification Number which is a 17th digit number and we are going to implement this database on that ground. For all new vehicles, we will go with the VIN. As regards the vehicles which are here, we will update the database which is going to be used by the Police, by the insurance companies, by the NTA and by the Fitness Centres.

Mr Bhagwan: Pending the coming into operation of these private Fitness Centres, can the hon. Minister, at least, inform the House what action his Ministry of a National Transport Authority has taken to deal with the *situation chaotique*, concerning those people attending the two centres, the one in Forest Side and the one in Port Louis, especially with regard to long queues. The one at Forest Side nearly reaches the roundabout of La Vigie and also in terms of amenities, some people have problem during rainy days and also for other amenities. What immediate action the National Transport Authority has taken or is considering to take to alleviate the problems of those, I would say, innocent and honest people attending these centres?

Mr Bodha: The hon. Member is right. Today, it is really a mess. We have all the unacceptable queues, people line up and the other problem is that we have five lanes at Forest Side and three of the lanes, in fact, have already been granted to SGS for implementing their projects. So, their new machine is already there. We are, in fact, working with two lanes. We have three or four lanes in Port Louis. What I have done, in fact, is that the examination today is done by the Police Officers and we are taking more time. In the past, they were doing 400 fitness tests in a day of eight hours, that was 50 an hour. So, it was about one, two, three minutes per vehicle. What I have tried to do, in fact, is to see to it that we have opened it on Saturday. We are doing some tests on Sunday as well. We have extended the number of hours. I have also requested them not to take the lunch hour because I know that it is a very tedious business, but I am sure that, in a few months, we will be in a better situation. In fact, I had also asked them to grant appointments in the morning shift and an afternoon shift so that people do not come there and spend hours. I can understand that. But, we are in a transition period, the more so because we have to address the other issue of the number of horsepowers which have been falsified and the number of problems where we are having people who have made some modifications to the particulars of their horsepowers.

Mr Jhugroo: Being given that the motor dealers of the new cars have got all facilities, know-how and experienced examiners at their place, will the hon. Minister consider allowing these motor dealers to do the fitness tests and also issuing of certificates.

Mr Bodha: This is the case in Britain where the MOT is granted by a number of garages and a number of car dealers. The problem would be how to regulate those car dealers. We could do that with the main brands which are established companies dealing with cars and having garages and experts, but the problem, I think, would be to regulate those, what are the garages which will be given this possibility to grant the MOT or not, but that is a valid contribution. In fact, we can consider it.

Dr. Sorefan: You know very well that private enterprises are here to make money. Whatever they invest, they want to make big money very soon. What guarantee the hon. Minister can give to vehicle owners that the examination fee won't be substantial?

Mr Bodha: The former Government had accepted an increase of 50% and I have said that we will not consider any other increase unless we really feel that the centres are not profitable.

Madam Speaker: Next Question, hon. Jahangeer!

ENERGY SERVICES DIVISION - OPERATION

(No. B/28) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Electrical Services Division, he will, for the benefit of the House, obtain therefrom, information as to -

- (a) the main objectives and functions thereof -
 - (i) at the time of the setting up thereof, and
 - (ii) as it is presently operating, and
- (b) if a restructuring thereof is being envisaged?

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):
Madam Speaker, with your permission, I will reply to this question.

As at present, the Energy Services Division, formerly known as Electrical Services Division, operates under the aegis of my Ministry. In fact, the Division which was previously under the aegis of the Ministry of Energy and Public Utilities was transferred under the responsibility of my Ministry as from March 2013.

With regard to part (a) (i) of the question, I am informed that the Electrical Services Division was created in July 1981 by grouping the hospital maintenance staff of the Ministry of Health and Quality of Life and the Electrical section of the then Telecommunication Department.

The main objectives and functions of the Division were confined to electrical wiring, equipment installation, lift installation and maintenance in government buildings.

In the year 2001, the Division was renamed the Energy Services Division (ESD) under the aegis of the Ministry of Energy and Public Utilities, and in 2013 the Division was transferred to the Ministry of Public Infrastructure.

As regards part (a) (ii) of the question, as at present, the ESD is providing the following services -

- (i) consultancy services for electrical works in infrastructural projects, including building services, highways, sports complexes;

- (ii) daily operation, maintenance and repairs of electrical installations, including plant and equipment such as lifts, air-conditioning and ventilation, generators, UPS, electric motors, fire alarms, autoclaves, cold rooms and Building Energy Management Systems;
- (iii) supervision of refurbishment of electrical works in the government owned and rented buildings;
- (iv) technical assistance to official functions and events such as the general and regional elections, National Day celebrations and other activities;
- (v) design and consultancy services for renewable energies;
- (vi) submission of reports on cases of fire and electrocution, and
- (vii) a 24/7 standby service to essential services such as the hospitals and other health institutions, Police Department, National Assembly, Prisons Department, Fire Services, Meteorological Services and Civil Aviation Department, among others.

Madam Speaker, as far as part (b) of the question is concerned, restructuring of public sector organisations is carried out in the context of the review of pay and grading structures undertaken by the Pay Research Bureau at regular intervals. Up to now, there has not been any major recommendation for the restructuring of the ESD. But I understand that there are a number of shortcomings as regards to the functioning of the ESD and, in the light of new advancement in technology, my Ministry is agreeable to provide appropriate training to officers of the ESD to increase their capacity in satisfying the requirements of all Ministries and Departments in that particular area.

The recommendations of the forthcoming PRB Report, if any, will also be taken into consideration in the context of this exercise.

Madam Speaker: Yes, hon. Mahomed!

Mr Mahomed: Thank you, Madam Speaker. Is the general public considered as client to the ESD? Because on the website, which I have had the opportunity to look at, the following is written -

“We are located at the following places to provide you efficient services.”

Mr Bodha: I have to check. But, from what I see, the ESD is the adviser to provide the consultancy services in that specific area to Government. So, I will check that.

Mr Ganoo: Can the hon. Minister inform the House as to the workforce of the ESD in terms of management and manual labour and whether he is satisfied in view of the heavy workload of this Department? Is he satisfied of the strength of this workforce?

Mr Bodha: I think I have been told we have about 25 Engineers, but the workload is really very heavy. So, in the new Budget, we will most probably ask for a number of posts to be created.

Madam Speaker: Next question, hon. Jahangeer!

CWA – STRATEGIC PARTNER

(No. B/29) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Water Authority, he will, for the benefit of the House, obtain therefrom, information as to where matters stand as to issue of securing a strategic partner therefor.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): With your permission, Madam Speaker, I shall reply to Parliamentary Questions Numbers B/29 and B/46 together. My reply is being circulated now. So, I shall be shorter than I thought.

Let me first of all thank the two hon. Members for providing this opportunity to open a public debate on the issue of privatisation of the CWA. On several occasions, I have mentioned privatisation of CWA to be on the agenda of Government. Privatisation is not to be restricted to an outright sale of CWA assets and operations to a private firm or individual.

As I understand it, the term “privatisation” includes all forms of private sector participation. In that sense, the term “strategic partnership”, as used by hon. Jahangeer, is perhaps a better term. But privatisation or strategic partnership or private sector participation may take many forms and, in the present context, no concept should be discarded. I have in the next paragraph given...

Madam Speaker: Hon. Vice-Prime Minister, I understand that you have circulated your reply. Do you wish to give a brief *aperçu* of your reply - it is under circulation - because it is rather long?

Mr Collendavelloo: Thank you, Madam Speaker. I shall be doing an encapsulated summary of what is before my colleagues. What is the point is that over the years we have had successive governments from all political parties which have considered all the options of private sector participation to improve water service delivery. I have listed at least seven attempts by previous governments to do that, the last one being the Singapore Cooperation Enterprise. We spent about Rs1 billion in that venture with no tangible result.

Now, we have substantial sums set aside for investments in the network, but I am not going to authorise useless spending as has been done before. This is why I have sought the assistance of the World Bank. They are in Mauritius presently, and we expect the report to be available, their recommendations to be available by May 2016. I will urge a public debate on the whole matter with the tabling of the report of the World Bank. I shall not be using my privilege only or the Cabinet's privilege only and, of course, we will need the uncensored and non-partisan participation of the media or else reform is bound to fail.

Madam Speaker: Yes, hon. Mahomed!

(Interruptions)

Hon. Mahomed asked first! Yes.

Mr Mahomed: The hon. Vice-Prime Minister said that the exercise undertaken by the Singapore Cooperation Enterprise showed no results. That same enterprise was advocating a one water strategy at one point in time, meaning to say WMA, CWA, Water Resources Unit, all to come under one body. Is that still on or not and, if so, will not privatisation put the whole thing at stake?

Mr Collendavelloo: These were two separate exercises. One was the Singapore initiative, if I may say so, merging Wastewater and CWA. The other one was the work they did at Upper Mare-aux-Vacoas. The two must be viewed separately.

With regard to the first one, the merging of the two, that was never put into action, and I don't think there is a great future for this, as at present advised. The first task will be to work towards turning around CWA into a better organisation.

Mr Uteem: Madam Speaker, the hon. Vice-Prime Minister mentioned strategic partnership and the report of the World Bank. However, in a recent intervention that he made at La Marie, this is what he is reported to have said, and I quote -

« La privatisation est essentielle afin de combler les attentes des consommateurs quant à une meilleure distribution de l'eau dans le pays ».

So, has not the hon. Vice-Prime Minister already made up his mind that he wants to go ahead with this strategic partnership or privatisation, whatever the World Bank may say?

Mr Collendavelloo: Well, the World Bank is within closed terms of reference. Yes, I have already made up my mind, and the World Bank is there to advise me as to the best way in which we will come towards that privatisation. It is clear. This thing about God giving us rain and we cannot give it to the private sector is a thing of Harish Boodhoo in 1982. Let's forget about this. We have to be modern, we have to be efficient. And the only way you are going to go about it is with private sector participation. Yes, I have made up my mind and that is why I am a Minister.

Mr Bérenger: Can I ask the Vice-Prime Minister whether the terms of reference of that World Bank study can be circulated and the composition of the World Bank expert delegation at work?

Mr Collendavelloo: The first part was made public when we signed the RES. I will try to get that later on. As for the composition of the World Bank team, certainly, I see no problem. I will have to check with them and get the full team and communicate it to the House.

Mr Baloomoody: Since the hon. Vice-Prime Minister has mentioned the word 'privatisation', there has been much concern about the workers of the CWA. Can I ask the hon. Vice-Prime Minister whether he has spoken to the trade unions and to the staff of the CWA with regard to his plan? What impact will this have both on the staff and on the water rate?

Mr Collendavelloo: Let us not please confuse issues! You ask on workers, I will reply on workers and then we shall come on water tariff which is a completely different matter. Yes, I have had consultations with the management and with the trade unions. As my hon. colleague knows, I have, myself, been an advisor to the trade union for 20 years. I know them very well. They trust me and I trust them. What has changed is that whilst before this, CWA management and workers were adverse to any form of private sector participation, now, the mind-set has changed. They know that their future lies with the CWA under whatever form. Therefore, we will be in it together. We will adapt or we will die together. So, it is a wholehearted exercise which will be started. We have a new Manager. We have a

good management, good engineers and good workers. But there is a second aspect to the workers and that is where the problem lies.

For a few years, under the Labour party Government, what they did was to pay contractors to hire people to work as Cashiers, Receptionists, or whatever. So, you see somebody working as a Cashier in CWA, you think he/she is an employee of CWA, but that is not true. They are employed by a contractor who gets a cut of their wages. That was good Labour party politics and that is how they were running CWA. So, they had privatised CWA without so saying by contracting out workers to CWA. This is an unacceptable form of management. The new...

(Interruptions)

Esclavagiste, exactly! People working at the CWA now are earning Rs4,000.

So, when we talk about privatisation, let us separate the two categories of workers. They are workers of CWA. There is no problem with this in the privatisation context. The difficulty will be for these employees, one of whom, who is working at CWA is being on contract for 18 years. 18 years he is on contract at the CWA and he is still on contract. His contract may be terminated any time within the year. This chap is, therefore, at the mercy of his boss because he has got no security. This will be the real bone of contention when we embark on privatisation.

Mr Uteem: The hon. Vice-Prime Minister just mentioned that he made up his mind. He is aware that the General Manager of CWA does not share that point of view. In an interview, he has stated that we need to reorganise CWA first, then look for any strategic partner or privatisation. So, may I ask the hon. Vice-Prime Minister to keep an open mind and, if he has not done that in the terms of reference of the World Bank, to at least consider whether it is possible to reorganise the CWA without privatisation and without impacting on the tariff of water?

Mr Collendavello: That is not on. Trying to reorganise CWA has been done for 25 years and it has never worked. What the General Manager said does not contradict what I am saying. Of course, there must be a turnaround. He is not going to sleep while the privatisation process is going on. He is going to work. He is going to turn around the CWA because when we have to deal ultimately with that private sector organisation, we will have to be solid and strong when we negotiate so that we get the best terms. This will take some time. I understand there is no contraction, but reorganising still with the thing that God gives

us the water, this is not on. We will never progress. We will never do anything for the population. In fact, since 1997, everyone has done. In my paper you will see, I mentioned 2004. Everything had been set in 2004 under the MSM/MMM Government for a management contract. In 2005, when the Labour party comes in, everything that was done was bad and they just scrapped it. They went to Singapore without any logical reason. So, in fact, we are going back to this. I am sorry.

Mr Bérenger: May I ask the Vice-Prime Minister if he has the total number of CWA employees as compared to employees that are on contract the way he has described it through contractors?

Mr Collendavelloo: I would welcome a substantive question on that so that I can give the hon. Leader of the Opposition accurate figures.

Madam Speaker: Last question on this issue hon. Ganoo!

Mr Ganoo: Can I express the fact that I am also shocked by the answer of the hon. Vice-Prime Minister when he says that no concept should be discarded. Do I understand that the hon. Vice-Prime Minister is also envisaging an outright privatisation what is commonly known as a concession agreement, that is, even all the assets of the CWA would be sold to an eventual strategic partner? Or do I understand that the hon. Vice-Prime Minister is considering only what has been proposed precisely by the report which he just mentioned when the MSM/MMM Government was in power and invited at that time the IFC to submit a report on the water sector? That is, the conclusion was to have not a concession agreement, not an outright privatisation nor an affair mage or a lease, but a private management contract of *durée déterminée* so that there is a transfer of technology from the private operators to CWA and a transfer of technology for a determined *durée*. In that way, CWA would be revamped and the necessary reforms would be able to be implemented in this sense.

Madam Speaker: Hon. Ganoo, I think you have made your point. Allow the hon. Vice-Prime Minister to reply.

Mr Collendavelloo: Let me try and put it this way. There are two extremes. One is we start with fiddling. This is what we call well-tailored reorganisation. In other words, we take one or two experts from abroad whom we believe to be Godsend. They come and they waste the time of everybody and our money. This is what has happened all the time. Or we go into a sectoral privatisation and we say: okay, billing procedures; we leave it to Mauritius Telecom to do it. That is the sort of things which we outsource. That is not on.

The other extreme is that we take the whole lot; we sell to the private sector. That is also not on. But in between, this is where I say I have an open mind and my friend, hon. Uteem said that I have taken my decision. No, I have not taken the decision. The decision is in principle for a private sector participation but we will have a debate, we will listen to what the World Bank tells us, I have my own ideas but I may shun them afterwards when I see more and more expertise telling me what I've got to be done.

FILTRATION PLANT – REPLACEMENT/UPGRADING - BOIS CHÉRI

(No. B/30) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Filtration Plant at Bois Chéri, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if the replacement or the upgrading thereof is being envisaged.

Mr Collendavelloo: Madam Speaker, the hon. Member may refer to my reply to part (b) of PQ No. B/654 of 06 October 2015.

The Bois Chéri water treatment plant was upgraded in November 2011. This treatment plant supplies water to the regions of Bois Chéri, Grand Bois and part of La Flora on a 24-hour basis. The treated water complies with World Health Organisation standards.

I am informed by the CWA that, at this stage, it is not envisaged to replace or upgrade the Bois Chéri treatment plant.

SUPER CASH BACK GOLD POLICIES - BAI CO. (MTIUS) LTD

(No. B/31) A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Super Cash Back Gold policies of the former BAI Co. (Mtius) Ltd., he will, for the benefit of the House, obtain from the National Property Fund Ltd., information as to -

- (a) the subsequent amount that will be refunded, indicating when same will be effected;

- (b) the number of policy holders thereof who have not obtained the refund of Rs500,000, indicating why;
- (c) the status of the policies assigned to other financial institutions;
- (d) when the debentures certificate will be issued, and
- (e) if funds are available therefor and, if so, give details thereof.

Mr Bhadain: Madam Speaker, I am informed by the National Property Fund Ltd that, out of 16,341 policyholders of Super Cash Back Gold, 10,211 policyholders have been paid in full and final settlement to date. Therefore, 62% of Super Cash Back Gold policyholders have already been repaid by NPFL.

Madam Speaker, with regard to part (a) of the question, out of the remaining 6,130 policy holders, I am informed by NPFL that 168 policy holders have not registered; 55 companies are not eligible and 536 suspicious cases are being looked into by the Financial Intelligence Unit (FIU).

The subsequent amount that will be refunded to the remaining 5,371 policyholders is Rs5.5 billion, which we have taken the commitment to repay in five equal tranches starting from 30 of June 2016 until 30 June 2020.

Madam Speaker, with regard to part (b) of the question, in my earlier answer to PQ No. B/624, I stated that 1,554 policyholders were not paid the initial amount due to them. Since then, I am informed by NPFL that 817 policy holders have been paid, which leaves 737 policyholders to be repaid. As to the second limb of part (b) of the question as to why these 737 policy holders have not yet been paid, I am informed that -

- (i) 430 policyholders have pledged their policies with banks and financial institutions, which have refused to surrender these pledged policies, unless they are fully paid the loans which these people have been taken.
- (ii) 305 policyholders have submitted incomplete documentation which does not entitle them for a refund and NPFL is regularly following up with them.
- (iii) 2 policyholders could not be repaid by NPFL as they are subject to restraining orders from the court.

Madam Speaker, as regard part (c) of the question, in respect of outstanding policies assigned to “other financial institutions”, there are 93 in total, 3 with Axis Leasing Ltd; 14

with Bank One Ltd; 3 with *Banque des Mascareignes Ltee*; 20 with Employees Welfare Fund; 1 with Habib Bank; 18 with SBM and 34 with MCB. These institutions are not willing to surrender these policies for NPFL to repay these 93 policyholders.

Madam Speaker, with regard to part (d) of the question, as per the commitment given by Government, debentures will be issued by NPFL as per the prescribed timelines, that is, prior to 30 June 2016. We are, however, trying to repay the maximum number of policyholders prior to that date.

With regard to part (e) of the question, I am informed by the Special Administrator that funds are available for the repayment of the first 20% to Super Cash Back Gold policyholders. As I have stated, Madam Speaker, we are trying to do better than that to alleviate the suffering of the victims of this BAI fraud.

Mr Ameer Meea: There are policy holders for which they have been paid bonuses in normal course of business, that is, some 5 years to 10 years back when the BAI still existed and now these policy holders when they are being refunded their bonus which has already been paid five years to ten years back are now being asked upon that these bonuses will be deducted in their capital element. My question to the hon. Minister is - doesn't he feel that this is unfair to these people where during their normal course of business, I mean, five years to ten years back, have already been paid bonuses because I would have understood that for future bonuses there is no money to pay them but for those people as I said earlier don't he think that this is unfair for them to have these bonuses being cancelled.

Mr Bhadain: I very much believe that what Mr Rawat and the BAI did to all these people is indeed unfair Madam Speaker. However, as a responsible Government, we have undertaken to repay the capital that has been invested by these people because we do understand that we have to alleviate the suffering of these people. Now, I don't know whether there are policies which go back to 10 years. I would not think so. However, there is a category of policies where, for example, somebody has invested Rs1 m. and he was enticed into that fraud by being promised a very high rate of interest let's say about 10%. So, when the policy matured it became Rs1.1 m. Now, that Rs1.1 m. was then reinvested into a new policy and, of course, because it was a Ponzi scheme they did not want people to take cash out therefore they give them a higher interest rate. So, Rs1.1 m. going now at 12% for instance and the policy has been reinvested. The question is: when in April 2015 Bramer bank's licence was revoked by the Central Bank and this whole thing was unleashed then a

decision has to be made. When you repay the capital, what do you repay? Do you repay the initial Rs1 m.? Do you repay the Rs1.1 m. which was after the first policy or do you repay the amount which was realised at 02 April 2015. What this Government is trying to do is to alleviate the suffering of the majority of these people and I am sure my friend, hon. Ameer Meea, would also recognize that, in 2012, it was the MMM who highlighted the problem through the PNQ of the hon. Leader of the Opposition and then the previous Minister of Finance and the Governor of the Central Bank were also in that *Commission Economique* of the MMM at that time. So, we do understand the problem. It is a problem of national interest. It is not a political party issue and we are doing our best, so we will repay those people. At least they will get that money back and, of course, this can alleviate their suffering.

Mr Bérenger: May I ask the hon. Minister, I heard him say, if I heard him correctly, that funds are available to pay the first batch of debentures on certain things. Are the funds there and do those funds include the Rs3.5 billion lent by the Bank of Mauritius? Is the cash there or are we relying on sale of former BAI in Kenya, Apollo Bramwell and so on?

Mr Bhadain: Madam Speaker, as I have explained before, I mean there is a whole recovery procedure which has been on-going and also, of course, I explained that, at some point in time, we will have to open up the capital of the National Insurance Company Limited so that we can go and meet the requirements to repay those people. For the Britam shares, a MOU has already been signed with the existing shareholders of Britam. There was an offer from MMI before but then that offer could not go through because the existing shareholders in Kenya were not willing to allow third parties into their company. They came to Mauritius and they said to us that they are willing to buy those shares themselves, this has been done. The MOU has been signed. The money is going to hit the bank account this week and then there is a second part which is going to be paid by the 30 of April. This is what the special administrator has already undertaken to do and it is already signed. Now, on top of that there are funds available in the NPF account, there are recoveries which have taken place. BA Exchange, for instance, we are waiting for a green light from the Central Bank for the money to be credited tomorrow. Of course, all these arrangements have already been made. As regards the commitment we have with the policy holders for 30 June 2016 which is 20% in terms of debentures, yes, Madam Speaker, the funds are available, I am informed by the special administrator.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Regarding part (e) of the question, if funds are available, it has been widely reported in the press that: *“des entités gouvernementales achètent des actions de la NIC et ces entités gouvernementales qui pourraient injecter des milliards de roupies sont la SICOM, la NPF et la SBM.”* Can I ask the hon. Minister if he can confirm this state of affairs?

Mr Bhadain: Not everything which is reported in the press is accurate, but, in this particular occasion, there is some substance to it. As I have stated, the capital of National Insurance Co. Ltd will be opened up for people to come and buy shareholding into NIC. That's why when the hon. Leader of the Opposition was mentioning a figure of Rs10 billion as being an amount which will have to be found including public funds, I always stated that: no, because you have NIC which is there, you have MauBank which is there and the capital will be opened up to raise money so that we don't have to go to public funds at least with regard to the insurance side.

NIC's capital is being opened, QED Actuaries have worked on it, independent consultants, financial consultants, BDO have worked on it. We have asked for a further report from Deloitte which we are about to get, I think, today or tomorrow and the Board of SICOM has been informed that if it wants to participate into that shareholding, it can do so but there is a restriction. According to the FSC Rules, SICOM can only invest a certain percentage which is minimal, I must say, because there is a rule from the FSC which says that an insurance company cannot invest more than 5% of its total assets into another insurance company, and we abide by rules. The only time this was breached, was in BAI case with the previous political party which was running Government at that time. So, NIC, this capital is being opened, SICOM will invest, we have made an offer to SBM Holdings as well and we are hoping for a very positive answer on that.

Mr Bérenger: I did not hear the reply concerning the Bank of Mauritius. Rs3.5 billion have to be reimbursed, what is the situation there? And since the hon. Minister has referred to SICOM, SICOM will invest. They have a Board, they have representatives on the Board, and so on. But he has mentioned SICOM, NPF and State Bank of Mauritius. Now, I read in the press that Mauritius Telecom is being asked. What does Mauritius Telecom have to do with pensions? So, can this be confirmed or denied?

Mr Bhadain: That's why I say that not everything which is reported in the press is accurate, Madam Speaker. Some of it was substance-based, some of it not. Now, when it

comes to the first part of the question, the loan of Rs3.5 billion which was given by the Central Bank, at that time there was an issue which had been dealt with by the then Minister of Finance and Economic Development as to whether Britam shares had to be sold prior to 30 June 2015 for the repayment of Rs3.5 billion to Super Cash Back Gold policy holders. The then Minister of Finance and Economic Development made a decision that: no, these shares should not be sold because, in his opinion, those shares would appreciate in value. At that time, he mentioned that he was creating a Legacy Sovereign Fund and that those shares will be parked into that Legacy Sovereign Fund. Because of that, he dealt with the Central Bank and got the loan of Rs3.5 billion. Now, we will have to repay that loan and we will repay that loan through the recovery procedures. But our priority is to alleviate the suffering of the victims of BAI fraud, the Super Cash Back Gold policy holders. We will pay them first and then, of course, we will, through the recovery process, address the issue of Rs3.5 billion from the Central Bank.

With regard to the second part of what the hon. Leader of the Opposition has said, I never said SICOM will invest or SBM Holdings will invest. I said they have been invited, their Board has been invited.

(Interruptions)

Well, okay, if that was said, I am clarifying it. Then, basically, those Boards will have a look at it. However, I don't see any reason as to why they should not invest, because...

(Interruptions)

No. Let me tell you why. Because, NIC has got 140,000 life insurance policies in Mauritius which is twice 70,000 which SICOM has. Because NIC has been selling more insurance policies over the last six months and the whole company is now operating with profits in a way which is conducive to attracting investment into it and I don't see any reason as to why they should not do so.

Madam Speaker: Hon. Uteem, you have a question?

Mr Uteem: Madam Speaker, earlier, the hon. Minister even on TV stated that he was going to talk to the Special Administrators to give an extension to holders of Super Cash Back Gold and also of Bramer Property Fund who have not been able to come forward and complete all the formalities including those who were not in Mauritius, etc. May I know from the hon. Minister whether he has spoken to the Special Administrators so that those

individuals, charities who are eligible for the Rs500,000 refund and the debentures are given time to come forward and put their name again?

Mr Bhadain: Absolutely, Madam Speaker, people can register at any point in time if they wish to do so. There is no problem. I think the figure of people who have not yet registered to date is 168. These are the people who have not registered.

I would also like to say, Madam Speaker, that there are two categories of foreigners. There are Mauritians who have invested into Super Cash Back Gold policies, but today they are in Italy, in France or in Canada. But then, we found out that there were Super Cash Back Gold policies which were sold in other countries to people who have got nothing to do with Mauritius and there are a number of French people who have basically gone into those policies. Now, these will not be repaid. This Government cannot repay that.

Madam Speaker: Next question, hon. Jhugroo!

NTA - FALSIFIED HORSEPOWERS

(No. B/32) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the recently detected cases of falsified horsepowers, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the -

- (a) number of -
 - (i) vehicles concerned therewith, and
 - (ii) officers of the Authority arrested in connection therewith, and
- (b) measures that will be taken to prevent the recurrence thereof.

Mr Bodha: Madam Speaker, on 13 January 2016, ASP Hector Tuyau started enquiries on suspected cases of forged horsepower certificates. According to the list submitted by the Police, 46 vehicles were involved.

Madam Speaker, in view of the fact that the number of such cases was estimated to be more than 3000, I had a series of consultations with the State Law Office, the Director of Public Prosecutions Office and the National Transport Authority with a view to find a legal and practical solution to the problem. It was noted that though the Road Traffic Act provides for any modifications to the particulars in the horsepower of any vehicle to be notified

forthwith to the Road Transport Commissioner, this provision was not being complied with by vehicle owners. The law also provides that on being notified, the Road Transport Commissioner would cause amendments to be made in the horsepower certificate as well as in the NTA database.

Madam Speaker, consequently, a Press Communiqué was issued on 08 March 2016 inviting all vehicle owners who have brought modifications to the particulars contained in the horsepower certificates of their vehicles without informing the Road Transport Commissioner to voluntarily register these changes for eventual examination of their vehicles at the fitness centres.

I am informed that a special desk has been set up at the NTA to deal with such cases and has been operational during the weekends. A team of 21 Police Officers has also been posted with effect from 02 February 2016 at the Vehicle Examination Centres to examine the vehicles which have been modified.

As at 27 March 2016, 3011 owners of vehicles have voluntarily registered modifications effected to their vehicles. Examinations of these vehicles started on Sunday, 13 March 2016 and as at Sunday 27 March, that is last Sunday, 1,313 vehicles have been examined by the Police Officers in the presence of Mechanical Engineers of my Ministry and amendments have been effected in their registration books.

118 vehicles were found not to be roadworthy and would be re-examined after repairs. 240 persons did not turn up for further examination of their vehicles. Copies of all these documents regarding all these cases have been handed to the Police for further enquiry and prosecution, if any.

One lorry and one car were found with tampered chassis number and have also been referred to Police for enquiry.

Madam Speaker, as regards part (a) (ii), I am also informed that five officers of the Authority have been arrested as at date. There are four examiners and one Management Support Officer.

Madam Speaker, as regards part (b) of the question, sensitisation of vehicle owners will be maintained with a view to ensuring that legal provisions regarding the change of particulars of vehicles are complied with. Examiners both from the Police and the National Transport Authority have also been urged to give particular attention to changes in engine or chassis numbers whenever they are carrying out daily vehicle examination.

In addition, the State Law Office in consultation with my Ministry is working on amendments to be brought shortly to the Road Traffic (Construction and Use of Vehicles) Regulations 2010 to provide for the prior approval from the Road Transport Commissioner to be obtained regarding any modification to HP, horsepower particulars to be made to the vehicle.

Madam Speaker, with the privatisation of the Vehicle Examination Centres, the service will be fully automated with minimum human intervention and I am sure that we will see to it that they are more comprehensive and transparent examination of vehicles and the risk of falsification of documents will be considerably reduced through better control.

Madam Speaker: Hon. Jhugroo!

Mr Jhugroo: Can the hon. Minister state whether stolen cars or motorcycles from abroad or locally have been involved with these falsified horsepowers and, if so, can we know the number thereof?

Mr Bodha: We will know about it only after Police enquiry. What we have done is, we have addressed the issue of the vehicles' certificates and then send all the files to the Police for investigation.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. This NTA falsification is a fraud and the Government has lost a lot of money and people have been arrested, until one Minister's name came up in the press.

(Interruptions)

May I know from the hon. Minister – it is a fact – whether the decision to get recourse to the State Law Office was not precisely to get the hon. Minister off the hook?

Mr Bodha: Not at all! I would like solemnly to say so here, Madam Speaker. In fact, the DPP's office started with the SLO to find a solution. It is a legal and practical solution because otherwise we would have had 3,000 vehicles grounded. As soon as the fitness certificate would be no longer valid, all these vehicles would have been grounded and everybody was using that vehicle - in many cases - for their living. So, the solution was to find a system to address the issue of the horsepower certificate and leave the Police to do the investigation. Madam Speaker, I have respected the three prerogatives. Police is to investigate and do the enquiry. The DPP office is to prosecute in case there is matter for

prosecution and the NTA is to regulate. So, the three prerogatives have been respected and it has nothing to do with any case, be it a Minister's case or any other case.

Madam Speaker: Hon. Ameer Meea!

(Interruptions)

Mr Ameer Meea: Can I ask the hon. Minister - he announced so many measures that would be taken to remedy the situation - if he is aware that in Agalega there are about 50 vehicles that do not even have *déclaration et vignette d'assurance parce qu'il n'y aucun bureau de la NTA?*

(Interruptions)

So, can I ask the hon. Minister what will he do to remedy the situation?

(Interruptions)

Mr Bodha: I thank the hon. Member for this positive criticism. I will look into the matter. I was not aware of it. We will certainly take into consideration this aspect of the horsepower certificates in Agalega.

(Interruptions)

Madam Speaker: Hon. Jhugroo!

Mr Jhugroo: Madam Speaker, after the episode of falsification of horsepowers and with the heavy workload at the different fitness centres, will the hon. Minister consider - firstly, to open other fitness centres so as to decrease the daily queues that we have got at Port Louis and Curepipe, secondly, to extend the period of fitness of vehicles during weekends and thirdly, to extend also the certification of vehicles by increasing it by one year just to decrease the amount....

Mr Bodha: We have adopted some of those measures. I understand the problem of hassles and long queues. I think with the privatisation of the fitness centres, we will take more time for a thorough examination, but then we will not be able to do 400 tests in a day. We must have less tests with proper appointments so that things are done in a proper and civilised manner.

Mr Jhugroo: I am asking this question not for a long term, but for a short-term period. For now! We should do it now!

Mr Bodha: But we are already doing the tests on Saturdays and Sundays. We have extended the number of hours. We have two shifts and there is a backlog. I think once we have finished with the 3,000 horsepower certificates which have been falsified...

(Interruptions)

I think we will be in a better position...

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Can the hon. Minister clarify the situation with regard to those who will be prosecuted? Those who have voluntarily come forward to say that they have changed their engines or what, will they be prosecuted? Or will they be granted amnesty? Or only those who have not come forward will be prosecuted? Or all the 3,000 will be prosecuted?

Mr Bodha: Who will be prosecuted and who will be subject to an amnesty is not my prerogative. What I am doing, in fact, I have requested a voluntary declaration so that we address the problem of the vehicle registration. Now, all the files have gone to the Police. The Police will do all the enquiries and will submit all the cases to the DPP's Office. It will be for the DPP, of course, to see whether there is matter for prosecution or not. There is no amnesty.

Madam Speaker: Next question, hon. Jhugroo!

CAMP CAROL & SOLITUDE - STATE LANDS - LEASE

(No. B/33) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Constituency No. 12, Mahebourg and Plaine Magnien, he will state where matters stand as to the proposed lease of State lands to the inhabitants of-

- (a) Camp Carol, and
- (b) Solitude, respectively.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Madam Speaker, with regard to part (a) of the question, I would like to stress that over the years and since the 1980s, there has been a haphazard occupation of the State land at Camp Carol Village by the leaseholders.

This situation is a major hindrance for the renewal of the existing leases whereby the boundary limits of leased plots were not respected. Moreover, a number of cases of squatting were detected.

Following the completion of the survey of Camp Carol in June 2015, under my close supervision, officers of my Ministry have demarcated and fixed the boundary limits of 128 plots according to a new layout plan which has been registered in the Government Cadastre.

Based on the new layout, my Ministry has already approved the sale of 51 plots to 30 existing lessees and 21 regularised squatters in July 2015. Letters of intent are being issued to them.

31 squatted plots are being regularised as follows -

- the lease agreements of 22 cases are being drawn up, and
- nine cases are still being processed in view of late submission of documents.

17 plots are being worked out on a case to case basis because of disputes among heirs.

29 plots which are above 10 perches and which cannot be sold in accordance with the State Lands Act will remain on lease. These cases are being worked out on a case to case basis to process either the renewal or transfer of their leases upon production of the required documents.

I wish to inform that delay in finalising matters is due to mainly to non-submission of required documents by occupiers of State land and dispute among heirs.

I wish to re-assure the House that I am closely monitoring the situation.

As regards part (b) of the question, I wish to inform the House that there are no State lands involved at Solitude and, as such, the issue of proposed lease of State lands to the inhabitants of Solitude does not arise.

Madam Speaker: Yes, hon. Jhugroo!

Mr Jhugroo: Can the hon. Vice Prime Minister see how will he solve the problem of heirs? Because I know some have passed away, some have left the country and these people are really in a big problem. How to solve their problems?

Mr Soodhun: I think I have to nominate a mediator then. We are going to try to see. There are very big problems. I can't be *l'arbitre*. We are just taking legal action as to how we can solve the problem.

Mr Ramful: Can the hon. Vice-Prime Minister enlighten the House as to why, for some leaseholders, the lease is going to be renewed, whereas for some they will be given the opportunity to purchase their respective plots of land? Can I have some details on that?

Mr Soodhun: As I mentioned, this case has been dragging on since the 1980s, and we are doing our best. We go according to the law; we are governed by the law. If the law applies, that's what we are going to do. It depends, because we are just doing according to the law. I think if they need to be saved, we are going to save them. There is no problem.

VICTORIA STATION - INFRASTRUCTURAL DEVELOPMENT - CONSULTANTS

(No. B/34) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Local Government whether, in regard to the Victoria Station, in Port Louis, he will state if any infrastructural development thereat or in the vicinity thereof is being envisaged and, if so, indicate –

- (a) the nature thereof;
- (b) the government department or consultancy firm that will be responsible for the design and supervision of the associated works thereof, and
- (c) if any bid exercise has been or will be carried out for the hiring of the services of the consultants therefor.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Madam Speaker, with your permission, I will reply to this question.

In line to my reply to PQ B/12, there are several technical issues related to the Victoria Station Project. After the bid exercise by the RDA, Lux Consult, which has been appointed as consultant for the Decaen Project, has also taken into consideration the Port Louis 2030 Project in its recommendation. The Decaen Project will compose of a grade separator along Decaen Street and the motorway M1, that is, the project would provide for an access into the city centre for vehicular traffic from the South and this will curb the traffic congestion problem at Place d'Armes.

At the same time, the construction of a wide walkway of some 80 metres above the motorway will link the Capital City of Port Louis to Caudan, so that people can walk from one side to the other naturally.

The Victoria Bus Station, you will agree, Madam Speaker, has remained the same for the last 50 years. It is high time to have a suitable, modern passenger terminal instead of bus stops being used as parking for buses. The Victoria Project will comprise also the following components -

- (i) a redefined architecture to the new bus station, offering space for leisure activities, food courts, shops, administrative and lucrative commercial activities;
- (ii) it will also provide the construction of 1,200 hawking stalls for a hawker's market;
- (iii) it will provide the restoration of the MTA, ex-NTA building, which is a historical building;
- (iv) it will provide for a hop-on/hop-off shuttle to Immigration Square;
- (v) it will provide for the construction of smart parking zones, and
- (vi) an overall rejuvenation of the city of Port Louis.

Madam Speaker, I have to inform the House that it is envisaged to implement this project through a PPP (Public Private Partnership) with the State on one side and private promoters who are occupiers of leasehold land in the locality of Caudan, and bus companies on the other side. The viability of the PPP is still being examined. The prospective promoters are -

- NTC;
- Rose Hill Transport;
- United Bus Service;
- United Docks Ltd.
- Innodis;
- General Construction Co. Ltd;
- Ireland Blyth Ltd.;
- Promotion and Development Co. Ltd.;
- SLDC, and
- FAIL.

Madam Speaker, I would also like to inform the House that three sub-committees, namely a Technical, an Administrative and Legal Committee, and a Finance Committee have been set up to analyse the project and make recommendations.

With regard to part (c) of the question, I would like to inform the House that the model of the PPP needs to be assessed. Once it is finalised, a Technical Committee will be set up to analyse the viability of the project in association with all the stakeholders.

Mr Mahomed: Madam Speaker, we are talking about the proposed Port Louis Smart City here. Am I right? Part of it?

Mr Bodha: One component.

Mr Mahomed: During the presentation that three Ministers made, yourself, Minister Husnoo and Minister Lutchmeenaraidoo, at the beginning of this year, it was said that you have given – I think your good self – Mr Gaëtan Sew Hee two months to come up with the design.

(Interruptions)

Two months! It was publicly articulated in that meeting that you are giving him two months to come up with the design. Was that in his capacity as Chairman of SLDC, as Chairman of CIDB, or in his own capacity as a private architect?

Mr Bodha: The design is what we call *un avant-projet sommaire*. It was just a layout to provide to the stakeholders an overview of the project, to see what can be done.

(Interruptions)

Yes, it is *un avant-projet sommaire*. It has nothing to do with the design.

Mr Mahomed: The hon. Minister just mentioned that it is going to be a PPP. Has there been a change in the way that smart cities are conceived? Because in the literature that is being circulated, the Port Louis Smart City Concept Plan is to be a series of projects driven by the private sector under the general control of the Government. But this is totally different from a PPP. Is that not correct?

Mr Bodha: The Smart City of Port Louis is one major project. Under this umbrella, you have different components. In fact, the Ministry of Public Infrastructure was working on an entry into Port Louis, to avoid the entry of Port Louis at Place d'Armes. So, we had already appointed Lux Consult to work on this entrance at Decaen. At the same time, we decided to rejuvenate, re-engineer totally the terminal. And then, we were talking to the private sector and they said, 'why don't we do *une sorte d'esplanade* over the motorway', so that we can walk naturally from this part of the city to the other part of the city, that is, Caudan, because the motorway is a major difficulty and because of the flash floods, Caudan

is in a very difficult situation. So, that's how this project has been conceived. This project is part of the smart city in the spirit of it, in the principle, but it's a project of its own, which will be engineered on its own and implemented on its own.

Mr Mahomed: Well, I am going to ask a question where the Minister is more expert than I am in that domain. He is an urban planner. Am I correct? At the entrance of a city like Port Louis, is it a good thing to have an overhead of 80 metres wide? Does that not...

(Interruptions)

No, does that not change...

(Interruptions)

Madam Speaker: Hon. Ameer Meea, no comments, please!

Mr Mahomed: Does that not change the perspective of the entrance of Port Louis?

Mr Bodha: We already have an *autopont* there. We have a flyover, because we go up and we come down. So, what we are going to do is we continue on the flyover and then we turn right. Then, for 80 metres, you have a promenade, and then you will walk from the terminal naturally to Caudan.

Madam Speaker: The Table has been advised that the following PQs have been withdrawn: PQs B/49, B/50, B/51, B/52, B/58, B/59, B/60 and B/61. Next question hon. Mahomed!

HARRIS, CHAMP DE MARS & VALLÉE PITOT FOOTBALL GROUNDS - FOOTBALL TEAMS - TIME SLOTS

(No. B/35) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Local Government whether, in regard to the Harris, Champ de Mars and Vallée Pitot football grounds, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to when and why same have been vested therein, indicating if the -

- (a) time slots for the football teams have since then been reallocated and, if so, indicate the -
 - (i) procedure followed therefor, and

- (ii) number of teams which have applied therefor and number thereof which have not been allocated therewith, and
- (b) fee payable for the use thereof has increased since November 2014 and, if so, indicate the percentage increase thereof.

Dr. Husnoo: Madam Speaker, I am informed by the Municipal Council of Port Louis that the football ground at Harris Street and Champ de Mars has been vested on 01 of October 2015 by the National Development Unit in the Ministry of Youth and Sports and eventually handed over to the Council for maintenance and operation whereas the one situated at Vallée Pitot is owned by the Council.

As regards part (a) of the question, I am informed that prior to allocation of slots, a press notice was published on 04 of December 2015, following which 51 applications were received in respect of football ground at Harris Street, 71 applications for Champ de Mars and 18 for Vallée Pitot. However, 9 applications for Harris Street and 30 for Champ de Mars were not entertained due to the unavailability of the football ground at their requested time.

As regards part (a) (i) of the question, the slots were allocated on a first come first serve basis.

As regards part (a) (ii) of the question, the information is as follows -

	Harris Street	Champ de Mars	Vallée Pitot
Application received	51	71	18
Number not allocated	9	30	0

As far as part (b) of the question is concerned, I am informed that the fees for utilisation of these three football grounds are being charged by the Council at the rate of Rs100 per hour of use from 9 February 2016 and there has been no increase, obviously, till now.

Madam Speaker: Hon. Osman Mahomed!

Mr Mahomed: Yes, my question pertains to procedure. The hon. Minister has just stated that some teams could not be allocated and, obviously, they are very bitter. Now, they have written a letter addressed to the hon. Minister of Youth and Sports, I am not too sure

why, copied to the hon. Leader of the Opposition, myself but not you - I am going to circulate a copy to you - where they have ventilated some kind of frustration. I know hon. Mrs Roubina Jadoo-Jaunbocus means well. She has convened a meeting of all the football teams in her office and then the people have reacted and they have said the following - it is a question of perception, but it has to be addressed as well -

«Mais on se demande pourquoi elle insiste à faire une chose pareille pour grossir le nombre d'équipes et passer par un tirage au sort pour déterminer qui pourront utiliser le terrain et quand. C'est clair, il y aura une discrimination contre certaines formations footballistiques alors que Madame la députée veut avoir le contrôle sur le calendrier du terrain et favoriser ainsi les équipes de son choix. »

(Interruptions)

So, it is a question of perception, but it has to be addressed. May I have your opinion on this, please?

Dr. Husnoo: As I mentioned, the information I was given by the Council was that slots were allocated firstly on the time requested by these teams. There are different slots in one day from 3.30 till 8.30. It depends firstly on the time that they asked, and secondly, on a first come, first served basis. That is how it was allocated on.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Mahomed: Now, the number of teams not having a slot is an issue. The second one is at 3.30 in the afternoon students cannot play because they have tuition and people who are working cannot play because they are working!

Dr. Husnoo: Obviously, we have to start some time. I agree with the hon. Member; if we don't start at that time, at what time do we start? At 5 o'clock, at 6 o'clock up till what time at night, 11 o'clock? We must have a time limit! And that is why the Municipality of Port Louis has decided from 3.30 till 8.30 to give chances to everybody as much as they can. We can't start it at 6 o'clock till 11 o'clock. We have to be reasonable about it.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Is the hon. Minister aware and if he is not, whether he will look into it that ever since those football grounds have been transferred to the Municipal Council of Port Louis, there is a complete mismanagement; spotlights have burnt;

the terrain is not being maintained properly; the keys are kept with some political agents as opposed to the Municipal Council. So, if he will please look into the matter because one day or the other there would be a fight amongst football players on these grounds.

Dr. Husnoo: As far as maintenance is concerned, Madam...

(Interruptions)

Madam Speaker: Yes, please!

Dr. Husnoo: As far as the maintenance is concerned, I am being told by the Municipal Council they are maintaining, obviously, sometime one or two lamps are going to get burnt, it happens but they are being replaced. Thirdly, the Municipal Council of Port Louis is paying overtime to the officers to take care of the gates. Thank you.

Madam Speaker: Yes, hon. Jhugroo!

(Interruptions)

Mr Jhugroo: Can the hon. Minister confirm that in the past only football teams which were very close to the Labour MPs were being allowed to play football?

(Interruptions)

Dr. Husnoo: I am sorry, I won't be able to answer that question!

(Interruptions)

Madam Speaker: Hon. Ameer Meea!

(Interruptions)

Mr Ameer Meea: Can I ask the hon...

(Interruptions)

Madam Speaker: No cross talking, please!

Mr Ameer Meea: Can I ask the hon. Minister if he is aware that since *l'Alliance Lepep* is in control of different Municipalities that it is from this time that we to have to pay to have all the football grounds in Port Louis and in other regions? Before that, it was free of charge to everybody in the towns. May I ask the hon. Minister if he would review this decision?

Dr. Husnoo: I would like firstly to tell the hon. Member that it is not for me to decide on the fee. This fee is decided by the Municipal Council. Now, he is not going to tell me that

I have to order them; they have the right to run the place as they feel fit. You have a Council there and they decide on that. It is not for me to tell them what to do.

Madam Speaker: Last question, hon. Shakeel Mohamed!

Mr Mohamed: Would the hon. Minister consider the possibility of aligning himself with the policy that was put forward by the former Government and championed by the actual Deputy Prime Minister which was because it was a sports activity, that of football, precisely he stood by the idea that all those sports activities should be practised free and should not be a burden upon the youth? So, could he consider going along that policy which was totally advantageous to the youth and those who played football?

Dr. Husnoo: I take the point of the hon. Member. But, as I have mentioned earlier, these fees are decided by the Council. As a Minister, it is not for me to tell the Council what to do. They are independent. They have this right to decide. Thank you.

SSR BOTANIC GARDEN - DEVELOPMENT - VISITORS & REVENUE

(No. B/36) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Agro-Industry and Food Security whether, in regard to the Sir Seewoosagar Ramgoolam Botanic Garden, he will, for the benefit of the House, obtain from the Sir Seewoosagar Ramgoolam Botanic Garden Trust, information as to the –

- (a) number of local people and of foreigners respectively who have visited same in 2015, indicating the total revenue collected in respect thereof, and
- (b) current state thereof, indicating the development/improvement plans thereof in 2016.

(Vide reply to PQ No. B/26)

Madam Speaker: The Table has been advised that the following parliamentary questions have been withdrawn: B/53, B/54, B/55, B/56, B/65 and B/74. Hon. Aliphon!

VACOAS MULTI-PURPOSE COOPERATIVE SOCIETY

(No. B/37) Mr A. Aliphon (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the Vacoas

Multi-Purpose Cooperative Society, he will, for the benefit of the House, obtain therefrom, information as to -

- (a) if the members thereof have -
 - (i) agreed to inject Rs220 million therein to offset the bad debt of Rs215 million, and
 - (ii) access to their savings and if not, why not;
- (b) if the accounts of the members thereof are being debited by a third party since March 2015 and, if so, why, and
- (c) why the nine directors elected at the Annual General Meeting held on 11 July 2015 have not been allowed to start working.

Mr Bholah: Madam Speaker, I wish to refer the hon. Member to the replies I made to Parliamentary Question Nos. B/458, B/497 and B/871 on 08 September 2015, 15 September 2015 and 10 November 2015 respectively, on the same issue.

In regard to part (a) (i) of the question, I am informed that the members of the Vacoas Popular Multi-Purpose Cooperative Society Ltd. have, at a special general meeting held on 24 October 2015, approved as part of a salvage plan prepared by themselves, the conversion of 20 percent of all deposits amounting to Rs217 m. into redeemable preference shares.

The conversion of the 20 percent deposit into shares was meant to render the society solvent and not to offset the bad debt of Rs215 m.

In regard to part (a) (ii) of the question, the members of the Society do have access to their savings, except for those who -

- (i) have outstanding loans;
- (ii) are acting as sureties for loans taken by other members;
- (iii) have opted to reinvest their deposits for monthly interest, and
- (iv) were previous elected Directors of the Society.

In regard to part (b) of the question, I am informed that none of the accounts of the members of the Society has been debited by a third party since March 2015.

Concerning part (c) of the question, I am informed that the election of the nine directors at the Annual General Meeting held on 11 July 2015, was legally not in order being

given that a caretaker Board was already appointed by the Registrar of Cooperatives on 12 January 2015. Therefore, the question to allow them to start work does not arise.

Madam Speaker: Yes, no question? Next question, hon. Rutnah!

PHARMACY BOARD - DRUGS - UNUSED/EXPIRED

(No. B/38) **Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Minister of Health and Quality of Life whether, in regard to the approximately 350 tonnes of unused and expired drugs which have been destroyed, he will, for the benefit of the House, obtain from the Pharmacy Board, a list thereof indicating the –

- (a) procurement date thereof;
- (b) expiry date thereof, and
- (c) value thereof.

Mr Gayan: Madam Speaker, from information available it is very likely that the quantity of expired and unused drugs already destroyed and planned to be destroyed will be in the region of 350 tonnes. However, this quantity includes consumables and packing materials. These drugs and consumables were purchased in the years 2007-2013. It appears that there has been no proper control at the Central Supplies Division (CSD) regarding the stock monitoring and the movement of drugs. I am considering revamping both the Central Stores Division and the Pharmacy Section.

Some of the drugs disposed of have deteriorated also on account of poor storage conditions.

Madam Speaker, I am looking also at the process where there will be constant monitoring at the Central Supplies Division and Pharmacies at the Hospitals to avoid a recurrence of such wastage.

A list of the expired drugs has been compiled with details as requested by the hon. Member. I am tabling a copy thereof. The estimated value of the destroyed drugs so far is Rs53 m. and a total value of the drugs, yet to be disposed, is about Rs17 m.

Mr Rutnah: Can the hon. Minister enlighten this House whether, as a result of these shocking discoveries, an internal inquiry has been initiated by the Ministry of Health.

Mr Gayan: I have been asking questions about how this could have happened. The reply that I get is that there have always been some problems at the Central Stores Division which is located in various areas, but obviously, there has been mismanagement of the stocks over the years.

Mr Rutnah: In the circumstance, is the hon. Minister envisaging taking or instructing those in authority to take such disciplinary action against those who have shown blatant incompetence in the management of the affairs relating to the storage and procurement of these medical equipment, consumable goods, packaging and drugs?

Mr Gayan: Madam Speaker, when I was preparing the answer to this question, I was asking some questions about the accommodation where these drugs are stored. I know that some Members of the PAC went and visited the places. It is good that the House is aware of the amount of money that is being spent when the conditions for storage are not there. At Sunray Building, the monthly rent is Rs485,000. At the Tobacco Board, it is Rs234,000. So, for this amount of money, I think the landlord has a duty to provide good conditions for the storage of the drugs. I am looking into the matter.

Dr. Sorefan: The hon. Minister has mentioned that some of the drugs have been destroyed and some will be destroyed. He has mentioned the packaging and the disposals which we all know are made of plastics. May we know from the hon. Minister how these have been destroyed and for those that will be destroyed what steps really will be taken not to pollute the air surrounding with the plastics?

Mr Gayan: The information I have, Madam Speaker, with regard to medical waste, is that they have been disposed of in the incinerators of the Hospitals. The incinerators that have been used so far are the SSRN hospital, the Brown Sequard hospital and Poudre d'Or hospital.

Mr Jhugroo: Can the hon. Minister give an assurance to the House that, after the auditing report, the expired drugs should not be kept in the store for so many years, but destroy them every year.

Mr Gayan: Well, the system that I am trying to put in place, Madam Speaker, is not to have an oversupply of drugs in the years ahead. I have asked my officers to work on historical records; what was happening in the past is that the hospital estimates were used to place orders. The hospitals were estimating whatever amount came to their head. So, now we are working on historical records with appropriate adjustments as necessary. There will be

constant monitoring of the stocks and the movement of the medicine in all the hospitals so that we do not come across this kind of situation again.

Madam Speaker: Last question on this issue, hon. Dr. Sorefan!

Dr. Sorefan: Is the hon. Minister aware that, at Mare Chicose, we have got a special unit to destroy hazardous substances like old medicines. I heard the hon. Minister referring to incinerators, knowing well that when plastics are being incinerated, chemicals emanate in the air and all the patients will suffer. Why have all these drugs not been taken to the Mare Chicose disposal ground?

Mr Gayan: Well, I am informed, Madam Speaker, that Mare Chicose does not accept this kind of medical waste. For medical waste to be disposed of there is a special procedure. The House may be aware that we are looking for a plot of land in what is called the dangerous neighbourhood zone somewhere at St. Martin to locate an incinerator where we are going to dispose of all medical wastes. Medical waste is very dangerous. It has a lot of hazards, so we have to be very careful about how we dispose of it.

Madam Speaker: Next question, hon. Rutnah!

PROVISIONAL CHARGES - PRACTICE

(No. B/39) **Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Attorney-General whether, in regard to the practice of lodging provisional charges, he will, for the benefit of the House, obtain information as to if it will be done away with and, if so, indicate when.

Mr Yerrigadoo: Madam Speaker, with your permission I shall reply to PQs B/39, B/66 and B/67 together as they pertain to the same subject matter.

Madam Speaker, the lodging of a provisional information is the mechanism which exists to give effect to the provision of section 5 of our Constitution, which requires prosecuting authorities to bring a person arrested on reasonable suspicion of having committed a serious criminal offence before a Magistrate within the least possible delay, and to inform the court of a reason of the arrest of such an individual. In *DPP v IOIB* 1989 MR 10, the Supreme Court made the following remarks on provisional information and I quote –

“As everybody knows, a provisional information is entered when a suspect is arrested or is brought into custody. Its purpose is to bring the detention of the

individual under judicial supervision and control so as to prevent an administrative detention and to enable judicial authority to decide whether the detainee should be released on bail or not, and if not, how long he should be detained.”

It is apposite to note that the public perception is that the provisional charge is used mainly in the context of arrests at a stage where there is little evidence available and where the Police is often depriving a citizen of his liberty whilst taking their time to carry out the inquiry and resisting the quashing of the provisional information. Further, the provisional information carries with it restrictions of the right to liberty and freedom of movement and also as a social stigma attached to it.

In the case of *Dahoo v The State of Mauritius* 2007 MR 55, the Supreme Court made the following observation and I quote -

“Counsel for the appellant has invited us to take notice of the practice of the police in Mauritius to arrest as a matter of course when there is a power to arrest given under an enactment. We indeed feel it appropriate to draw the attention of the police and of their legal advisers that even where there is a power to arrest, it must not be exercised as a matter of course; the discretion to arrest must be exercised in a reasonable manner.”

In the light of what has been observed both in our case law and police practices, consideration will be given by Government, following consultations with all relevant stakeholders, including the Commissioner of Police, to study whether the concept of provisional charge, which is specific to Mauritius, still has its *raison d'être* especially in the line of significant improvements this Government intends to bring to the Police force.

Madam Speaker, the Government Programme 2015-2019 contains no less than seven paragraphs pertaining to the modernising and upgrading of the Police force amongst which is the Police and Criminal Evidence Bill. My office has sought assistance from the Commonwealth Secretariat in respect of the Bill and its Codes of Practice and we are in the process of finalising the terms of reference for the consultant to be appointed by the Commonwealth Secretariat.

It is apposite to note that appropriate safeguards will be introduced by this Government in the PACE Bill. These will include prescribing the circumstances in which police officers may, without warrant, arrest persons as well as prohibiting police officers

from arresting a third party unless he has carried out the necessary investigations and he is satisfied that the prescribed grounds for arresting a person without warrant are satisfied.

Mr Bérenger: Can I ask the Attorney-General, I am sure he will agree with me, that in spite of the pronouncement of the Privy Council and so on and in spite of the efforts of a good number of young magistrates, Police abuse of provisional charges. This has been going on and on. Has the Ministry carried out a statistical exercise to see over the past years, how many provisional charges have been lodged and how many have not developed into any charge before the court? I am sure this will allow us to see how things are moving.

Mr Yerrigadoo: In fact, this exercise is underway with the Commonwealth Secretariat and it is a certainty that we will have to find appropriate safeguard mechanism. The provisional charge has existed in Mauritius for over hundred years. In fact, the DPP, in a recent newsletter, has commented on it and the practice. Clearly, safeguards will have to be introduced. I do not have, at this stage, the statistics, but very clearly with all the safeguards to be introduced both in pace and at a more practical level, perhaps with the Standing Orders of the Police even being amended, but as I say relevant stakeholders will be consulted very shortly so as to grasp the whole issue at hand which is after all a very practical issue.

Mr Bérenger: Can I ask the Attorney General also, we are dealing with the BAI issue where we paid millions of rupees to a great expert who came out to the conclusion that it was a Ponzi like scheme - not a Ponzi, a Ponzi like scheme. Now, I have just heard the Attorney General say that this provisional charge is somewhat specific to Mauritius. My English is a bit weak, it is either specific to Mauritius or it is not. Can I know which is which?

Mr Yerrigadoo: No. The provisional charge has existed in other jurisdictions. The way it has evolved in Mauritius with the hundred years' jurisprudence is quite specific to us. The reason we have sought the assistance of the Commonwealth Secretariat is very simple. As everyone in the House would know, the Police and Criminal Evidence Act is, in fact, an emanation from the UK. In fact, it is Professor Michael Zander who has worked on it and throughout the years produced writings about it. I have met and discussed personally last year with Professor Zander. The important thing is not just the passing of the Act itself but of the Codes of Practice and side by side with that we have very specifically in Mauritius what the Police call their own Standing Orders. So, the whole reform would not only concern the passing of an Act of Parliament here, an enactment of Codes of Practice, it has to be a *refonte* and I am sure my colleagues practising at the Bar would agree, which goes together hand in

hand with this whole modernisation of the Police as well. But the House can rest assured that Government is very concerned about this whole state of Affairs and measures are being taken to address the issue.

Mr Baloomoody: I just heard the Attorney General say Government is very concerned about the State of Affairs. In the same question I have asked on 15 September, the Rt. hon. Prime Minister replied and my friend, the Attorney General, has quoted verbatim, word for word, what the Rt. hon. Prime Minister said in his reply -

“In the light of what has been observed both in our case law and Police practices, consideration will be given by Government, following consultations with all relevant stakeholders, to study whether the concept of “provisional charge”, which is specific to Mauritius, still has its raison d’être, especially in the light of the significant improvements Government intends to bring to the Police Force.”

Six months later, nothing has been done.

(Interruptions)

Not even statistics, nothing has been done and the Police are still abusing that practice. So, can I ask the Attorney General whether Government is really concerned about that issue and what specific step will be taken to stop that practice at least.

Mr Yerrigadoo: Madam Speaker, I have already answered.

Mr Teeluckdharry: Madam Speaker, can the hon. Attorney General inform us whether for the time being, with regard to suspects who have been provisionally charged and who have been denied bail, he would consider introducing a scheme of custody time limit?

Mr Yerrigadoo: I can look into it.

Mr Ganoo: I don’t want to repeat what has already been said, Madam Speaker, but as the Attorney General said this is a procedure which is unique for Mauritius, which has existed for more than a century now and in view of the fact that our Supreme Courts and even our Courts of inferior jurisdiction have all criticised this procedure. One Court calling this procedure an evil, we are cohabiting with an evil. Now, there is unanimity in this country, the DPP, legislators, lawyers and the Courts. So, why doesn’t the Attorney General come as quickly as possible, diligently with the proper amendment to do away with what a Court of law has termed as evil?

Mr Yerrigadoo: I can assure the hon. Member, as I answered, we are acting diligently and we will come with the Bill and with the Codes of Practice. But it is a reform which has to be looked into the wide spectrum of reform of Police as well. Passing an Act of Parliament here and proclaiming it would not change overnight a practice which has existed over hundred years old in this country. I think everyone should realise that.

Mr Gobin: Madam Speaker, the essence of the provisional charge is to bring an arrest under judicial scrutiny. May I ask the Attorney General what is being envisaged immediately to empower the Judiciary, more particularly the lower Judiciary, the District Courts, to properly exercise this scrutiny because we all know that the District Courts are overwhelmed with other types of works and whether measures are being envisaged for evening sessions or Saturdays or Sundays to precisely exercise this scrutiny which is the very essence of a provisional charge being laid before the Courts?

Mr Yerrigadoo: With all due respect, Madam Speaker, the Judiciary, I believe, is independent and the Judiciary, I am sure, can enact such rules as it would deem fit in the proper administration of its Courts and of justice.

Madam Speaker: A last question on this issue, hon. Mohamed.

Mr Mohamed: Thank you, Madam Speaker. Could the Attorney General consider the following. Since I have listened to his answers, it seems as though that any legislation that is brought forward would not necessary be the final solution because it is all a question of mentality and training, that of the Police Force. What therefore does he consider he could do immediately in order to ensure - pending new laws coming up and training - that Police Officers, Heads of Departments, Commissioner of Police, Assistant Commissioner, Deputy Commissioner of Police know or taught how to exercise the discretion of arrest and non-arrest? What could be done immediately? A crash course instead of going for a crash.

Mr Yerrigadoo: From what I am aware, Madam Speaker, the Commissioner of Police has already taken measures in the form of capacity building and seminars and the Standing Orders are well under review. This I am aware, Madam Speaker. Capacity building is the key.

Madam Speaker: The Table has been advised that Parliamentary Questions B/44, B/62 and B/63 have been withdrawn. Time is over!

MOTION**SUSPENSION OF S.O. 10(2)**

The Prime Minister: Madam Speaker, 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 Deputy Prime Minister rose and seconded.

Question put and agreed to.

(4.12 p.m.)

STATEMENTS BY MINISTER**ST LOUIS POWER STATION - CONTRACT**

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, I have two statements to make. First of all, with your permission, I would like make a statement on the status of the installations of the new engines at St Louis Power Station.

In my reply to the Private Notice Question of 03 December 2015, I informed the House that after initiating a second procurement exercise, as advised by the African Development Bank, the Central Procurement Board had approved the award of the contract to Burmeister & Wain Scandinavian Contractor (BWSC) for the sum of Rs823,922,094 + Euros 85,185,404.

I also informed the House that the Central Electricity Board was seeking the no-objection of the African Development Bank.

I wish to inform the House that on 06 January 2016 the Bank gave its no-objection to CEB and CEB notified all the bidders. Following the notification, three bidders -

1. AVIC International CCCE-Etern Consortium;
2. TSK-Sociedad Electricidad-Electronica & Electricidad (Consortium) and
3. IMM-Matelec MPG Mtius) - Consortium, filed a challenge seeking review at the Independent Review Panel.

On 20 January 2016, the CEB applied for a Certificate of Urgency public interest to proceed with the project. The Independent Review Panel granted the request on 21 January,

that is, the next day. Subsequently, Bidder No. 3, that is IMM, withdrew its case, while the case of bidder No. 2, that is, TSK, was set aside. The case of bidder No. 1, that is AVIC, is still at the level of the IRP.

On 01 March 2016, the African Development Bank gave its no objection to the contract being signed by CEB and BWSC. The contract was signed on 02 March 2016.

Thus the 66 MW plant is expected to be operational on grid as from August 2017 and the scheduled commercial operating date would be end of September 2017.

CEB informs me that the new engines will meet environmental performance in accordance with the EIA Licence with regard to emission, noise and vibrations. With the operation of the new engines, the old Pielstick engines will be phased out.

GEOHERMAL ENERGY - STUDY

Second Statement, Madam Speaker, in December 2011, my Ministry had contracted a specialized agency ELC Electroconsult S.p.A of Italy to carry out an in-depth study of the potential for geothermal energy in Mauritius.

The cost of the study amounting to Euro 90,175.90 was funded by the Agence Française de Développement.

The study started in January 2012. The Consultant examined the potential areas where detailed exploration activity should be carried out. It focused on the region of Nouvelle Découverte and particularly on its western side where the latest volcanic areas are located, namely Alma Hill, Bar le Duc and l'Escalier.

The Consultant submitted the final report in September 2015. On the basis of the investigations, the Consultant has concluded that there is no possible presence of geothermal system in the explored areas as well as in the whole of Mauritius. It has recommended the discontinuation of the programme of development of geothermal energy in Mauritius.

I beg leave to table a copy of the report of the consultant. A soft copy is also available, I understand, at the Speaker's Office.

PUBLIC BILLS

First Reading

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

- (i) *The Build Operate Transfer Projects Bill (No. I of 2016)*
- (ii) *The National Disaster Risk Reduction and Management Bill (No. II of 2016)*

(4.18 p.m.)

MOTIONS

VICE-PRESIDENT OF THE REPUBLIC OF MAURITIUS - ELECTION

The Prime Minister: Madam Speaker, I move for the following motion standing in my name -

“That pursuant to section 29 of the Constitution of the Republic of Mauritius, Mr Paramasivum Pillay VYAPOORY be elected Vice-President of the Republic of Mauritius.”

Mr Bérenger rose and seconded.

The motion was, on question put, agreed to.

Madam Speaker: Hon. Members, on behalf of the House and in my own name, I wish to congratulate Mr Paramasivum Pillay Vyapoory upon his election as Vice-President of the Republic of Mauritius and I wish him well in his new responsibilities.

The Prime Minister: Madam Speaker, with your permission, I would like to say a few words on Mr Paramasivum Pillay Vyapoory, the newly elected Vice-President of the Republic.

Mr Vyapoory is the holder of a BSc Honours in Agriculture from the University of Mauritius, a Masters degree in Education from the Sam Houston University, USA, a Postgraduate Diploma in Curriculum Development from the University of Nairobi, Kenya.

Mr Vyapoory has had a successful career as a Senior lecturer at the Mauritius Institute of Education from 1976 to 1995 in which year he took early retirement from the MIE and engaged himself in active politics.

From 1996 onwards, Mr Vyapoory pursued the occupation where he is at his best, that is, teaching. This included part time lectureship at the MIE, *Organisation Mondiale d'Education Pré-scolaire* and the Bel Ombre Foundation. He has been actively engaged in preparing and presenting Educational Television programmes for the Mauritius College of the Air, broadcast on the MBC.

As an active member of the Plateau Toastmasters Club and Secretary of the English Speaking Union, he has trained a large number of young cadres and students in the art and science of Public Speaking, striving to bring a touch of excellence in the practice of Spoken English.

Mr Vyapoory had a leading role as President of the MIE Academic Staff Association, the Royal College of Port Louis Old Boys Association and the University of Mauritius Alumni Association.

As Advisor to the Minister of Education and Science from 2002 to 2005, he contributed in the laudable infrastructural improvements brought in the secondary school sector through the construction of 35 new schools in the short time span of four years.

Mr Vyapoory was, until 22 March 2016, the High Commissioner of the Republic of Mauritius to the Republic of South Africa. Over the last seven months, since his appointment as High Commissioner, Mr Vyapoory has strived to further strengthen relations with South Africa and promote the interest of Mauritius.

He is a member of the Tamil League since 1969 where he has served several terms as President. In 1987, the Golden Jubilee of the League was successfully organised, under his chairmanship.

He was also a member of the Mauritius Tamil Temples Federation for a brief period in 1982.

In life, Mr Vyapoory is passionately interested in cultural activities that uplift the human condition, in astronomy and in comparative religion.

His personal engagement also revolves around the major challenges facing the present generation, including climate change, poverty, drug and alcohol addiction. He believes, as does the majority of Mauritians, that the solution lies in providing appropriate knowledge, skills and human values at all levels in the child's development path.

Mr Vyapoory is married and has a daughter.

Being one of the brightest and experienced minds of our country, I have no doubt that Mr Vyapoory has all that it takes to discharge the responsibilities of the office of Vice-President and that he will be a good role model for our youth.

Thank you.

Madam Speaker: Hon. Prime Minister, you have a second Motion.

**LIVE BROADCASTING OF THE PROCEEDINGS OF THE HOUSE -
BROADCASTING COMMITTEE - SETTING UP**

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

“This Assembly is of opinion that, with a view to implementing the live broadcasting of the proceedings and debates of the House, it is necessary and expedient that the Standing Orders Committee be empowered, and it is hereby empowered, to look into the Standing Orders and Rules of the National Assembly 1995 presently in force, more specifically Standing Order 69, to make recommendations for the setting up of a Committee to be known as the Broadcasting Committee for the monitoring of the live broadcasting of the proceedings and debates of the House and matters ancillary thereto.”

Madam Speaker, Standing Order 69 (3) (b) provides that –

“if a notice of motion involves any proposal for the amendment of Standing Orders, the notice shall be accompanied by a draft of the proposed amendments and the motion when proposed and seconded shall stand referred to the Standing Orders Committee and no further proceedings shall be taken on any such motion until the Standing Orders Committee have reported therein.”

Madam Speaker, the draft proposed amendments have been submitted along with the notice of motion in accordance with Standing Order 69 (3) (b).

Madam Speaker, the proposed amendments to Standing Order 69 are being brought to implement the recommendation made by the Select Committee on live broadcast of the proceedings of the National Assembly.

The House will recall that, on 28 April 2015, I tabled the historic motion for the appointment of a Select Committee of the Assembly to consider the live broadcasting of the proceedings of the House and matters ancillary thereto and make such recommendations as it deems fit.

The House agreed to the motion, and a Select Committee was appointed on 05 May 2015. Hon. Nandcoomar Bodha was elected as Chairperson of the Committee. The Committee submitted its Report on 29 September 2015.

On 23 October 2015, I moved a motion to adopt the Report of the Select Committee. The motion was approved.

While presenting the motion, I explained that the Select Committee has recommended that Standing Order 69 of the Standing Orders and Rules of the National Assembly should be amended to provide for the setting up of a Sessional Select Committee to be known as the 'Broadcasting Committee', whose main functions will be to -

- (i) monitor the live broadcasting of the House;
- (ii) prescribe such additional rules and guidelines as may be necessary, and
- (iii) look into all matters incidental thereto, including prescribing the rules of coverage, the guidelines for the use of signals and to hear any complaint for breach thereof.

I understand that the National Assembly has already initiated appropriate action for the implementation of the live broadcasting project and the amendments being proposed to Standing Order 69 is but one of the requirements for the realisation of this project.

Madam Speaker, with these remarks, I commend the motion to the House.

The Deputy Prime Minister rose and seconded.

(4.28 p.m.)

Mr Bérenger: Madam Speaker, it is already a year since the Select Committee was set up, as the Rt. hon. Prime Minister has just reminded us. It is already six months since, à l'unanimité, the National Assembly approved the Select Committee Report. Time is flying by.

I listened to the Rt. hon. Prime Minister, and I don't think I have heard an answer to the main point which I raised when we were debating, that is, in October, when we debated and voted unanimously for the motion, approving the Select Committee Report. I raised the

point which still stands to be tackled, that is, who will chair the Broadcasting Committee and what will be its composition.

I would have wished that the Rt. hon. Prime Minister would, at least, have given his point of view. When I spoke, I said different models are available. At one extreme, you have the PAC, which is chaired by the Opposition. Normally, you have a committee where you have the majority from Government side; 5:4, 4:3. Who is to chair? A key question! I suggested that it would not, from my point of view - nothing personal - be really proper for the Speaker to Chair the Broadcasting Committee. I suggested that maybe the Deputy Speaker could be chosen. Again, nothing personal! I am talking about post responsibilities and not individuals.

Now, we approve this motion. The Standing Orders Committee will decide on that, and then it will have to come back to the House for us to amend the Standing Orders, as advised by the Standing Orders Committee. So, we are wasting time and there is no time to waste, especially when we look at what has been the performance of the Mauritius Broadcasting Corporation lately. Therefore, I don't know if, reacting to what I am saying, the Rt. hon. Prime Minister has ideas which we could think about, we could discuss. Again, the main point being who is going to chair that Broadcasting Committee and what its composition is going to be.

If we hear from the Rt. hon. Prime Minister, well we can advise our hon. Members on the Standing Orders Committee to go with this or that idea; then, it is discussed in the Standing Orders Committee and it will come back to us.

Therefore, I appeal to the Standing Orders Committee. There is no time to waste, to consult whoever they need to consult and to come as urgently as possible to the House after they will have done their work.

Thank you, Madam Speaker.

Madam Speaker: Yes, Rt. hon. Prime Minister.

(4.32 p.m.)

The Prime Minister: Madam Speaker, I would like to thank the hon. Leader of the Opposition for his contribution to the debate over this motion, which marks an important step

forward in the realisation of the project for the live broadcasting of the proceedings of this House.

In regard to the issue concerning the composition of the Broadcasting Committee, as the House is aware, the draft of the proposed amendment, which has been circulated, provides that the Broadcasting Committee shall consist of a Chairperson and eight Members to be nominated by the Committee of Selection. This arrangement is in line with the appointing procedure for the existing sessional Select Committees like the Public Accounts Committee, the Standing Orders Committee and the House Committee on which the Members are equally nominated by the Committee of Selection.

It is to be noted that while the Select Committee on Live Broadcasting has made recommendations of the role and functions of the Broadcasting Committee, it has not made any recommendations regarding its composition. This, we believe, should better be left to be determined by the Standing Orders Committee.

Madam Speaker, the Select Committee, under the chairmanship of hon. Bodha, has proposed the ground rules and the broad framework for live telecast, including a draft of the rules of coverage, guidelines for the use of signals and guidelines for the use of signals on the internet. Like I have said previously in this House, this Live Telecast Project is a new venture, and certain issues and concerns may crop up as we go along. We must find ways and means to resolve those issues and move ahead to make of this very laudable initiative a reality and bring our Parliament nearer to the people.

Thank you, Madam Speaker.

The motion was, on question put, agreed to.

Madam Speaker: The Ayes have it. Motion stands referred to the Standing Orders Committee.

I'll suspend the sitting for half an hour.

At 4.36 p.m. the sitting was suspended.

On resuming at 5.12 p.m. with Madam Speaker in the Chair.

Second Reading

THE BUILD OPERATE TRANSFER PROJECTS BILL

(No. I of 2016)

Order for Second Reading read.

The Prime Minister: Madam Speaker, with your permission, I move that the Build Operate Transfer Projects Bill (No.1 of 2016) be read a second time.

Madam Speaker, last year, I presented my vision for a new economic architecture of Mauritius to the nation. One of the key enablers underpinning the architecture is a modern infrastructure, at par with those of developed countries. My Government is therefore committed to re-engineer and modernise our existing infrastructure, as well as embark on the development of new ones.

I must stress the high level of public investments such developments necessarily entail. At the same time, as a responsible and forward-looking Government, we must ensure that our public expenditure stays within our manageable set target. My task, therefore, as the Minister of Finance and Economic Development, is to ensure that the financing of such projects does not impact on our public debt level and ratios and to the detriment of our future generations.

And I must say, Madam Speaker, that I am fully shouldering this responsibility. On the one hand, I am committed to implement our Public Sector Investment Programme (PSIP), and on the other hand, I am conscious of the imperative of judiciously managing public expenditure, and propose new avenues for encouraging the active participation of the private sector in the financing of our infrastructural needs. This, I hasten to add, will fuel private sector initiatives and investment while at the same time ensure that ownership of the assets created is eventually transferred to the State of Mauritius. And this is the aim of this Build Operate and Transfer Projects Bill.

Madam Speaker, numerous studies have been conducted by leading universities and development finance institutions including the World Bank and the Africa Development Bank, outlining the benefits of Build Operate Transfer approach. Several developing and developed nations adopt such an approach in financing their infrastructural needs and they have been working extremely well. Mauritius, as a rapidly-developing country, is lagging behind in this regard. We cannot continue financing our infrastructural needs by putting public finance and public debt at peril, like the previous Government has done. It is imperative that we move towards a new and sustainable financing mechanism.

This is why we are introducing this Build Operate Transfer Projects Bill to provide for an appropriate legal framework to specifically deal with public sector projects to be

undertaken under a Build, Operate and Transfer (BOT) agreement. It will concern any agreement which grants rights to a private party to implement and manage a project on a public sector property or under a concession for a defined period of time. It also provides for the transfer of the undertaking back to the contracting authority after that period. Once the Bill is adopted, such projects will no longer fall under the purview of the Public Procurement Act and the Public-Private Partnership Act.

A BOT, as a typical structure for project finance, is output focussed, and is an option for the Government to outsource execution of public projects to the private sector. Operational risks associated with the project are assumed by the private operator, and the revenue stream is clearly spelt out at the very outset in the BOT or concession agreement. The private sector designs, finances, constructs and operates the facility and eventually, after a specified concession period, the ownership is transferred to the government.

The Bill will put in place a simple and effective process for facilitating the expeditious implementation of BOT projects while ensuring value for money, transparency and accountability. Provision is being made for any BOT agreement signed between the parties to be tabled at the National Assembly.

Madam Speaker, I will now elaborate on the main clauses of the Bill.

Clause 3 spells out the circumstances in which certain provisions of the Public Procurement Act may be applicable to a BOT project.

Clauses 4 to 6 provide for the setting up of a BOT Projects Unit within the Procurement Policy Office. The main functions of the Unit are to set guidelines and provide substance to contracting authorities in the development, coordination and preparation of BOT projects. Provision is made for the proper staffing of the Unit.

Clauses 7 to 9 spell out the process for undertaking a BOT project. Where a contracting authority is considering a BOT project, it shall submit a feasibility report to the BOT Projects Unit for assessment. Thereafter, it shall prepare and submit to the Central Procurement Board (CPB) a Request for Proposal (RFP) prior to inviting bids.

Clause 10 provides for the CPB to -

- (a) examine and approve the RFP documentation prior to its being issued by the contracting authority;
- (b) evaluate bids in accordance with its rules and procedures;

- (c) make recommendations to the contracting authority for entering into negotiations with the preferred bidder, and
- (d) recommend the contracting authority to enter into an agreement with a private party.

Following the recommendations of the CPB, the contracting authority may, after informing Cabinet, enter into a BOT agreement with the successful bidder.

Clause 11 sets out the rights and obligations of the parties and the terms and conditions to be included in any BOT agreement, including a project to be executed under a Government to Government framework.

Madam Speaker, let me place on record that this Bill will be a landmark legislation. It will remove the hurdle of the high public debt which is constraining public investment in key sectors and infrastructure, and enable an acceleration in our growth momentum and attainment of the objectives set out in my Economic Mission Statement and Vision 2030.

With these words, now I recommend the Bill to the House.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo) rose and seconded.

(5.20 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Madam Speaker, as I am sure we are all aware but I did not hear the Rt. hon. Prime Minister remind us of that, there is already in existence the PPP legislation - the Public-Private Partnership legislation - which was mentioned in the 2002-2003 Budget, was adopted as a Bill in 2004 and proclaimed in 2005. Why I am saying that is because the Rt. hon. Prime Minister should have placed the Bill that is before us in that context. The Private-Public Partnership legislation is wider than what is before us now. Public-Private Partnership agreements take different forms. There are different models and the BOT model is only one of a good number of other possible models. Therefore, you have an overall piece of legislation which we voted, as I said, in 2004 - the Public-Private Partnership legislation and within that we are now bringing the BOT legislation but under that general *chapeau* except that we are doing away with the application of lots of clauses of the Public-Private Partnership legislation in existence, which remains in existence.

From my reading, the main difference between what is provided for in the Public-Private Partnership Act and what is before us today relates to changes in the procedures for project assessment and approval. That is to me the key point. Before you had a Private-Public Partnership (PPP) Unit in the Ministry of Finance and a Private-Public Partnership (PPP) Committee which are being replaced through this Bill by a Build Operate Transfer (BOT) Projects Unit, no longer in the Ministry of Finance but in the Procurement Policy Office. I think this is wrong and dangerous.

Very dangerous! Because when we had the PPP Unit in the Ministry of Finance, the Ministry of Finance has the responsibility not only to evaluate projects but to measure the fiscal impact of projects also. Therefore, I think this is wrong. This is wrong! Doing away with the PPP Unit in the case of BOT projects which holds in the Ministry of Finance and now creating a BOT Projects Unit in the Procurement Policy Office, according to me, is wrong and dangerous.

The Procurement Policy Office is a procurement policymaking body and totally ill-suited to house a BOT Projects Unit dedicated to project analysts. These are two different things completely. I don't know who got this idea in the case of the BOT placing, therefore, a new BOT Project Unit in the Procurement Policy Office. I see no logic in it. That is not the job of the Procurement Policy Office. The Procurement Policy Office is to look at procurement procedures in general, make suggestions, suggest new legislations to better allow our procurement machinery to perform. This is wrong. I consider it totally wrong and I say it is dangerous to place that responsibility for assessing projects under the BOT Projects Unit in the Procurement Policy Office. I think this is wrong and dangerous as I said.

There is one point of clarification that I would like from the Rt. hon. Prime Minister. Under the PPP Act, section 11, any public-private agreement had to be approved. It's spelt out in the Act. It had to be approved by Cabinet whereas in the new legislation that is before us, the BOT Act, clause 11, reads thus -

“BOT agreement

(1) Notwithstanding any other enactment but subject to this Act, a contracting authority (...)”

That is the State Body contracting out.

“(...) may, after informing Cabinet through the Minister responsible for that contracting authority, enter into an agreement with a private party for the purpose of implementing a BOT project.”

Honestly, I do not get the point. Before, it was clear-cut, before PPP agreement was signed, you had to have the clearance of Cabinet. What's the point - I seek clarification on that - this time of changing that and that the Minister concerned only informs Cabinet, as if he does not need the clearance of Cabinet. I don't know who has drafted it that way, but I don't get the point. I find it very confusing. This is *en passant*. The real objective of this BOT Bill – that's my main point - before us is to allow State to State agreements without Central Procurement Board involvement.

In the Public-Private Partnership Act in force, you have already provided therein, you have already State to State agreements. But with the involvement of the Central Procurement Board, this is the case now. To me, the real objective of the Bill before us is to get the Central Procurement Board out completely. I repeat, where as now, under the PPP legislation, the Central Procurement Board is very much involved and it is a safeguard for the public, of course value for money for tendering procedures and so on. The real objective of the BOT Bill is to get rid. I thought that, at least, the Rt. hon. Prime Minister would say: no, we waste too much time, like the former Prime Minister uses to say. He has not even said that. Now, we do away with the Central Procurement Board completely when we are dealing with State to State agreements, and in its place, there is a fast-track High Powered Committee comprised of public officials only. I think we have to measure *la portée de ce que nous allons faire*.

Therefore, as from now on, when we deal country to country, contrary to the existing Public-Private Partnership Act, we do away completely with the Central Procurement Board and now, we will have only a High-Powered Committee of officials, not even chaired by the Secretary to the Cabinet. The law says: chaired by the Secretary to Cabinet or his representative. I would have expected as I said, at least, the Rt. hon. Prime Minister to say: okay, we are doing away which is a fact with the Central Procurement Board's involvement completely because we waste too much time. As I said, the former Prime Minister used to say that bluntly. We are wasting too much time through tendering procedures and so on, therefore, we do away in this present Bill now which even the former Prime Minister did not do. Now, we do away with the involvement of the Central Procurement Board out completely when we are dealing State to State agreements and I suppose that it is with

Heritage City Project in mind. I suppose because I have not heard any reference to that, but we will see.

Earlier on, I heard hon. Bodha mentioning the Victoria Station Project, but this is not State to State. He did say that Government wants to do that project on a BOT basis, but this is not State to State. Therefore, the Central Procurement Board will be involved in any BOT project, not State to State, but locally and I am very worried. My point is that we are doing something very serious, getting rid of the Central Procurement Board completely when country to country agreements are discussed. I think it is very dangerous and it is a second big step backward.

Whilst saying that, I would like to refer to the latest Article IV Consultation Report from the IMF, just out a few days ago, and they did make reference to BOT projects. In fact, the IMF noted that recourse to private sector financing of ambitious public investment programmes, through PPP, BOT solutions will be encouraged to limit public deficits and debt as the Rt. hon. Prime Minister has said earlier on. But they added a note of warning. They added that, however, the IMF remarks that an appropriate framework for analysing fiscal rights and contingent liabilities is urgently needed in leveraging PPPs. So, there is a note of warning. It is good you go to BOT solutions, but you have to assess the fiscal and other impact, not just now, but in one year, in five years, in ten years, what they call contingent liabilities. To me, what is being proposed does not satisfy at all that very recent warning from the IMF. That is why, at least, I would wish to be informed whether the IMF has been consulted. Of course, we are a sovereign State, we decide. But after that kind of warning in their recent Article IV Consultation Report, have they had a look at the piece of legislation before us? Have they been consulted in anyway after that note of warning?

The point is that when we go for BOT (Build Operate Transfer) for a BOT solution, it does not go into the public debt and we know that the IMF, the World Bank, everybody *est en train de tirer la sonnette d'alarme* as far as the public debt is concerned. Granted, but Government will give its guarantee. It does not go into the public debt, if you go through BOT. But what the IMF has called contingent liabilities, we can pay very dearly for that as I have said in one year, two years, five years. You go through BOT for a big project that fails. Then in one year, five years, ten years' time, you have a debt problem, you have a fiscal budget deficit problem which can be of massive proportions. Therefore, I believe that Government is not with this Bill, is not listening to that note of warning issued by the IMF and I repeat the point is to get rid – I am making two main points. The point of this legislation

is to get rid of the Central Procurement Board, completely out of the picture, when we are dealing State to State. Secondly, we are wrong in doing away with the PPP Unit and replacing it by a BOT Project Unit in the Procurement Policy Office and not in the Ministry of Finance. These are my two main points and that is why, Madam Speaker, the MMM, for our part, we will be voting against that piece of legislation.

(5.36 p.m.)

The Attorney General (Mr R. Yerrigadoo): Thank you, Madam Speaker. Madam Speaker, I have listened very carefully to the remarks of the hon. Leader of the Opposition and I will try - pending the Rt. hon. Prime Minister in his summing up – to give more clarification on certain issues raised, to bring certain light.

Now, it is not the first time that we hear about BOT in this House, Madam Speaker. Indeed, the first time we heard about this was in June 1997 when the Concession Projects Bill was first issued in this House. Of course, then we got to know and the public is now very much aware that this BOT concept is not a new financial mechanism, Madam Speaker. From the early 1980's, we all know that the BOT concept has been introduced in a number of developing countries as an alternative way to finance such infrastructure projects as varied as roads, power plant facilities, telecommunications, industrial estates, water supply, treatment plants, airports etcetera. The Prime Minister is geared in his Vision 2030 to bring in investment in the country which can meaningfully bring change and we all know that there has been a decline in massive investments in such kind of big projects.

Let me start by looking at the other legislation the hon. Leader of the Opposition alluded to: the Public Private Partnership Act of 2004. Before going into the Bill in the different clauses and explaining what the BOT Unit is about, let us just look at the two types of situation as envisaged under this Bill. First of all, the contracting authority could be a Ministry under whose purview there would be a major public infrastructure project which would identify a BOT project. Then there are two lines. I will look at the G-to-G Agreement in a minute, but let us look at the project implemented under the BOT legislation. So, what would happen is the contracting authority would prepare and would submit a feasibility report, first of all, to the BOT projects unit. The BOT projects unit then would assess this feasibility report and would then submit its findings to the contracting authority. The contracting authority would then prepare and submit a request for proposal RFP

documentation to the Central Procurement Board and it is only upon the approval of the CPB that the Contracting Authority would then issue a request for proposal. The CPB would be the one evaluating bids and making recommendations to the contracting authority for entering into negotiation with a preferred bidder.

The CPB would recommend the contracting authority to enter or not into an agreement with a private party. That contracting authority would then inform Cabinet, the decision is taken elsewhere prior to entering into a BOT agreement. Of course, we will go in detail in the Act on the different requirements of that agreement: BOT Agreement in a while and it is only then that the contracting authority would sign that BOT Agreement.

The appropriate framework the Rt. hon. Prime Minister alluded to is that whilst stressing on the high level of public investments at the same time as a responsible and forward looking Government, he said that we must ensure our public expenditure stays within the manageable target set. Now, any payment by Government or party, private party under the BOT agreement would be accounted for under National Budget, be it in the form of Recurrent or Capital Expenditure. However - and this is the crux of the matter - any unexpected cost to the Government that may arise during the BOT period would be accounted for as contingent liabilities. In this respect, a project team which is set up under clause 7 of the Bill will provide necessary information for the debt management unit and - that is the point - to assess fiscal risk and liabilities arising from the BOT project. Of course, it is clear that we will adhere to the best international practices and guidelines set out for the disclosure of contingent risk and liabilities that may arise from implementation of BOT and PPP project for that matter.

In fact, before finalising this Bill, consultations have been held, discussions both with IMF and World Bank and their technical assistance have been requested in putting in place a tool which is commonly known as a Public Private Partnership Fiscal Risk Assessment Model commonly referred to as a P-FRAM. Now, very clearly, we need to drive through these types of investment to boost up public investment, stimulate both public and private investment. We have all seen projects coming up and we cannot have it unduly constrained by the public debt level. If we want to accelerate growth momentum and employment creation, we will have to remove barriers to investment and public infrastructure and this explains this BOT Projects Bill.

As to the question of G-to-G agreement, a second line of action. On a G-to-G, Government to Government agreement, the contracting authority would perform due diligence, submit a report to the High Powered Committee. Now, one must not forget that the High Powered Committee which is chaired by the Secretary to Cabinet who has, as Members, the Financial Secretary and the Solicitor General will examine the due diligence report and assess the value for money. The High Powered Committee only then forwards its report including recommendations to Cabinet and thereafter notifies the contracting authority of its recommendation and only then, can the contracting authority enter into the BOT agreement.

Now, the hon. Leader of the Opposition was saying that the CPB is excluded, that the purview of the Public Procurement Act is excluded. The Bill makes provision for competitive procurement procedures along the same lines as the Public Procurement Act. As such, the Bill is a stand-alone, a comprehensive legislation for BOT projects. Furthermore, the CPB will have oversight over the procurement process and will assess bids received with a view to making recommendations on preferred bidder, as I have said, to the contracting authority. The law has been formulated to make sure that all existing procedures and safeguards, with respect to transparency and accountability are being followed and even reinforced. For example, as I have listed -

- (i) it is mandatory to obtain the prior approval of the CPB before any request for proposal relating to BOT project can be issued;
- (ii) the RFP must be publicly advertised;
- (iii) all bids received will have to be opened in public;
- (iv) the bids will have to be evaluated on a CPB in accordance to its established rules and procedures;
- (v) the CPB will make recommendations to the contracting authority either to enter or not to enter into a BOT agreement;
- (vi) the contracting authority after informing Cabinet only then enters into an agreement, and
- (vii) a copy of all BOT agreements will be tabled before the National Assembly here, Madam Speaker. This is very important, because it is a landmark fundamental change.

Unlike a procurement contract under the Public Procurement Act, it is mandatory under this piece of legislation for BOT agreements to be tabled before the National Assembly. Clause 11 lists out in great detail the mandatory provisions to be contained in such an agreement, thereby ensuring full transparency and disclosure of the rights and obligations of the parties, terms and conditions of the agreement, including the financial terms.

Let us just have a brief look at all the clauses. It is not a lengthy piece of legislation. Of course, provision is made and will be made for the proper staffing, capacity building and training of the BOT Projects Unit. The functions of the BOT Projects Unit is well laid out in clause 5 of the Bill. Of course, the staff of the BOT Projects Unit - and that is very important - depending on the project, whether you are building a dam, whether you are building roads, tunnels or a power plant, the PPO, subject to Public Service Commission Regulations can, and that is clause 6 (1) (b) -

“enlist, on ad hoc basis and for such period as may be necessary, the services of suitable BOT experts to advise the Procurement Policy Office.”

Now, the functions of the contracting authority are well listed out in clause 7 of the Bill and again, clause 7 (2) -

“For the purpose of this Act, a contracting authority shall set up a project team (...).”

And that’s a novelty, because project management is an essential lacuna these days when you look at managing public projects, and they can -

“(...) set up a project team and designate a suitable and qualified project officer who shall be capable to effectively manage a BOT project.”

Clause 8 lists out in great detail the Feasibility Report. Clause 9 lists out the Request for Proposal. The functions of the Central Procurement Board, once again, are aptly referred to in clause 10 of the Act. Clause 11 is important, because this is the BOT agreement which is going to be tabled in front of this very National Assembly, and clause 11 (2), and I quote -

“Every agreement shall include provisions for -

- (a) the rights and obligations of the contracting authority and private party;
- (b) the period of execution of the project;
- (c) the relevant financial terms;

- (d) the conditions for the supply of services;
- (e) the management of performance of the private party;
- (f) the sharing of technical, operational, commercial and financial obligations and responsibilities among the parties;”

That is often a subject for arbitration, as my hon. colleagues may know.

- “(g) the termination of the agreement in case of breach of terms and conditions by either party, or otherwise;
- (h) the remedies in the event of default by either party, including lenders’ step-in-rights;”

Because when we are looking at major infrastructure projects there may be not just one but many financial institutions. You need to have inter-party agreements, lenders’ rights have to be protected. Let us not forget about underwriting the risks, and so, insurance underwriters will get into the picture. So, it is not just a simple step.

- “(i) the return of the assets to the contracting authority, at the termination or expiry of the agreement, in such manner as may be provided for in the agreement; and - because we can’t think exhaustively of all haps and mishaps -
- (j) such other requirements as may be prescribed.”

And, of course, we always have the flexibility of ensuring legislation.

The BOT framework will be applicable only to projects where we are undertaking, including the assets to be created will be transferred to Government at the end of the BOT period. The procedures and guidelines will be issued by the PPO to facilitate the operation of this Bill by the contracting and other stakeholders.

Now, of course, the implementation capacity of this BOT Unit. All these bodies, contracting authorities, BOT Projects Unit, Central Procurement Board, will be provided with adequate resources and skills. Additionally, international institutions like the World Bank and the African Development Bank have already expressed their willingness to assist Government in building capacity for the implementation of those projects.

So, very clearly, Madam Speaker, we totally subscribe to the views of our Rt. hon. Prime Minister that this Bill will help usher Mauritius into a new era in total compatibility

with the Vision 2030 of the Prime Minister and this House, and this is a Bill which is for the overall benefit of this country, which will help usher a new Mauritius.

I thank you, Madam Speaker.

Madam Speaker: Hon. Members, I will now ask the Deputy Speaker to take the Chair. But, before I do so, allow me to make a small statement. This morning, during Question Time, hon. Shakeel Mohamed raised a point of order to the effect that the hon. Prime Minister had addressed the words ‘shut up’ to him. Hon. Mohamed has now informed me that he does not wish to proceed further with the matter. The matter is, therefore, closed.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Boissézon!

(5.51 p.m.)

Mr E. Boissézon (Third Member for La Caverne & Phoenix): M. le président, merci de me permettre d’intervenir sur le *Build Operate Transfer Projects Bill*. Je félicite le Premier ministre pour la présentation du projet de loi.

Le 25 août 2015, le Premier ministre, Sir Anerood Jugnauth, avait présenté l’*Economic Mission Statement: Achieving the Second Economic Miracle and Vision 2030*. Il avait mis l’emphase sur le besoin de créer 100,000 nouveaux emplois dans les cinq ans, dans 10 secteurs clés, à travers des investissements massifs de R 143 milliards. Au cours du lancement du *High Powered Committee*, le Premier ministre avait demandé au secteur privé d’être partie prenante de ce projet d’envergure. Il fit référence que le succès économique dépendrait du *proper mindset* et *the determination to make things happen*. Il fit aussi référence aux besoins en capitaux pour les investissements intensifs dans le secteur de l’énergie, de l’eau, des eaux usées, le traitement des ordures, les routes pour l’aéroport, etc.

M. le président, il y a une idée partagée par une grande majorité de la population et de par le monde que c’est au gouvernement de fournir certains services essentiels à la population. Je cite Mario Cuomo, ancien gouverneur de New York, dans une édition du New York Times de mai 1985 -

“It is not Government’s obligation to provide services, but to see that they are provided.”

Aujourd'hui, il y a un accroissement de projets BOT de par le monde, et cette méthode alternative est acceptée pour mobiliser les ressources financières pour les développements infrastructurels et pour profiter du savoir-faire du secteur privé. Aussi, la présentation de ce projet de loi va dans le droit chemin tracé par le gouvernement à travers son agenda économique.

Les projets BOT offrent un certain nombre d'avantages ; l'accélération des projets infrastructurels. Combien de projets sont dans le *pipeline* du gouvernement, mais qui ne peuvent être mis en pratique faute de capitaux, de contraintes budgétaires ou encore quand le plafond autorisé pour la dette nationale a été atteint ? Aussi, le gouvernement doit se tourner vers le secteur privé pour le financement des projets. Déjà, nous avons un ratio dette/PIB au-dessus du taux que nous nous étions fixés comme raisonnable. Je me rappelle encore que l'honorable Lutchmeenaraidoo disait que la dette est un obstacle sérieux à la capacité d'emprunt public ; en d'autres mots, au financement des projets d'envergure.

Un autre avantage c'est l'implémentation plus rapide, la responsabilité de pourvoir la conception, la construction de l'infrastructure conjuguée du besoin d'être payé quand le service est rendu, sont des *boosters* pour la finalisation des projets dans le plus bref délai. Les réductions des coûts dans le long terme, du fait que les concessionnaires sont en compétition pour la soumission du meilleur projet, est une garantie que le gouvernement obtiendra le meilleur prix. Le fait que les projets concernent aussi la maintenance des infrastructures, incite les concessionnaires à plus de précautions, moins de gaspillage pour réduire les coûts de production et de prestation de service. Il va sans dire que l'État aura un rôle important dans le contrôle afin que réduction ne rime pas avec un laisser-aller et manquement dans la qualité de service de la maintenance de l'infrastructure ou autre manquement aux obligations sociales.

Nous avons aussi une meilleure allocation des risques. Un des principes fondamentaux du BOT est le transfert de risques inhérents au service. Le but de tout gouvernement est de choisir le partenaire plus apte à assurer le service. Le but étant d'optimiser le transfert des risques et d'assurer que le meilleur rendement est atteint. Une meilleure incitation à la bonne performance du fait que les revenus des concessionnaires dépendront de la qualité et du standard rendu et inciteront l'opérateur à offrir un meilleur service.

Lors de la préparation du contrat, le contrôle de qualité doit être un point dominant du contrat, si besoin est, il faut inclure des pénalités financières pour les manquements. Et d'autre part, il y aura plus de contrôle de la part de l'État de par le transfert des responsabilités d'offrir le service, l'État consacrera un rôle de régulateur seulement, utilisant ses ressources pour le contrôle et le suivi des opérations.

Ayant passé en revue les avantages du BOT, nous ne pourrions dire que le gouvernement a trouvé la formule magique pour financer, offrir un service de qualité à la nation. La mise en place d'un projet de partenariat privé et public est très complexe vu le nombre d'associés.

Au départ, en lisant le projet de loi, je me suis posé la question concernant les organismes existants mais j'ai compris qu'il est impératif d'innover et de moderniser la loi afin d'offrir une structure rapide pour la sélection des projets. Et en faisant des recherches, j'ai vu qu'en mars de l'année dernière au Vietnam, ils ont étudié, ils ont mis un nouveau projet de loi, le BOT *Decree*. Et un des points qu'ils ont soumis, et je cite les notes que j'ai –

“Under the Pilot PPP Regulations, competitive tendering was always required for the selection of investors, whereas under the BOT Decree direct appointment of investors is permitted in some circumstances. The New PPP Regulations have relaxed this position by expressly providing that selection shall be conducted either by open tender or direct appointment for all the PPP project regimes.”

Aussi, M. le président, aujourd'hui avec la création de *BOT Projects Unit*, pour moi, le choix du personnel sera primordial parce qu'une des fonctions du *BOT Projects Unit* sera de -

“Formulate policies, including directives, procedures and guidelines on BOT projects.”

Et cette unité aura la lourde responsabilité de -

“Appraise the BOT project, prepare or cause to be prepared a feasibility report and submit the report to the BOT Projects Unit for its assessment.”

Ceci dit, le *contracting unit*, le ministère, soumettra son projet au *BOT Projects Unit* et ce sera cette unité qui aura la lourde tâche d'évaluer le projet. Cette unité doit avoir une politique d'où les projets doivent être vus comme un ajout, un plus, cadrant avec la mission économique du gouvernement. Avoir un plan national qui serait complémentaire aux projets

capitaux budgétisés par le ministère des finances. S'assurer que les projets emmènent de la valeur en relation avec les investissements consentis, un apport de la vraie valeur économique pas nécessairement des projets au coût moins élevé. Les projets doivent être abordables et représenter des valeurs sûres, car les bailleurs de fonds sont normalement réfractaires quant aux projets nécessitant une participation élevée avec des risques déraisonnables et des négociations longues, ardues et complexes. S'assurer que l'intérêt principal du projet ne se borne pas juste sur les infrastructures mais sur la prestation des services, de la gestion des ressources humaines et de la possibilité du concessionnaire de maintenir un service de qualité dans la durée. S'assurer que les procédures pour l'octroi des contrats soient saines, démontrant le besoin de transparence dans l'allocation des contrats.

Le *BOT Projects Unit* devra aussi tenir en ligne de compte, les risques potentiels des partenariats public-privé. Le développement, les appels d'offres et les coûts permanents des projets BOT seront plus importants que ceux des procédés traditionnels de passation des marchés publics. En général, le contrat est conclu entre le gouvernement, le ministère des collectivités locales et une société de projets, SPV. Celle-ci est constituée en vue de la conception, de la construction, du financement et de l'exploitation de l'infrastructure et le support de service. Son capital est en partie constitué d'accord en fonds propres ainsi que par les sous-traitants. La majeure partie de l'investissement nécessaire est pourvue par des banques et bailleurs de fonds. Ces sociétés sont appelées des *sponsors*. La société de projets supporte l'ensemble du risque via l'opération. La responsabilité des *sponsors* n'est engagée que dans la limite du capital apporté.

Un partenariat public-privé se caractérise actuellement par un rendement assez modéré mais présentant un faible risque pour les investisseurs. Mais il y a un risque que les *sponsors* soient plus intéressés par un retour sur l'investissement élevé et cela nous devons le surveiller.

D'autre part, les montages contractuels utilisés par le BOT s'accompagnent de plus en plus souvent de *step in*. Ainsi, en cas d'incapacité des coûts contractants, les prêteurs peuvent légalement s'interposer et prendre le contrôle de la société, se posera la question de la légitimité de ces accords, se posera alors la question de compétence. Ces questions devront être répondues au moment de la préparation du contrat. Beaucoup de projets ont échoué dû à la mise en œuvre de stratégies opportunistes. Les concessionnaires imposent des nouvelles conditions en tablant sur leur acceptation forcée de par l'autre partie du fait des investissements déjà engagés et de l'obligation de garantir la continuité du service. Il pourrait

alors s'agir de la part des prestataires d'une stratégie de *hold-up*. Ces derniers tireraient à la fois profit de la disparition de la pression de ses concurrents et de l'information acquise lors des premiers mois de contrat pour augmenter tant son pouvoir de négociation que son avantage informationnel pour modifier les termes du contrat à son avantage.

La plupart des projets, sinon tous, sont financés par des prêts importants. Il existera un coût lié à la dette qui affectera directement le tarif. Beaucoup de débats ont eu lieu et auront lieu quant au calcul idéal du tarif. Le contrat devra en prendre compte.

Les entreprises privées feront preuve de prudence avant d'accepter des risques importants qui échappent à leur contrôle tel que fluctuation du taux de change. Si elles acceptent, les tarifs reflèteront les risques supportés. Le secteur privé réalisera uniquement ce pourquoi il est payé. Il est important au départ de définir précisément les mesures incitatives et les critères de préférence dans le contrat. Il faudra mettre l'accent sur les critères des performances faciles à contrôler.

La responsabilité du gouvernement est pérenne dans la mesure où la population continuera à tenir le gouvernement pour la qualité du service. D'autre part, le secteur privé est susceptible de posséder une plus grande expertise et avoir un avantage sur les données relatives au projet.

Le BOT Unit devra se doter de capacité d'expertise technique, financière et juridique nécessaire à la négociation, à la passation et au pilotage des contrats pour être en mesure de comprendre les accords du BOT, de s'acquitter de ses obligations, et de surveiller et contrôler des performances du secteur privé.

Etant donné la nature à long terme du projet et de leur complexité inhérente, il est difficile d'identifier toutes les éventualités au cours du développement du projet. Il est possible que des événements et des difficultés surviennent lesquels n'auraient pas été anticipés par les partis au moment de la préparation du contrat. Les partis devront renégocier le contrat pour tenir compte de ces éventualités. Dès le début, il faudrait qu'il y ait certaines clauses du contrat pour être prêt dans de telles éventualités.

M. le président, pour terminer, je vous dirais, même dans les cas où le BOT apparaît comme une option risquée et par définition coûteuse, il convient de s'interroger sur la réalité du choix que peut faire la personne publique. Si la solution partenariale est plus coûteuse que la solution interne, a-t-on pour autant les marges de manœuvre budgétaire nécessaire pour

mettre en œuvre cette dernière. En d'autres termes, le choix pourrait s'effectuer dans de nombreux cas entre le partenariat ou la non-satisfaction du besoin social.

Merci.

The Deputy Speaker: Hon. Dr. Sorefan!

(6.08 p.m.)

Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix): Mr Deputy Speaker, Sir, this Bill has been long waited for and we have been talking about this Bill - BOT - for the last 20 years.

Are we mature as Mauritians, as this Government, to come with such a Bill? I think so. We had experience in a lot of infrastructures and, more so, now that we know where is our public debt in terms of percentage. Very high! So, the bold step that a Government can take is to start thinking about BOT where finance comes from the private sector. None in a pure BOT, not a single cent comes from the Government, that's a BOT.

From the outset, Mr Deputy Speaker, Sir, we are agreeable with the concept of this Bill, but we got a few reservations. I will come along with the reservations that we got in mind.

Why BOT? It is a growing trend emerging in many countries to solicit investment for public projects from private sectors. The reasons behind this trend, are, a shortage of public funds and none intervention of Government and Government Agency, as if to hand off all the risks to the private sector.

BOT is an option to outsource public project to private sector that designs, finances, constructs and operates the facility and, eventually, after a specified concession period, the ownership is transferred to the Government.

The primary function is to serve the public needs. This is what the Government is coming and as a Mauritian, even if I am in the Opposition, I talk also as a Mauritian that this is for my needs also that we are catering such a Bill.

One thing - first reservation - if I read the Explanatory Memorandum, Mr Deputy Speaker, Sir -

“The object of this Bill is to provide for a legal framework for the execution of projects under Build Operate Transfer (BOT) agreements.”

It talks only for the Government or Government Agency Projects. I would like to see private sector - section mentioned also - because private sector also may initiate BOT Projects. We must not forget, it is not only Government that does project, there are private sectors and a Bill should include some proviso for private sector which wants to embark on BOT.

Like I said, the development consists of finance, design, construction or facility, managing and maintaining the facility adequately and making it sufficiently profitable. Maintenance is the key word. Private sector can come, build, make money and, at the end of the day, at the end of the concession, you are left with obsolete building or facilities that the Government wants to offer. Very important!

My reservation here is: who is going to watch about the maintenance of those structures or projects? That's my big question. Because concessioners come, they build, make money and when they hand over, probably, it's not viable. So, here also, certain projects become obsolete within so many years. So, it's mandatory for the Government to see that the project that needs concession, the specified concession is half of the life expectancy of that project so that the concessioner takes advantage of the half-life and the Government takes the other half of the life span of the project.

At the end of the concession period, the private parties or concessioner transfer the ownership of the facility. Here, we must take note; it should be free of *lien*. The concessionaire should not have a *lien* on that project when it is handed over to the Government or to the contracting party, it is free of *lien*. And, when the concessionaire hands over to the contracting party, it should be at no cost. That is a pure BOT. Then, it is at the advantage of the Government in 20 years or so and, at the same time, when we say the Government, it is at the advantage of the people.

Mr Deputy Speaker, Sir, the key characteristic of BOT is private financing. With associated risks, no one with private financing will come forward unless there is a need for the project concerned. We may have laws, we may have many beautiful projects, but concessionaires may not come because concessionaires are consortium, they are made of different groups of people like architects etc. They form a consortium. They will not come to embark on a project that does not really have a need for the population. The Government also won't come unless the project concerned is of need to the population. Only after market

analysis that justifies a need, will private parties be willing to financially participate. It is the role of the Government to recognise the need for a public facility, but if it is unable to financially support the project, then it goes for the BOT.

We may talk about a lot of beautiful projects, have laws but the key part of all BOT is the contract. The contract that the contracting party designs to the satisfaction of each party is very important. The contract should be very severe, well drafted so that no case goes to Court during the construction period. It is very important. Then, Government may find that during the construction of the project, the contract does not stipulate certain clauses, the contractor takes advantage and then may vanish with certain financial facilities that have occurred during the period. Because contractors do not come with 100 percent equity, for a BOT the minimum they should come with is 20 percent equity, 80 percent from banks, sponsors etc. So, we must be careful.

If a bank gives the debt to the contractor to the tune of, say, 50 percent and the contractor is not delivering, that is another reservation, surely the Government will form part of a guarantee and that may create havoc in our financial situation where Government debt may rise in three or four years.

There are several contracts in a BOT construction contract, operation contract and all those contracts should be well drafted and advised by competent persons so that we do not have any problem with the project ongoing. Contracts should not be in favour of contractors.

The main disadvantage of a BOT is that additional costs are incurred to pay a profit to the service provider. Who pays that? It is the Mauritian people who will pay for the facility. If Government could do the project on its own, the cost would be very low whereas with a BOT the Mauritian people will have to pay for the profit that the concessionaire will make. That is one among other disadvantages of BOT.

Like I said before, my big concern, Mr Deputy Speaker, Sir, is maintenance because we have seen so many Government buildings even before being commissioned, we see cracks and other defects and something had not been done properly. So, the maintenance of that building should form part of the contract and that the concessionaire really maintains the building till the concession period.

Mr Deputy Speaker, Sir, I am sure my learned friend, hon. Ganoo, will have a few more reservations on this Bill. I won't be long. I would just like to say that let us embark on BOT but we should do it in such a way that we know where we are going. We should not go

for a BOT and start to correct the mistakes we have done. We don't do BOT learning by mistakes. We should be adamant and say yes. We can do it. I wish the Government good luck for this Bill.

The Deputy Speaker: Hon. Rughoobur!

(6.22 p.m.)

Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to say a few words on this Bill. First of all, I would like to thank and congratulate the Rt. hon. Prime Minister for bringing this Bill in front of the House.

Mr Deputy Speaker, Sir, I would like to dwell on at least three issues that I believe require the attention of the House when we go through the contents of the Bill. I am going to be very brief.

One is the BOT Projects Unit and the Procurement Policy Office. Allow me, Mr Deputy Speaker, Sir, to express reservations on the decision to keep the BOT Projects Unit under the aegis of the Procurement Policy Office as per section 4 of the Bill. I do not think that the Procurement Policy Office will have the necessary skill, competence and expertise to analyse, evaluate and make proper recommendations on the feasibility reports submitted to it by the contracting authorities. Even though, provisions have been made in the Bill to designate such public officers or appoint BOT experts as may be necessary.

I do not believe either that it is the role of the Public Procurement Office to participate in the process leading to the evaluation of a project or bid, be it at feasibility, RFP or tender stage. I believe this is the role of the Central Procurement Board.

Mr Deputy Speaker, Sir, I therefore propose that section 4 of the Bill be amended and 'Procurement Policy Office' be replaced by the 'Central Procurement Board'. This will naturally have an impact on the remaining sections of the Bill and necessary amendments will have to be brought as appropriate. We need to understand that through a BOT system, the Government is adopting a new model of procurement as opposed to the conventional procurement and it is not the role of the Procurement Policy Office to operate as judge and party at the same time.

Mr Deputy Speaker, Sir, there is an urgent need to review also the Public Procurement Act and this is where I believe we need to make appropriate amendments and include guidelines on the functioning of procurement models like the BOT, BOOT, DBFOT, MOT models. The Procurement Policy Office will then step in as the regulator and issue guidelines and directives as is the case presently with public contracts. It will ensure robustness of a new system of procurement that guarantees transparency at all levels in the selection of the most responsive bidder in the interest of the nation. One easily forgets that it is the same Procurement Policy Office that was assigned the responsibility to manage PPP (Public Private Partnership) projects in the recent past. In spite of heavy initial investments in some projects; one concrete example is the Ring Road project, not a single one among them did ever materialise.

Mr Deputy Speaker, Sir, the second issue I wanted to dwell upon is the need for the setting up of an appropriate structure in the implementation of just any project. In the present case, the BOT Project Unit should have an appropriate structure with a unit head reporting - I believe and this is my proposal - to the CEO of the Central Procurement Board. The BOT Project Unit as an executive arm of the Central Procurement Board should ensure at least the following -

- 1) entrepreneurship and leadership at all levels;
- 2) sight project identification;
- 3) strength of selected bidder/consortium;
- 4) optimum benefit on the financial package;
- 5) optimum benefit on technical solutions and/or proposals, and
- 6) limited risk on guarantees.

Mr Deputy Speaker, Sir, we have to be extremely careful in the choice of professionals who will be appointed to manage the BOT Project Unit. I can understand that it is not easy to find local experts on BOT, but I would humbly suggest that we do not assign responsibilities to people who already have other responsibilities or have already been appointed to manage other projects. I am saying this because we have seen cases where people were being appointed in three different Boards as Chairman and failed because they had not been able to deliver as they should.

Finally, Mr Deputy Speaker, Sir, this is the third issue I wanted to raise. At a time when the Government requires strong financial muscle to embark on big projects, the BOT and other similar models retained to implement such projects is most welcoming provided there is strict and effective monitoring until its taking over by the contracting authority. Most of the BOT projects around the world have mostly been limited to areas such as power generation, infrastructure and transportation. It is expected that this will be the case in Mauritius as well. It, therefore, becomes extremely important for at least two Ministries, that of the Ministry of Public Infrastructure and the second the Ministry of Public Utilities to have special units responsible to manage the BOT projects. They need to urgently review their structure and include such a unit and make provision for the recruitment and training of resources to monitor and eventually manage the BOT projects.

Mr Deputy Speaker, Sir, this Bill reminds me of one among the few extremely important and visionary steps undertaken by our Prime Minister in the early 80's and in the year 2000 for the boosting of our economy and stimulating growth. I have no doubt that this Bill does represent a stepping stone towards the building of a new Mauritius aimed at achieving a high income economy status in the years to come.

Mr Deputy Speaker, Sir, that was my personal contribution and with these words, I thank you all for your attention.

(6.28 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): I would like to start out by saying that it was a lot of pleasure that I listened to all those who intervened on this piece of legislation, including the opening remarks of the Rt. hon. Prime Minister and the very detailed analysis made by hon. Members, particularly that of the hon. Leader of the Opposition.

I have - while looking at the details pertaining to this Bill, Mr Deputy Speaker, Sir - come across various proposals made by consultants addressing the Public Private Partnership statute of Mauritius, addressing the public procurement legislation of the Republic of Mauritius and those consultants who have looked into those two particular pieces of legislation, have made recommendations that those two pieces of legislation should, at some stage, be updated, amended, in order to live in line with the times that we are in. There is, therefore, the need at some stage in the life of every State, every country to amend old

procurement legislation to be able to evolve, adjust and adapt. But what this Government is doing, Mr Deputy Speaker, Sir, is not amending, not adapting, it is literally trying to find a path on the side of those two existing and to go forth with their own objectives in mind.

In my humble view, this could have been attacked or addressed differently and it should have been a consensus decision with those two existing pieces of legislation being amended in order to adapt to the existing parameters that we are in today. *Au lieu de cela*, the actual Government, as I have said very briefly, has decided to do otherwise, thereby going against recommendations of many consultants and the services of one of those consultants had been retained as far back as 2003 when you have reports prepared on the Mauritius PPP legal and institutional framework report. You have reports going as far back as 2004. You have presentations for the PPP legislation in 2009 talking about how it should be updated, but *d'un trait de plume*, all those consultants' works have gone down the drain and, all of a sudden, we are coming up with a new piece of legislation. What is the rationale behind that decision of Government in lieu and stead of going along with the line of amending existing legislation or improving existing legislation? Why this complete disregard for that simple possibility and going for new piece of legislation altogether? We have not heard the Rt. hon. Prime Minister about that and I believe that the people, out there, would like to understand because there are a lot of questions in their mind. Questions! Normally, when one comes with a new piece of legislation, it brings answers to questions that are there. But today, instead of doing that, this piece of legislation brings about more and even more questions. Are they being addressed by this piece of legislation? No! I am only here to try to explain, in very simple terms, what the public out there are wondering. What are they asking themselves? Many times we have seen the former Government being criticised for projects that were implemented, for instance, the new Sir Seewoosagur Ramgoolam Terminal Airport, the way it was implemented. Those questions are as follows -

- Was it a Government to Government agreement?
- Was there a contractor that was imposed?
- Was there a transparency in the procurement process?

Let us not get into the merits or demerits of that project. Let us not, at this stage, get into whether the criticisms were warranted or not. The fact is that this actual Government, when they were in the Opposition, has time and time again, identified lacunas in the methodology adopted by the previous Government as far as procurement issues were concerned for specific projects.

For instance, not only the airport, we also talked about projects such as the National Identity Card. That was another issue where Government-to-Government was involved, and I recognise, Mr Deputy Speaker, Sir, many Ministers of this actual Government, who were once upon a time Ministers in the former Cabinet, understand what I am talking about, because they also formed part of that Cabinet that took the decision with regard to some of those projects. But, in spite of that, there were criticisms, maybe warranted, because the whole process and the whole idea is that if we are to change, let us change for the better. If Government is going to come and propose a new piece of legislation in order for us to change for the better, there is no reason why we shall say we are against. We have to say we are for. But, unfortunately, I do not see what is better in this legislation. I only see a lot of questions that are left unanswered.

On 02 March 2016, Cabinet meets; special session. And what was Cabinet decision? That Cabinet had considered the recommendations of the High Powered Committee and the procurement of the professional services of Stree Consulting for the detailed Master Plan of Heritage City with a Government-to-Government agreement, Government of Mauritius-Government of Dubai, is approved by Cabinet, Heritage City Project will be executed at Minissy, etc.

Lo and behold we have this piece of legislation that comes to this august Assembly. I have heard hon. Bhadain, from a sitting position. Strangely enough, I do not find his name in the list of those who are to address this august Assembly on such an important project. Strangely enough. I am going as far as to say I am saddened not to hear his voice from a standing position. But we heard his voice from a sitting position, and his voice from a sitting position said that the project of Heritage City was not a BOT project. I would like hon. Bhadain to come and say that from a standing position, because as it stands right now, Mr Deputy Speaker, Sir, I do not believe him. I am of the view that the Heritage City Project is indeed a BOT project, and if it is a BOT project, it is sad that the hon. Attorney General has said something which is unfounded, as far as his analysis of this present legislation is concerned. Unfounded! He says that in every single BOT project the public procurement or the PPP legislation will be involved. Not true!

The law as it is clearly said, under clause 3 of this Bill, there are certain situations where it is a Government to Government project agreement, then the Procurement Office is no longer involved. And when it is a situation where the Public Procurement Office is no longer involved, what happens is that it is a total lack of transparency. Therein lies the

question. Are we going to improve what we were criticised for or are we going to do worse? Because if we are going to repeat exactly what was done, it is not as bad, but it is worse, because we are doing it knowingly. It is worse.

I would like the Rt. hon. Prime Minister - because hon. Bhadain has decided not to take part in this particular debate - to come and tell us and take *un engagement* that this project of Heritage City is indeed not a BOT project, because we want transparency. Those are the questions out there. We want to know who are those people who will be involved in that project, from beginning to end, because people from Port Louis, for instance, people coming to work in Port Louis, people that come and use Port Louis as a lifeblood for their livelihood, the whole of this Republic would like to know what exactly Heritage City is. Is it a BOT project *qui annonce la mort certaine de Port Louis ? Oui ou non?* We want to know!

If Port Louis is going to be shot, if Port Louis is going to be killed, if Port Louis is going to be smothered, if Port Louis is going to find itself dead, then we have to know that, at least, it is not done in the shadows, behind a statute and a proposed *soi-disant* Government to Government project. Where is this Government to Government accord? Where is it? Where is the transparency?

(Interruptions)

Each and every time that we raise this issue, more than a year after the last general election, what do we hear from the other side? ‘What did you do?’ For God’s sake, they are in power, they are at the helm, they are the ones who are supposed to do. They are supposed to do it right! So, if they are supposed to improve things, improve things! Then, we will say that you are right to improve things! Because as I said from the start, maybe that the criticisms against the former Government and the methods used – I am not saying we have the monopoly of the truth. I am not saying that we did everything right. I am saying that maybe you are right! We did things wrong! But if that is the case, do it better! If you want to do it better, where is the transparency? Show us the document that says there is an agreement between the Government of Dubai and the Government of Mauritius. I go as far as to say there is no such agreement; there is none. As we speak today, there is no agreement with the Government of Dubai, there is no agreement with the Government of Saudi Arabia. There is none!

So, what are we talking about? Are we talking about the press conference that was held by the former Minister of Finance on 07 October 2015 on Reuters? The title of the interview is ‘Mauritius eyes maritime projects, Africa links to boost growth.’ Is that it?

Where he talks about the fact, the stark reality, Mr Deputy Speaker, Sir. He says we cannot borrow. An ex-Minister of Finance is on holiday, sick leave; and he sent his medical certificate to establish that he is not well. Sick leave! What is even worse ...

(Interruptions)

But I don't need a medical certificate for honey. When I see the hon. Member, I think of honey!

(Interruptions)

The Deputy Speaker: Please address the Chair, hon. Mohamed!

(Interruptions)

Mr Mohamed: It is a compliment.

The Deputy Speaker: No cross-talking.

Mr Mohamed: But then again, what is shocking is that he says we cannot borrow - I mean the ex- Minister of Finance; we cannot give sovereign guarantee. He is, therefore, in the eyes of the public and the international press, telling everyone that we cannot do what a State should be able to do. Borrow! So, those are the promises that he made as ex-Minister of Finance during the campaign - *baton magique dans so la main*. He is going to bring miracles; he is going to create the second miracle. But in 2015, towards the end, he said that we cannot borrow, we cannot give guarantee. We are obliged, he says in this article, to go with a Chinese firm to start building a fishing port next year, in 2016 ...

(Interruptions)

The Deputy Speaker: No interruption, please!

Mr Mohamed: I wonder who got the finger, but it was surely not him. He says...

(Interruptions)

You see, people are just fed up now and are basically saying: 'Hey! Face the facts!' Now, this person says that we cannot borrow, we cannot give sovereign guarantee, we will not add to the debt level that has increased, but we have to go towards the BOT process with a Chinese company already identified, already named, and build through the Build Operate Transfer basis a new fishing port. This is fishy. This is very fishy. And he says: already found the name of the partner. The institutions that are supposed to be created to verify the projects have not been created, had not in 2015, but *en 2015, il disait déjà qu'on avait déjà identifié le*

partenaire, the economic partner, we have already identified the Chinese company, we already know how much it is going to cost, it is going to cost approximately Rs4 billion, *113 millions de dollars*, 20 vessels, *'fini coné combien'*, 20 vessels will be handled, LHF Marine Development Ltd, we already know. But what is the point therefore, Mr Deputy Speaker, Sir, of coming with a piece of legislation? What is the point! You have already decided that you are going to go ahead with it. This is what he said. He said that to the international press and he goes on to say: 'even with regard to Dubai based DP World, we are going to proceed by way of BOT.' Hon. Collendavelloo stated in the press today: "we have no other choice than to privatise CWA." Hon. Lutchmeenaraidoo said last year: "we have no other choice than to give management of our fishing port to the private sector." Hon. Lutchmeenaraidoo says: "DP World, we have no other choice than to give it to the DP World Dubai to run." Heritage City, the Parliament that we are going to be sitting in, we would have to pay rent for. We are going to be tenants of a foreign State or some foreign enterprise. *Je ne sais même pas si la source de l'argent est sale ou propre. Je ne sais moi! On ne sait même pas où est l'accord, 'qui ine rencontré!'* Shri Consulting! The promoter of Shri Consulting, once upon a time, used to work for Nakheel Properties, but was fired, and now we are supposed to what, pass a piece of legislation. This is what? *Carte blanche!* Licence to privatise Mauritius! A licence to privatise Mauritius and to put the future generations under the hammer of a bankruptcy notice! This is what it is! The country, the State, being taken and driven towards bankruptcy! We do not know what we are doing to our future and this is going to be done in the name of what? Transparency! But you shall not know with whom, transparency, advisers of former Minister of Finance and Economic Development already been finding out who will be the Chinese partner for the port, negotiations already going on with DP World before legislation and proper framework. Transparency!

I thank the hon. Chief Whip for allowing me to say those few words earlier than expected and this is what I think is a positive note in this debate, the rest, this debate, this law, this project, is just a waste of time. It is the birthday of my son today. So, thank you, Sir, and I thank you for my words and for your attention.

Thank you.

The Deputy Speaker: Hon. Sesungkur!

(6.48 p.m.)

Mr D. Sesungkur (First Member for Montagne Blanche & GRSE): Mr Deputy Speaker, Sir, right on the outset, I would like to state that I am all in favour of this new Bill which covers the BOT - the Build Operate Transfer Projects Bill.

I would like to say that all the hon. Members who intervened before me have made very valid contribution to the debate. I have listened carefully to the points made by the hon. Leader of the Opposition with regard to one particular aspect which is the contingent liability. I would like to clarify that being an accountant myself, contingent liability remains contingent until it crystallises into an actual liability and the public accounting right now that we are adopting is on cash basis which means that we only account for an expense when we pay for it. So, the issue of contingent liability would have been probably an issue if the accounting system that we would be adopting would be on the accrual basis. But again here, the contingent liability is an off balance sheet item which means that it does not affect the total balance sheet of a country and, therefore, as rightly mentioned by other hon. Members, it will not affect our debt level.

So, how does the BOT system, which is a form of project financing, help our country, help the Government to finance its capital budget? Let's take an example, if we were to finance a project which would have cost Rs10 billion, if we were to finance that straightaway and by ourselves, we would need to have a budget of Rs10 billion in the Year One, but by adopting the BOT financing, we can do that project and reduce our capital budget because we will only account for the capital outlay that will be paid for one year. The next year will account for the second *tranche*, the third year, it will be for the third *tranche*. So, it will go on like this. So, this method facilitates the financing of major projects and, at the same time, it helps Government to boost up investment because we have a tricky situation whereby on one side we need massive investment to modernise our economic apparatus, but, at the same time, we have lack of funding, we have budgetary constraints.

So, if I come to the point made by the hon. Leader of the Opposition, for me, the contingent liability is not really an issue because it will not crystallise into an actual liability until there is a situation where it crystallises.

The other point made by the hon. Leader of the Opposition when he takes the example that: let's take a situation where once the project has been implemented, you have a project failure in Year One and the whole liability comes on the head of the Government. This is very remote, because, right from the outset, the concept of BOT is a concept where there will

be an optimal risk-sharing with the promoter, with the private sector. So, the risk of eventually having a huge amount of money, a huge liability on the head of Government is quite remote. So, I wanted from the outset to clarify this point.

There is also the point made by hon. Mohamed. I think he has spoken on everything except on the BOT. So, it is a pity because he has himself said this is an important piece of legislation and we are putting in place legal and administrative structures which will help Mauritius to boost its investment. As you may be aware, for the past years since 2009, our country has been facing a number of macroeconomic difficulties. The first one is the low GDP growth. We have not been able to go further up than the 3% level. The second difficulty is our debt ceiling. We have already exceeded the 60% normally which is allowed by the IMF. The third point is the low level of investment, be it private or public. The fourth is the insufficient amount of jobs which are being created to meet expectations of youngsters. So, the BOT will help us to a large extent to undertake projects of a certain nature which previously the Government could not have embarked upon because of lack of funding.

So, I think we should realise that we need to go further in our ambition and we need to modernise our financing system, and the BOT is fully in line with those objectives like the Rt. hon. Prime Minister rightly said. We are implementing the ideas which are contained in the Vision 2030. So, we need, alongside this Vision, to put in place systems and structures which will help us to realise those ideas.

I think, as hon. Members, we need to know that Mauritius needs a high level of investment. In fact, according to an econometric model which has been worked out, we need around 30% of our GDP in terms of investment, be it public or private to be able to generate around 6% of growth annually which is the rate of growth that we need to improve our economic situation. So, in the last budget, the then Minister of Finance and Economic Development stressed on the importance of embarking the private sector with the Government, with the public sector to work hand in hand to give a boost to our economy and to invest in projects. So, this Government means business. We are working towards that objective.

Coming to our debt level, one thing which you need to know is that our debt level has increased by nearly 50% from 2008 as at to date. In 2008, our debt level was around 48% of GDP; today, it is more than 60%. In 2008, we had a per capita debt of around 3,000 US dollar; today, it is more than 5,000 US dollar. So, these are limitations. These are

macroeconomic difficulties which we will have to overcome and the fact that we are caught in the middle income trap, we will need more and more investment to modernise our economy so that we get out of that trap and build a stronger modern Mauritius.

On this note, Mr Deputy Speaker, Sir, I would like to thank you and I would like to thank the Rt. hon. Prime Minister to have listened to my comments.

Thank you.

The Deputy Speaker: Hon. Uteem!

(6.58 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, let me say from the outset that we, on this side of the House, are not against the concept of Build Operate Transfer Projects, but it is important that this Bill provides the necessary checks and balances to prevent any risk of abuse. Unfortunately, this Act does exactly the opposite and we cannot condone a piece of legislation which will effectively remove the element of transparency and equity in the bidding procedure for a BOT project.

Mr Deputy Speaker, Sir, there is already a piece of legislation which deals with BOT projects. The Public-Private Partnership Act, which was announced in 2002-2003 Budget was a component of the economic agenda of the then MMM/MSM Government. There is nothing wrong with BOT project per say. It is, in fact, one of the solutions to every Government *casse-tête* of having, on the one hand, to increase investment, to invest in infrastructure, to invest in public utilities, but, at the same time, to maintain the budget deficit to a manageable level and reduce public spending. I'm not going to go in length as to the various advantages of BOT projects. This has already been adequately covered by the Rt. hon. Prime Minister and the others. As I said, we are all in favour of BOT projects, but, at the same time, hon. Members should realise that a BOT project is not panacea. It is not the answer to all the problems. In fact, there are a lot of dangers with BOT projects. One of the main problems is: it can result in higher costs to consumers because, after all, Mr Deputy Speaker, Sir, the private sector is here to make money. They will have to recover their costs of investment plus their margin and then whatever is left; they will transfer to the Government.

It is for this very reason that we, on this side of the House, were very critical of the former Government's decision to privatise the Road Decongestion Programme because we believe that making Mauritians pay for the roads under the Road Decongestion Programme, would be a means of fleecing the consumers.

Where the BOT project involves participation by foreign investors, the full benefit of economic development may not be realised, Mr Deputy Speaker, Sir, if the concession project uses foreign workers, foreign expats, engineers, etc. We have seen it in the airport project. In order to ensure that there is value for money and the end-users, consumers are not fleeced, it is very, very important that the contracting authority, the public body, the Government be confident that the BOT operator is financially secured, sufficiently committed to Mauritius and has the means and willingness to complete the project. If I come to a concrete example so that hon. Members of this House understand what we are talking about when we talk about BOT projects. As soon as I'll use that example it will be obvious to all hon. Members about what are the risks of going for BOT projects unchecked. One word, Betamax-Red Eagle! What was Betamax? Private sector came in and said: "we are going to build a tanker". So, that is the build element. Private sector came in, did a contract with State Trading Corporation to do the exclusive transport of petroleum products. That was the operate component. Then, at the end of the concession period of 15 or 20 years, according to the agreement, Betamax would have transferred the tanker to the Government, thereby completing the transfer element in the BOT project.

When we, in the Opposition, screamed that the Betamax project was opaque, that the procurement procedure had not been followed, that the consumers are being fleeced; what did the Government then say? What did hon. Vice Prime Minister Soodhun then say? He was the Minister responsible for commerce and for the STC and answering to a PNQ in this august Assembly on 10 August 2010, this is what he said and I quote –

"Let me explain the hon. Member! We, in this country, have a lot of businessmen, many *cousins*, *cousines*, they never invested Rs2 billion. It is the first time in Mauritius that a Mauritian is going to invest and we already have a contract. Mr Speaker, Sir, the contract was awarded after STC was exempted from the Public Procurement Act and, I think, as a lawyer, the hon. Member should know."

And, I think, as a lawyer, the hon. Member should know! You did not go through the procurement process to award Betamax. And what did the hon. Minister of Good Governance do? One of the first things he did when he became Minister last year, he opened the file of the STC again and referred the matter to the Police. Why did he do that? He did that because the STC had not gone through the procurement process. Exactly the opposite which the hon. Vice-Prime Minister, hon. Soodhun, said in Parliament.

(Interruptions)

So, today, the...

The Deputy Speaker: Don't interrupt, please!

Mr Uteem: The hon. Minister of Good Governance - unfortunately, he is not here - goes to the Police and says: "we could not award a BOT contract to the private sector in breach of procurement procedure. It is important to respect procurement procedure." What do we have today, Mr Deputy Speaker, Sir? Clause 3 of this Bill states -

"(...) the Public Procurement Act shall not, subject to subsection (2), apply to any BOT project under this Act."

Faites ce que je dis, ne faites pas ce que je fais! This is what this Government is doing.

Last year, they criticised awarding contract to the private sector without going to Public Procurement. Today, they have the nerve to say it's a landmark case and they want contracts to be awarded officially, legally, without going through the procurement process. This is what we call *nettoyage lepep!* But I can understand *la tet inn vire mam! Lingot d'or et poudre holi inn vire la tet mam!*

The Deputy Speaker: Hon. Uteem, please get back to the debate. You can spare all these comments.

(Interruptions)

Mr Uteem: Yes, it is cheap because it is the taxpayers' money that is going to be financing all these BOT projects and this Government has to be answerable for every single penny they spend because it is not their money, it is not your money, it is all Mauritians' money.

(Interruptions)

I may be cheap, but *mo pas volère*. I did not put my hands in *bal* or gold.

Mr Deputy Speaker, Sir, we already have a Public-Private Partnership Act which provided the necessary safeguard, which was enacted when the MMM was in Government. Now that the MMM is not in Government, the MSM comes in with a legislation to remove all the safeguards that we had put in the 2004 legislation. How can we be expected to sit here and clap our hands and applaud something like this? Is this the heritage that this Government wants to leave to the nation or is it precisely because of the Heritage City Project of the billions of rupees involved that we are having this Bill before this House?

Mr Deputy Speaker, Sir, under the Public-Private Partnership Act, the very first duty of the Central Procurement Board under section 10, subsection (1) (a), powers of the Procurement Board -

“10. Powers of the Board

(1) The Board -

(a) shall be responsible for ensuring transparency and equity in the bidding procedures;”

And this clause is being deleted. The BOT Project has a similar provision about the powers of the Central Procurement Board, this is at section 10. But we don't find at section 10 of the BOT Bill, today, the first duty of the Board to ensure transparency and equity. It is gone! It is not important anymore for this Government, for the Board to ensure transparency and equity in the bidding procedures.

Under the Public-Private Partnership Act, the Central Procurement Board was the one that approved the award of the project. That was section 10 (1) (d) –

“The Board may approve the award of the project.”

That was the ultimate safeguard. But under the BOT Bill, it's gone. The Central Procurement Board now only makes recommendations to the contracting authority to enter into agreement or not. Under the Public-Private Partnership Act, section 11 states -

“No contracting authority shall award a project or sign an agreement unless -

(a) the award of the project has been approved by the Board; and

(b) the agreement relating to the project has been approved by Cabinet.”

So, the safeguard under the existing legislation, you need the award by the Board and you need Cabinet to consent. Two safeguards! Under the new BOT Act, you don't need the

Central Procurement Board to award it, you award. And for the hon. gentleman who sits in Cabinet, you only need to notify him.

Under section 11 of the BOT, the contracting authority only needs to inform Cabinet and the Minister can go ahead and sign the agreement. Who needs Cabinet's approval? We have super Ministers in this Government! Ministers who work round the clock, who work harder than the rest, why should he come to Cabinet and explain and try to get his collective responsibility? No! This Bill tells you: "You go to Cabinet, people don't want to listen to you. The hell with the Cabinet! We will go and I will sign it because they don't need the Cabinet approval anymore." And the hon. Ministers here are clapping their hands: Yes, we will sit like *bibelots* in Cabinet now. We don't need to approve the project.

(Interruptions)

Yes! And that is what is being said here.

(Interruptions)

That is what is being said. You don't need Cabinet to approve. And then you expect us, on this side, to vote for this Bill!

Mr Deputy Speaker, Sir, Government pays millions of dollars every year to consultants to advise them on drafting legislation. Did the Government retain the services of any consultant to come up with this masterpiece of legislation? There are extensive documentations on the internet. They only need to click BOT Projects and get best practices. The OECD has written extensively about this topic. They have even come up with a model legislation. The European Bank for Reconstruction and Development, *un de nos bailleurs de fonds les plus importants*, came up with core principles which need to appear in all concession legislation *digne de ce nom*. And one of the recommendations, one of these core principles, Mr Deputy Speaker, Sir, is that and I quote –

“The law should provide for a competitive rule for unsolicited proposals and the possibility to challenge effectively illegal awards.”

The Public-Private Partnership Act had a whole section, section 3 (c) that dealt with unsolicited proposals.

Hon. Members of this House will remember how we objected to the award of contract to CT Power. We did not have anything personal against CT Power, but because it was an unsolicited bid. The European Union even withdrew their grant of several hundreds of

millions of rupees, precisely because it was an unsolicited bid. Now, this BOT Bill before us gets rid of the whole provisions relating to unsolicited proposals, free for all. So, anyone can come and propose anything to the Government and there is nothing wrong about that. We used to criticise Saraco - hon. Jhugroo is looking at me - why did we criticise Saraco? Because it was an unsolicited bid. Now that you are in power, unsolicited bids suddenly become welcome. Now, tell me how different is this Government from the previous one? Whatever you were criticising when you were in the Opposition, when you are now in Government, you do exactly the same.

(Interruptions)

You legalise it. It's worse. As my friend, hon. Baloomoody, just told me, it's worse! You are making it legal and you are calling it landmark. It's a landmark day, landmark decision. We are now getting rid of Public Procurement Act, we are now getting rid of unsolicited bids, it is free for all. We are getting rid of Cabinet's decision, we are getting rid of the need to go for consultation together and to award. Landmark decision!

Mr Deputy Speaker, Sir, good governance, transparency, equity and rules of natural justice and fairness require that any aggrieved party be given the possibility to challenge effectively any illegal award. This avenue is currently available to any aggrieved party under the Public Procurement Act. Anyone who is aggrieved by a decision of the public body can go to the Independent Review Panel. And we have asked questions in the past in this House and we know from statistics that roughly one out of two appeals in front of the IRP is successful. But, now, BOT expressly disapplies the Public Procurement Act. So, now, the aggrieved party can no longer go before the IRP. The IRP can no longer interfere into the decision-making process. The only remedy left for the aggrieved party is to go on the judicial review. It can only attack the decision making process, it cannot attack the decision, however perverse that decision is! And, that is what we call landmark decision? A massive backward step in human rights, in fairness, in transparency, in equity! But I would save the best one for the last, Mr Deputy Speaker, Sir.

Under the Public Private Partnership Act, the Central Procurement Board could request the Chairman, Supervising Officer and Chief Executive Officer of a contracting authority to furnish any information or to produce any record. And if that person did not comply with the request of the Central Procurement Board, if he refused, if he covered up, if he lied, he is potentially subject to eight years imprisonment. That is a very potent deterrent.

Before any officer tries to do anything fishy, he knows if he is questioned by the Central Procurement Board and he is unable to explain and justify why he did what he has done he is going to get eight years imprisonment. But, under the BOT Bill, this landmark legislation in front of us, gone! Who needs to punish people if they are not doing their work properly? Who needs to punish someone if he is going to lie before the Central Procurement Board? This is landmark decision! We don't need to criminalise any decision taken by the Chairman, the Chief Executive Officer or other Supervising Officer of the contracting authority. And they expect us to vote in favour of this Bill!

Mr Deputy Speaker, Sir, when we are called upon to vote a new Bill concerning matters already covered by an existing law, the least we can expect is that the new Bill will be an improvement on the existing law. The least the population can expect is that the new Bill will ensure greater transparency and equity. The least the taxpayers can expect is to get value for money. Unfortunately, Mr Deputy Speaker, Sir, this Bill does exactly the contrary and this is the reason why we will vote against this Bill.

Thank you.

The Deputy Speaker: Hon. Bholah!

(7.18 p.m.)

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Mr Deputy Speaker, Sir, I must, in the first instance, congratulate the Rt. hon. Prime Minister for coming up with such an important piece of legislation which will go a long way towards fostering the Public-Private Partnership in the implementation of a number of infrastructural projects.

It is no mere coincidence that on this very good day of the hon. Prime Minister that we, in this august House, are witnessing this move that will speed up capital investment in this country. As the House is aware, this Bill is all about setting the proper legal framework for the execution of projects under Build Operate Transfer (BOT) agreements.

Mr Deputy Speaker, Sir, Members, on this side of the House, will recall the appeal made by the Rt. hon. Prime Minister during the presentation of Vision 2030 to the leaders of the private sector to team up with those of the public sector for the realisation of a number of projects and to adopt a mindset that favours constructive dialogue and a partnership stance

with the Government in view of together making Mauritius an exemplary and modern country.

This can only happen, Mr Deputy Speaker Sir, with a proper legal setting which facilitates the speedy implementation process of projects especially those based on BOT. Through this Bill, this Government, therefore, aims at defining the circumstances where the Public Procurement Act shall apply to a BOT project and it creates the required structure with the specialised function of guiding the implementation of BOT projects.

Mr Deputy Speaker, Sir, this country is in the process of becoming a vast *chantier* for infrastructural modernisation and this is what is expected to put the country further on the path leading to a higher level of development, be it economic or social. Members of this House will agree that no development is possible without the right infrastructural and legislative framework.

And, here, I have to remind the House that the Rt. hon. Prime Minister has insisted that it is crucial we sow the right seeds and fuel our economic engine so that we can graduate to higher cruising speed in line with our aspirations and stated objectives. No doubt, this Bill will enable the attainment of our objectives.

Mr Deputy Speaker, Sir, the introduction of this Bill comes at the right time. If the Rt. hon. Prime Minister has thought it important and of extreme urgency to bring this Bill into this House, it is only because he wants to accelerate investment from the private sector in infrastructure on BOT agreements.

Mr Deputy Speaker, Sir, if this Bill is being presented today it is because this Government has an obligation to create the legal framework to timely respond to the increasing interest from the local and global business community for investment in a large spectrum of activities that we want to promote.

Indeed, Government cannot operate in isolation in the light of the liquidity, the capital that can be provided by the private sector. We have to promote BOT projects especially where there is value for money and probably where Government has not the required means and resources to invest in large infrastructure projects.

Mr Deputy Speaker, Sir, all of us, in this House, are familiar with the BOT approach which is a process whereby Government outsources public projects to the private sector. Under a BOT agreement the private sector designs, finances, constructs and operates the project and, eventually, after a specified period, the ownership is transferred to the

Government, all throughout maximising the input of private sector expertise within the public sphere with arguably little additional cost.

We know that this major instrument of Public-Private sector Partnership is not a new concept. It is used in many developing countries for infrastructural development and Mauritius is no exception. The first official private facility development under the BOT appellation was used in Turkey in 1984.

However, Mr Deputy Speaker, Sir, such an approach was used as early as 1834 with the development of the Suez Canal. This revenue producing Canal financed by the European capital with Egyptian financial support had a concession to design, construct and operate assigned to the Egyptian ruler Pasha Muhammad Ali.

In recent years, we have witnessed a growing trend in many countries whereby governments solicit investment for public projects from the private sector. Since the 1980s European countries which are usually protective when it comes to government jurisdiction, have adopted a new attitude to include more private sector involvement in their infrastructure development. Likewise, in 2016 India has adopted the BOT model for major railway and highway projects. By citing these examples of Public-Private Partnership, we can learn that for any Government there is only one aspect of paramount importance; that of fulfilling public needs. And, again this is what the Bill will aim to achieve.

Mr Deputy Speaker, Sir, it is becoming more and more challenging for governments worldwide to maintain adequate investment in infrastructure while dealing with the enormous burden placed on public finances. Mauritius is not immune to this state of affairs. We are of the opinion that even when we are not in a position to provide services to the people we should, however, consider it as an obligation to see that those services are provided. Hence, contracting out the construction and provision of public facilities to private companies is one of the ways of achieving this, and this is why it is essential for us to establish from the very outset a clear institutional and legal framework for developing, procuring and implementing BOT projects in the context of public private partnership, as I mentioned earlier.

Mr Deputy Speaker, Sir, we, at the level of Government, reckon that it is important that we go for BOT projects, but this should happen only, as the Bill mentions, after certain conditions have been fulfilled. For instance, a government institution wishing to implement a project under a BOT agreement will have to submit a feasibility report, defining, amongst

others, the type, scope and rationale for the BOT project. The sector needs assessment, options analysis, value for money and affordability.

Mr Deputy Speaker, Sir, while we are aiming to promote BOT projects with investment from the private sector, we have also to safeguard Government's interest. The Bill provides for any BOT project, the proposed sharing of technical, operational, commercial and financial obligations, and responsibilities among the parties will have to be specified. It has also to specify the comparative advantage in terms of strategic and operational benefits for implementation of a project under an agreement.

Mr Deputy Speaker, Sir, there is no doubt that the BOT approach is today the most innovative and appropriate alternative to the conventional financing and operation of our infrastructure projects. The BOT Project Bill sets the stage for a realistic and consistent strategy that will provide opportunities to finance infrastructure projects without involving substantial public funds or further borrowing by the Government. The adoption of the BOT approach, Mr Deputy Speaker, Sir, will definitely help to address the substantial level of debt that this country is facing. In December 2005, public sector debt amounted to Rs126.5 billion of which external debt amounted to Rs25.6 billion. By December 2015, public sector debt increased significantly to Rs225 billion. Of this figure, external debt amounted to Rs65.7 billion; a sharp increase compared to December 2005 figures.

Mr Deputy Speaker, Sir, Mauritius cannot afford such increasing trend in public debt. Adopting the conventional model of financing public projects will only further increase our debt figures, which are already above 50% of GDP ratio. Increase in public debts would imply using more of our financial resources in debt servicing instead of investment. One of the main features of BOT project is that the private sector's control of and continuing economic interests in the design, construction and provision of the project usually produce significant cost efficiency. It is in the interest of the private party involved in the BOT agreement to timely and cost-effectively implement a project.

Every hon. Member of this House knows fully well that, in the National Audit Office Reports, various projects are being mishandled, which often result in time and cost overruns. As a matter of example, the Bagatelle Dam was awarded for a contract value of Rs3.3 billion in July 2011. The project cost increased to Rs5.4 billion or by around 64% by July 2014. In the 2013 and 2014 Reports, the Director Audit observed major weaknesses in the implementation of this project which, as at date, is yet to be completed.

Similarly, the initial cost of the Terre Rouge-Verdun Link Road, which was of Rs.2.1 m., increased to around Rs.3 billion. Not only the project had known costs and time overruns, but it had also been delivered with major structural problems requiring additional works and costs.

Mr Deputy Speaker, Sir, furthermore, the BOT approach, which is output focused, provides a guarantee of credibility to the infrastructural projects that Government will be undertaking. The willingness of equity investors and lenders to take on the risks associated with a BOT project and to make a long-term commitment to the project will be practical indication that the project is considered to be viable by knowledgeable experts. The BOT approach, therefore, should save the country from white elephant projects.

I have also listened very carefully to the Members who have intervened before me, and reference has been made to the Betamax project by hon. Uteem. But let me point out that Betamax was an unsolicited bid entered by STC at that time. It was neither a PPP nor a big BOT project.

Mr Deputy Speaker, Sir, in addition to the above-mentioned financial aspects, BOT projects will present a unique opportunity for the transfer of technology from the private parties - the contractor, equipment, suppliers operating the project company - to the Government. Projects meant to service the people will thus inherit from the technical expertise of private sector sponsors, hence creating the necessary conditions for the emergence of a state-of-the-art local infrastructural landscape.

From a qualitative point of view, I believe, Mr Deputy Speaker, Sir, the BOT model has the potential of bringing more dynamism and competition among local firms. We must recognise that today there are not many large construction companies, thus increasing the risk of anti-competitive practices. BOT can help to mitigate these risks by attracting offshore ventures under a traditional procurement model. Offshore ventures may be deterred to bid, as the initial cost of penetrating the market may be too high to make the commercial move viable.

Simply handing over the responsibility of the building design, operation and or modernisation of public facilities to the private sector is not a panacea. This is after all not the purpose of this Bill. It is important to stress on the fact that, far from pleading in favour of privatisation, Government is rather incentivising what we would call a concerted cooperation with private parties, which is rather a question of working together for public requirements.

Here, many of those who have intervened before me have also stated that, at the end, it is a G-to-G agreement or otherwise Cabinet is not being informed. Let me assure all Members in the House here that in either case, be it a G-to-G agreement or otherwise, Cabinet will take cognizance before the contract is awarded.

Mr Deputy Speaker, Sir, the Build Operate Transfer approach should be viewed as a well-developed public-private partnership since Government participation is always expected in projects of such public scale. The proposed Bill is the very first tangible indication of Government's commitment to play an active role in the context of BOT projects. An objective evaluation of this Bill shows that the proposed legal and regulatory framework is guided by the intention of protecting and guiding investors. The Government and users tailored for BOT project from start to finish.

Mr Deputy Speaker, Sir, in practice, several factors are crucial for the successful implementation of the BOT strategy. The creation of awareness among all stakeholders is, in fact, a crucial preparatory measure. I would thus humbly suggest that seminars, campaigns and other deliberate efforts to educate the public on the BOT concept and their effects be carried out, so as to create favourable conditions for a smooth adoption among the public at large.

The legal structure of a typical BOT project is known to be complicated. This suggests that only countries with a fairly mature legal system can easily accommodate the BOT approach. I have no doubt, Mr Deputy Speaker, Sir, that the Bill presented today by the Rt. hon. Prime Minister will open up possibilities for more innovative and efficient means of financing our development projects. We should all agree that it is somehow pleasing to be able to introduce stimulus into the economy without the taxpayers footing the Bill or the Government taking on new debt.

Mr Deputy Speaker, Sir, to conclude, I am convinced that this Bill will be instrumental in achieving this Government's vision of achieving higher economic prosperity for the nation. It will in the same vein redefine the model for private sector participation in the financing and implementation of development projects paving the way for tomorrow's infrastructure in the sectors of water sanitation, energy and power, transport, solid waste, communication, among others. Therefore, Mr Deputy Speaker, Sir, we must all lend support to the initiative of the Rt. hon. Prime Minister for the introduction of the BOT Projects Bill.

I thank you for your attention.

The Deputy Speaker: Hon. Members, the Speaker will now resume the Chair.

At this stage, Madam Speaker took the Chair.

Madam Speaker: Please be seated! Hon. Ganoo!

(7.36 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Thank you, Madam Speaker, I have listened to all the orators before me, Madam Speaker and I think some very good points have been made on both sides of the House. As for me, I am going to be as objective as possible, as fair as possible with regard to this piece of legislation and also express our disagreements with a few clauses in the Bill and propose also a few suggestions.

Madam Speaker, in fact, if we look philosophically at what is being presented before this House today, this piece of legislation, what we can say is that, in fact, as has been said before me, but I will try to present it in another way, we have a history, in fact, of Private Partnership Agreement or projects or legislation in our country. The Labour Party in 1997 came up with a Concession Projects Act and this law was repealed by the MMM/MSM Government in 2001 or 2002 and then the MSM/MMM Government came up with another Bill called the Public/ Private Partnership Bill and with a different concept.

In fact, the Concession Projects Act failed because of the major flaws in that piece of legislation, particularly on the transparency issue. In fact, I was smiling when I was listening to hon. Shakeel Mohamed. In fact, in this Concession Projects Act, there were no bidding procedures at all and for that reason and for different reasons, in fact, no project ever came up under this particular piece of legislation and when we look at what has taken place in that field, Madam Speaker, in fact, there has been no project even under the legislation which was proposed by the then MMM/MSM Government. The piece of legislation which the MMM/MSM Government proposed to the House was, of course, pregnant with many safeguards, checks and balances and was completely different from the law which was proposed by the then Labour Government. There is no quarrel about that, no disagreement about that.

The Concessions Projects Act, in fact, the framework of that Bill was not ideal for successful implementation of projects and, unfortunately, so was the case with the legislation of 2002. But then the Labour Government when it came to power in 2005, it whittled away

many safeguards, checks and balances which the then MSM/MMM Government has introduced in the legislation, Madam Speaker. More importantly was this question of G-to-G contracts. In fact, it is not today that we are removing G-to-G projects or agreements from the purview of the Public Procurement Act. It is not this piece of legislation which is doing it today. In fact, it was already done by the Labour Government when the Public Procurement Act which was introduced in 2006 was amended later on, I think in 2011 or 2012 and section 3 of the Public Procurement Act in its original form, in its original tenor was amended to read as follows -

“This Act (...)”.

That is the Public Procurement Act.

“(...) shall not apply to procurement undertaken –

- (a) to protect national security or defence, where (...)
- (b) pursuant to an agreement or arrangement between Mauritius and a foreign State which allows Mauritius to benefit from the expertise and development experience of that foreign State in a particular field.”

These words are repeated today in the law which we are debating. So, my point is that, in fact, it was the Labour Government at that time when the original Public Procurement Act, which was adopted by this House in 2006, that was in 2011, then, they came up with this concept G-to-G agreement, the Public Procurement Act should not apply to such types of agreements or arrangements.

In fact, Madam Speaker, the Labour party went further in the original Public Procurement Act in 2006. Whenever the Public Procurement Act would not apply for any contract, National Security or whatever other contract, it should have been gazetted and made known to the population, to the public that for such and such contract, there would be no bidding or the Public Procurement Act would not apply. It should have been gazetted and even that was removed subsequently by the then Government so that the population was placed in the dark whenever there would be a contract which the Prime Minister would determine where the Public Procurement Act should not apply. This also was removed later on by the Labour Government.

In fact, Madam Speaker, the PPP, as we all know, involves projects where private parties are attracted to participate in the setting up of infrastructural works or services which

they would wish to undertake and the PPP, as we have all know, it has been said before me, it is an instrument, in fact, to foster private sector investment in sectors where the public sector has been traditionally involved and this is the *raison d'être* of PPPs in whatever forms they take: BOT, BOO and so on and so forth. This project offers efficiency. Why have all the Governments in the world, or why are we trying to do that for so long decades now to implement PPP projects which we have been unsuccessful, unfortunately, except for G-to-G agreement? Because these projects offer efficiency, they are faster, when properly prepared and designed, they are more cost-effective, delivery of services, there is better asset utilisation, they represent value for money in terms of cost delivery, quality, quantity, risk transfer, managerial exercise and so on and so forth. All these, of course, when they are well designed and well tasked have important macroeconomic implications. They stimulate investment, as we have been told, both local and foreign. They stimulate growth. They can solve to a certain degree unemployment problems and they can also lower the budget deficit. So much so good, Madam Speaker, but, as I was saying, a balance has to be kept, to be preserved between efficiency, all the reasons I have just listed which stand for proposing and adopting PPP projects, there is a balance which has to be kept between efficiency, cost effectiveness, equity, fairness and transparency. This is the purpose, this is the debate which we are having in this House today: how far is this present piece of legislation fair, equitable, transparent, Madam Speaker.

I come to the Bill, itself, therefore. First point I wish to make, Madam Speaker, is that I agree with those who have said it before me, this question of the BOT Unit placed under the PPO, the BOT Projects Unit in Clause 4. In Clause 5, the functions of this Unit are spelt out. In Section 6, the staff also is elaborated. I agree with what has been said before me by a few speakers before me, Madam Speaker, that I don't think it should have been under the aegis of the Procurement Policy Office. I say that, Madam Speaker, because I think that when the BOT is proposed to be a Unit within this Procurement Policy Office, I don't think it is going to have a major impact in promoting BOT projects, Madam Speaker. According to me, the role of the BOT Unit within the Procurement Policy Office should be looked anew. According to the law, the BOT Unit is setting guidelines, maintaining register, conducting training and I don't see the point why this should have been done in the proposed setup. Madam Speaker, how do we gain in terms of efficiency, cost saving? Are we not adding another layer in the administration, causing further bureaucratic excesses? According to me, this BOT Unit should have stayed within the Minister of Finance and Economic

Development but not within the Procurement Policy Office. I think the BOT Unit should have been more independent, and placing it under the PPO is dangerous and may not attain the essential goals that we are looking for. This is the first point I would like to make as far as the BOT Unit is concerned.

Furthermore, Madam Speaker, to me, this BOT Unit is a nebulous and loose structure. What do we see? It is the Secretary to Cabinet and Head of the Civil Service who designate the public officers to assist the Unit. There is nobody at the Head of this Unit, there is no Director. There is no Head of the Unit who has been designed, and we wonder how such a Unit without having a proper leadership will be able to deliver.

The other point I wish to make also, Madam Speaker, is concerning this question of transparency issue. I think hon. Uteem said that before me. In fact, the difference between this piece of legislation and the Public-Private Partnership is that there has been a lot of watering down in terms of safeguards. The Public-Private Partnership Act, as we know, Madam Speaker, introduced the private partnership concept, but also set up many safeguards, checks and balances as far as the bidding procedures and so on were concerned. But, in this present legislation, we see that not only the Central Procurement Board but also Cabinet are not required to give their approval, their final approval as far as the agreement is concerned. In Clause 10 of the Bill, the Central Procurement Board shall -

- ‘(a) examine and approve the request for proposal documentation to be issued by the contracting authority;
- (b) evaluate bids in accordance with its rules and procedures;
- (c) make recommendations to the contracting authority for entering into negotiations with the preferred bidder, and
- (d) recommend the contracting authority to enter into an agreement with a private party.’

But, the other missing element is the approval on the part of the Central Procurement Board and we wonder why this should have been so. Why also is there no mention that Cabinet should have given its approval to the agreement between the contracting party, the investor and the private party? What we see in the Bill is that the contracting authority may, after informing Cabinet through the Minister, enter into an agreement with a private party for the purpose of implementing the project. Why is this so, Madam Speaker? I think this should be corrected. Especially, Madam Speaker, there is one line in this Bill which nobody has

referred to and which is positive, is Section 11 (4) which is contrary to all the remarks I have just made. Firstly, section 11(3)(c) says -

“Every agreement shall -

- (c) as soon as practicable, be laid before the National Assembly by the contracting authority.”

Shall be laid before the National Assembly - so, therefore, the intention of Government is good, it goes in the direction of transparency because when the agreement will have been finalised, will have been signed, it shall be laid. Every agreement shall be laid before the National Assembly by the contracting authority, and Section 11 (4) says:

“This section - that is, section 11 - shall also apply to a BOT project referred to in section 3(2).”

Section 3 (2) deals with an agreement or arrangement between Mauritius and a foreign State for a BOT project. Therefore, Madam Speaker, if Government has gone to the point of laying on the Table of the Assembly, an agreement between Mauritius and a foreign State, a G to G project, the agreement will have to be laid on the Table of the Assembly and all the projects under this law. So, why, therefore, don't we go the whole way and allow the Central Procurement Board and Cabinet to approve this agreement? It will be made public anyway. The agreement between the contracting party and the private party will have to be laid on the Table of the Assembly. Even the agreement between Mauritius and a foreign State for a BOT project will have to be laid on the Table of the Assembly. So, I don't know who decided that, who advised that when drafting this piece of legislation, we should have removed that necessity as it is to be found in the Public-Private Partnership Act that Cabinet has to approve of the agreement. Therefore, I see no point why Government has decided, in this piece of legislation, not to allow the CPB and Cabinet to give their approval to the agreement which will be finally signed by the private party and the contracting party.

Therefore, Madam Speaker, as I said, the purpose of this legislation is perhaps - because the previous legislations have failed - to make the law become more flexible and remove certain safeguards. This is the idea behind the piece of legislation why the safeguards have been removed to enable to promote in the future more BOT projects. It is because, as I said at the beginning of my speech, no BOT project has ever seen the light of the day under the Concession Projects Act or the law which was introduced by the MSM/MMM

Government. Perhaps the idea of Government was to propose another more flexible legislation in order to attract more promoters and more investors.

This was the idea. But whatever be the intention of Government, we suggest, Madam Speaker, that that the flaws in the present legislation in terms of transparency should be looked into and we are of the opinion that, in fact, the law should have been corrected in order to allow the Central Procurement Board or Cabinet to give their approval at the end of the day when the agreements between the two parties have already been finalised.

As I said, Madam Speaker, especially at the end of the day, Government is bound to lay on the Table of the National Assembly the agreement which has been reached between the parties. Therefore, there is no point of hiding that agreement, of not allowing the CPB or Cabinet to make public disagreement since anyway the contracting party, according to this piece of legislation, should lay the agreement before the National Assembly.

As citizens of this country, Madam Speaker, what we wish is that the Build Operate Transfer Projects Bill which is now being proposed to this House for the third time, which comes up again with the concept of public-private partnership, we just hope that this Bill will be able to harness the necessary investment, attract the promoters in order to help the country subject, Madam Speaker, to the observations that we have made to this Bill in terms of transparency and fairness.

Thank you, I have done.

Madam Speaker: Rt. hon. Prime Minister!

(7.59 p.m.)

The Prime Minister: Madam Speaker, first of all, let me thank all the hon. Members of the House who have intervened during the debate on this very essential piece of legislation that will contribute in modernising and expanding the public infrastructure while at the same time move the economy to a new growth path.

The hon. Leader of the Opposition has made certain observations. For example, he said: “why the Unit should be at the Procurement Office? They won’t be equipped to do the job.” Well, I think the Procurement Office is the best place because it is an independent body and we will see to it that they are properly equipped with qualified and competent people. The next thing, he also said

(Interruptions)

Madam Speaker: No cross-talking, please! If there is anybody who wishes to make a comment, then he stands up and makes it, otherwise, the Rt. hon. Prime Minister may proceed with his speech.

The Prime Minister: Well, it will be there. Some hon. Members spoke that it is not brought to Cabinet. Cabinet will only be informed. But how is Cabinet informed? Cabinet is informed by an information paper which brings out everything that is important to the notice of the Members of Cabinet and the Members when they take note of all these, they make observations. If they agree, they say: "Okay, it's alright." If they don't agree, it is rejected.

(Interruptions)

Well, I don't see what is wrong with the drafting. When it is said that the Cabinet is informed, how is Cabinet informed? It is informed by an information paper. Well, we are there, every day we are practising it, we know. Now, another point was made by the hon. Leader of the Opposition, I can't recollect.

(Interruptions)

Yes, it was about the PPP. Well, PPP and this legislation, they are two distinct legislation. This cannot be compared with the PPP. And why we need to have recourse to this legislation? It is because the PPP has failed and has not given the expected results. So, are we going to drag on with the PPP? That has been said by many hon. Members on this side of the House. The BOT is being practised, is in force in many countries and is giving the results that are required of them. So, I don't see why here, in Mauritius, we can't do the same thing and we can't get the results that we expect.

(Interruptions)

Insofar as the supposed leader of the Labour Party there, hon. Shakeel Mohamed, I just got the impression that he himself did not know what he was talking about.

(Interruptions)

And he was motivated by simply one thing, just to say that what we are doing is wrong, everything that we are doing is wrong. It is a bit in the habit of people who are against us to try and sabotage everything we are doing so that we don't succeed in our mission. This is the impression I get.

Hon. Dr. Sorefan made certain remarks and apprehensions, but I can assure him that he should not have these apprehensions because what he mentioned will be taken care of in the contract. Everything will depend on how the contract is drafted, what are the conditions there. He also said that when the other party will deliver what has been accomplished, it may not be in good condition. But it will be in the contract that it should be in good condition. And while he is there, he will have to maintain. These are conditions that will be put in the contract. So, we should have no apprehension.

Well, some apprehension was also expressed about the BOT Bill as if there is no transparency, we are going behind the back of the Procurement Board. But it is not correct. So far as I am concerned, after having gone through the Bill, I am of the opinion that the BOT Bill does not allow for any unsolicited bid. All BOT projects will be subject to mandatory requests for proposal.

Hon. Reza Uteem spoke of Betamax and he criticised it. He tried to make the House believe that we are following the same trend of Betamax. But what has Betamax to do with BOT? We all know in what conditions and in what circumstances Betamax came into being. I must remind – I call him my friend – hon. Reza Uteem, was not the MMM going to condone the Betamax scandal by aligning themselves with the Labour Party in the last general elections. Hon. Uteem, today, I must say is trying to fool the population. In fact, we have made promises to this country, we have to take this country to another level of economic life. We will do and we are determined to do. We are Government, we have a majority over here, we will take our responsibilities and we will answer to the population afterwards, but we will do what we think is the right thing to do.

And right now, I am of opinion and I am convinced that this Bill is going to help this country to a very large extent to what we call: make us achieve our second economic miracle.

The BOT Framework will be applicable only to projects where the undertaking including the assets to be created will be transferred to Government at the end of the BOT period.

Procedures and guidelines will be issued by the Procurement Policy Office to facilitate operation of this Bill by the Contracting Authority and other stakeholders.

I wish to reassure the House that we will adhere to the best international practices and guidelines. We had, in fact, consulted both the IMF and the World Bank in finalising this Bill and have requested their technical assistance.

At a press conference, the Leader of the Opposition questioned: Why the urgency to bring this Bill?

His interrogation gives me the opportunity to highlight the crucial importance of greater investment in economic and social development. During recent years, total investment in the country has been declining, particularly private investment. It is clear that we need to create the right environment to attract private investments.

However, as we all know, public investment is unduly constrained by the public debt level.

If we want to accelerate the growth momentum and employment creation, we will have to remove barriers to investment in public infrastructure. This explains the urgency for introducing the BOT Projects Bill.

Some people including the Leader of the Opposition expressed their apprehension and argued that BOT Projects are excluded from the purview of the Public Procurement Act?

This is certainly not the case. I must underline the fact that the Bill makes provisions for competitive procurement procedures along the same lines as set out in the Public Procurement Act.

The Leader of the Opposition inferred that G-to-G projects fall outside the purview of the Central Procurement Board. I must stress that the provisions governing G-to-G projects had already been enacted under Section 3 of the Public Procurement Act.

Therefore, there is nothing sinister in what we are doing today as alleged by the Leader of the Opposition.

Madam Speaker, I want to highlight that, in the past, we have had the Concession Projects Act voted in 1997, but unfortunately, it did not bring in the expected investments. Clearly, that legislation did neither trigger the interest nor create the right conducive environment for the execution of Concession projects.

This is why, Madam Speaker, we are coming with this piece of legislation to ensure that local and international investors show interests in BOT Projects and participate fully in the building of expensive modern public infrastructure. By adopting a pragmatic approach,

this legislation will be effective and result oriented. I am confident that it will bring in the expected results.

Madam Speaker, the Leader of the Opposition raised another issue as to why the BOT Projects Unit will fall under the purview of the Procurement Policy Office rather than the Ministry of Finance and Economic Development. This fits in our policy and strategy to ensure greater independence and transparency in the public sector procurement matters.

I believe that it will be better for the Procurement Policy Office to assume such responsibility with regard to BOT Projects. The more so, as I intend to expand the mandate and strengthen the capacity of the Procurement Policy Office to effectively assist Ministries and other Public Bodies in dealing with all procurement matters. This will be addressed in the forthcoming Budget.

Madam Speaker, furthermore, in the same spirit, the Central Procurement Board will have oversight over the procurement process and will assess bids received with a view to making appropriate recommendations to the contracting authority.

I wish to reassure the House, Madam Speaker, that the law has been formulated to make sure that all existing procedures and safeguards with respect to transparency and accountability are being followed and even reinforced. For example -

- (i) it is mandatory to obtain the prior approval of the Central Procurement Board before any Request for Proposal relating to a BOT project can be issued;
- (ii) the Request for Proposal must be publicly advertised;
- (iii) all bids received will have to be opened in public;
- (iv) the bids will have to be evaluated by the Central Procurement Board in accordance to its established rules and procedures;
- (v) the Central Procurement Board will make recommendations to the contracting authority on the best course of action, including the imperative of ensuring value for money, and
- (vi) a copy of the BOT agreements will be tabled before the National Assembly.

Under the new legislation, it will be mandatory for Ministries to table copies of BOT agreements in the National Assembly.

Clause 11 lists out in great detail the statutory provisions to be contained in such agreements, thereby ensuring full transparency and disclosure of the rights and obligations of

the parties, terms and conditions of the agreement including the financial terms. That is all that I had to say, Madam Speaker.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE BUILD OPERATE TRANSFER PROJECTS BILL

(NO. 1 OF 2016)

The Build Operate Transfer Projects Bill (No.1of 2016) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Build Operate Transfer Projects Bill (No.1of 2016) was read the third time and passed.

ADJOURNMENT

The Prime Minister: Madam Speaker, I move that the House be adjourned to Tuesday 05 April 2016 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned. Hon. Baloomoody!

(8.20 p.m.)

MATTERS RAISED

POLICE OFFICERS - BADGES

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. I just want to raise an issue which might sound of little importance, but which may have much consequence when especially victims want to enforce their rights.

We have noticed that, for the last few months, police officers working in Police Stations are not wearing the badge on which their name and their title are written. I have seen that in the Police Stations of Curepipe, Bain des Dames and Pailles, where I was last week. And this does create difficulties, especially for victims who want to report police officers for police brutality or where they have not been received very well, especially women who go to complain about family affairs and when they want to report back, they don't know the officer's name, they don't know his status. Apparently, there is a shortage; some do tell us that they have lost theirs and they are not being issued new badges. I have been informed by certain that the Commissioner of Police intends to change the badge, but until we get the new badge, they should wear the badge.

So, may I ask the Rt. hon. Prime Minister - because it is part of the Standing Orders that they should wear their badge, indicating their name and their status, whether they are Police Sergeant or Inspector - if he can liaise with the Commissioner of Police and ensure that these officers have their badge.

Thank you.

The Prime Minister: Madam Speaker, this matter has already been reported to me, and I have spoken to the Commissioner of Police to take action, to send a circular asking all officers on duty to wear their badge. I have asked the Commissioner of Police that he should take action if any police officer disobeys and does not wear his badge; that disciplinary action should be taken. But he never told me that there is a lack of badge or what not. He said he is going to do what I have asked him to do.

Madam Speaker: Yes, hon. Ameer Meea!

PLAINE VERTE – MUNICIPAL SWIMMING POOL - ACCESS

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): *Thank you, Madam Speaker.* Je m'adresse au ministre des Administrations locales. Le problème que je vais soulever ce soir est par rapport à la piscine municipale de la Plaine

Verte qui est supposée être ouverte aux clubs depuis le 15 janvier, mais à ce jour, je ne sais pour quelle raison, tous les clubs de la localité n'ont pas accès à la piscine municipale. Il y a plusieurs clubs qui sont concernés. Donc, je m'adresse au ministre pour qu'il *liaise* directement avec la municipalité de Port Louis pour que le nécessaire soit fait afin que ces clubs puissent avoir accès à la piscine.

Merci.

The Minister of Local Government (Dr. A. Husnoo): Sure, Madam Speaker, I will look into it.

Madam Speaker: Hon. Quirin!

ALPHONSE, NOEMIE – HANDISPORT ATHLETE - SUSPENSION

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Madame la présidente, je vais rapidement intervenir sur deux sujets de brûlante actualité et qui s'adressent à l'honorable ministre de la Jeunesse et des Sports.

Il y a tout d'abord, Madame la présidente, le cas de la handisportive Noémie Alphonse, dont la suspension par sa fédération, la PHYSFED, a soulevé un tollé et suscité la consternation au sein même de la population, et en particulier sur les réseaux sociaux. Il est clair, Madame la présidente, que cette jeune et brillante athlète qui a fait honneur au pays à maintes reprises a fait les frais de son franc-parler en dénonçant de vive voix les injustices dont font face certains handisportifs, en particulier les membres du *Magic Parasports Club*. Elle a même écrit à l'honorable ministre des Sports, dont elle attend toujours une réponse, et je vais d'ailleurs déposer copie de la lettre qu'elle a fait parvenir au ministre. Il paraît que le ministre avait même, à un certain moment, refusé de la recevoir, prétextant qu'il n'avait pas de bureau à un moment donné, laissant ainsi la jeune athlète face à ses frustrations.

Cette politique de deux poids deux mesures pratiquée par la fédération, comme Noémie Alphonse elle-même le dénonce, n'a fait qu'empirer les choses, Madame la présidente, et cela probablement avec la complaisance et le soutien du ministre de la Jeunesse et des Sports. Je justifie cela par la lettre que la PHYSFED a fait parvenir à la présidente de Magic Parasports Club.

Madam Speaker: Hon. Quirin, during adjournment time, usually you just report to the Minister any matter that you have and you don't make any such comments.

Mr Quirin: Je ne vais pas être long, Madame la présidente. Et qui se lit comme suit –
« Suite à la réunion (...) »

Madam Speaker: It is not a question of being long. You do not have to make provocative remarks when you are on adjournment matters.

Mr Quirin: Donc, je vais déposer copie de cette lettre adressée à la présidente de Magic Quatre Bornes Club.

Donc, il est clair que le ministre a été bel et bien partie prenante de la décision de la fédération de suspendre Noémie Alphonse avant même que cette athlète ait pu s'expliquer devant un comité disciplinaire, la privant ainsi - et c'est là le plus grave - d'une participation à une compétition à l'étranger qui l'aurait permise de participer si elle se qualifiait aux prochains Jeux Paralympiques de Rio.

Mon point est : est-ce qu'il n'y avait pas d'autres solutions au lieu de la sanctionner comme s'asseoir autour d'une table avec toutes les parties concernées et une fois pour toutes crever l'abcès car c'est un problème qui perdure.

Voilà en ce qui concerne le cas de Noémie Alphonse.

MOUNAWAH, MR JOSEPH – JUDO COACH - SUSPENSION

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Rapidement, Madame la présidente, il y a aussi le cas de Joseph Mounawah, figure incontournable du judo local qui récemment a été mis à pied en tant qu'entraîneur national de judo et de surcroît interdit d'accès au judo de Grande Rivière.

J'ai, en ma possession, Madame la présidente, aussi une lettre, un courrier électronique plutôt adressé par le président de la fédération mauricienne de judo au président de l'union africaine de judo et qui se lit comme suit - je vais lire une phrase seulement -

« Joseph Mounawah a été sanctionné par le ministre mauricien des sports. Il ne dirige plus l'équipe nationale. Il n'a rien à voir avec la fédération mauricienne de judo. »

Je me pose la question, Madame la présidente : Est-ce que c'est le rôle du ministre de sanctionner monsieur Mounawah ? Ou est-ce qu'il aurait été peut-être mieux que la fédération fasse une enquête parce que ce même courrier fait état d'une rencontre entre le

ministre et le Président de la Fédération Internationale de Judo et il paraît que ce monsieur a fait des allégations graves à l'encontre de monsieur Mounawah et que le ministre a, par la suite – et ce n'est pas moi qui le dit, c'est le président de la Fédération Mauricienne de Judo - pris la décision de sanctionner monsieur Mounawah. Alors je vais aussi déposer copie de ce courrier électronique. Alors je me pose la question : Est-ce que les procédures ont été suivies? Est-ce que le ministre a demandé à la fédération d'initier une enquête avant de sanctionner monsieur Mounawah? J'attends les éclaircissements du ministre.

Madam Speaker: If you have questions, hon. Quirin, then you come with specific questions. I understand that you had your questions today, but you had withdrawn them. So, I don't know whether...

The Minister of Youth and Sports (Mr Y. Sawmynaden): Madame la présidente, avec votre permission, l'honorable Quirin avait deux questions aujourd'hui sur la même question, mais là, il essaye de faire de la politique. En d'autres mots, de tirer un capital politique sur le dos des athlètes.

Si je dois répondre au cas de Noémie Alphonse, c'est clair. J'ai reçu une lettre de Noémie Alphonse pour présenter ses excuses à moi. Par contre, elle n'a pas présenté ses excuses à la présidente de la fédération. Le cas de Noémie Alphonse ne date pas d'aujourd'hui. Depuis les Jeux des Iles de 2015, elle avait créé un tollé pour dire pourquoi elle n'a pas été sélectionnée quand elle n'avait pas passé l'épreuve de minima pour être sélectionnée. Elle avait monté une cabale contre l'athlète qui avait été sélectionné et l'athlète en question a été médaillé d'or aux Jeux des Iles. Elle a continué ainsi. Elle refuse de s'entraîner avec la sélection. Elle refuse de s'entraîner avec le sélectionneur national. Elle refuse de suivre les disciplines de la fédération et tout acte d'indiscipline au sein du sport, on ne va pas le tolérer. Que vous êtes champion ou pas ! C'est clair !

Si l'honorable Quirin, au lieu de donner un coup de main pour aider l'athlète en question avec qui j'ai parlé au président de son club pour dire qu'il faut qu'elle s'intègre à l'équipe nationale, elle est encore jeune, d'arrêter d'écouter des gens qui essayent de monter sa tête et d'être partie prenante, au lieu d'aller aider l'athlète, il essaye de gonfler l'affaire pour tirer un capital politique. C'est clair!

(Interruptions)

Et là l'honorable Quirin ...

(Interruptions)

Attendez! Il parle d'une lettre. Pourquoi il ne parle pas de la deuxième lettre? Pourquoi il ne parle pas de la troisième lettre? Pourquoi il ne parle pas que le cas a été référé à *l'Ombudsperson for Sports* qui fait un travail. Si elle se sent lésée, il y a le tribunal de sport qui est maintenant en place. *L'Ombudsperson* fait son travail et je laisse faire le travail. Et moi je l'ai dit fermement ici, *I do not interfere in the matters of the federation. They run their federation.* Et c'est la discipline qui va primer, que vous êtes champion ou pas !

Sur le cas de Joseph Mounawah, encore une fois, l'honorable Quirin essaie de retirer un capital politique. Monsieur Mounawah est un employé ...

(Interruptions)

L'honorable Quirin, laissez-moi vous informer que monsieur Mounawah est un employé de mon ministère. En tant qu'employé, il n'a pas été sanctionné, il n'a pas été mis à pied. Il a été transféré. Par contre, la fédération de judo m'a informé qu'elle n'a pas besoin des services de monsieur Joseph Mounawah comme entraîneur national. Alors, il a été retiré du judo de Grande Rivière.

Laissez-moi informer l'honorable Quirin, que si je dois prendre en considération tous les rapports défavorables que j'ai eus contre monsieur Mounawah, que ce soit au niveau local, que ce soit au niveau international, je le précise, le président de la fédération internationale, j'aurais dû mettre monsieur Mounawah à la porte. Mais prenant en considération qu'il a été dans le judo pendant beaucoup d'années, lui-même il a accepté d'être muté pour aider le judo mauricien dans une autre façon, on a accepté. Alors, je pense qu'on a fait tout ce qu'il fallait faire dans le sport mauricien and *like it or not*, le sport est en train de décoller à Maurice et je ne céderai devant personne pour imposer la discipline.

Merci beaucoup.

At 8.32 p.m. the Assembly was, on its rising adjourned to Tuesday 05 April 2016 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

ROAD DECONGESTION PROGRAMME – KOREAN ENGINEERS - REPORT

(No. B/9) Dr R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Agreement signed between the Government of the Republic of Mauritius and that of the Republic of South Korea regarding the study and implementation of already identified major road projects, he will state –

- (a) if construction companies from the Republic of South Korea only will be considered through bidding exercise, and
- (b) the financial participation of the Government of the Republic of South Korea in the said projects.

Reply (Minister of Public Infrastructure and Land Transport): There is no agreement signed between the Government of the Republic of Mauritius and that of the Republic of South Korea regarding the study and implementation of already identified major road projects.

In fact, when I attended the World Road Congress in South Korea in November last, I asked for a meeting with my counterpart and representatives of the Korea Expressway Corporation, operating along the same lines as the RDA, and managing 4.194 Km of expressways, bridges and tunnels since 1968. KEC has undertaken major projects worldwide e.g. Singapore, Saudi Arabia, Turkey and some African countries. During my stay, I made a request to see *de visu* the road, tunnels and bridges projects which had been constructed by the Korea Expressway Corporation using the latest state-of –the- art technology. Constructing the 21.30 Km Incheon Grand bridge (230 m high for the pylons and 33.4 m wide) over the ocean and a 14.5 Km tunnel across the mountain is not given to everybody. Only prestigious companies like KEC can do it.

Subsequently, I requested my counterpart to send some of his experts to Mauritius to assess the viability of projects identifies for our Road Decongestion Programme. A team of the best Engineers from well established companies in Korea and worldwide came in November last and submitted its mission report on 29 February of this year.

My Ministry is currently examining that report and a decision will be taken in the light of discussions with all parties concerned and in line with the provisions of the Public Procurement Act.

RE-DEVELOPMENT OF PORT LOUIS PROJECT

(No. B/12) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Re-development of Port Louis Project, he will state-

- (a) if consultations will be carried out with the stakeholders concerned therewith;
- (b) the long term projected development plans thereof;
- (c) the financial cost thereof to the State, if any and, if not, the source of funding thereof, indicating the terms and conditions thereof, and
- (d) the projected long term impact thereof on the capital and on the inhabitants thereof.

Reply (The Ministry of Public Infrastructure and Land Transport): The aim of the Port Louis 2030 project is to consolidate Port Louis as the Capital city of Mauritius and it will be more lively, vibrant and dynamic. Port Louis will be viewed in the future as -

The main port with major development:

- Administrative City;
- Financial Centre;
- Cultural, Historical and Touristic destination
- Shopping Centre
- Hawkers Market.
- Intra City transport- Green/electric buses.

A modern sophisticated infrastructure:

- Decongestion Programme with new infrastructure at Victoria Station and Immigration Square;
- New Bus Stations at Victoria and Immigration Square;
- Decaen Project.
- Grade Separator;
- Ring Road Phase 1 and 2

Within the Master Plan for the Capital City as well as the Port area, Port Louis is

destined to become an historical landmark and touristic destination, (Already the number of tourists visiting Port Louis has increased from 300,000 to 600,000). With the pedestrianisation of the City, introduction of bus lanes, electronic/green buses and smart parking, Port-Louis will no longer be devoid of cultural activities, such as “Port-Louis by light”. Furthermore, the Quality of life of the inhabitants will be upgraded through re-engineering of the Victoria and Immigration bus stations where space will be reserved for hawkers, Taxi stand, pedestrians and smart parking.

There will be seamless integration of port development within the overall development plan of Port Louis. Presently, the city is divided by the motorway to reach the Caudan Waterfront. The master plan provides for the connection of the Old City to Caudan waterfront and related developments at the port area.

The development of Port Louis project is also being harmonized along with the Road Decongestion Programme to alleviate traffic to and from Port Louis via the Ring Road Phase 2 and 3. Port Louis will therefore become a financial hub in this part of the Indian Ocean.

As regards the first part of the question, wide ranging consultation will be held with relevant stakeholders and professional bodies prior to finalising the Port Louis Master plan.

In fact, a first preliminary Concept layout has been prepared to facilitate discussion and it was presented to the press on 15 January 2016. The SLDC has already started consultation on the broad development model. I have myself chaired focused consultative meetings in relation to the construction of modern bus stations at Victoria and Immigration Square.

As regards part (b) of the question, as I have already explained, the long term Masterplan for Port Louis has not been finalized yet. An estimated investment amount to the tune of Rs52 billion has been worked out based on indicative development projects in the global vision for the upliftment of Port Louis. Projects will be widespread over Port Louis, that is going from the Central Business District area and waterfront to the outskirts of the city including China town and Ward 4.

Rs43.3 billion of the investment will come from private sector led development projects and Rs8.5 billion from other sources for the road decongestion, pedestrian fluidity and revamping of art and culture facilities. However, the exact figures can only be ascertained at the stage of implementation of individual projects.

Regarding part (c) of the question, I am informed that the financial cost to

Government will be limited to its share of investment in capital projects of public nature such as upgrading of the 2 bus stations and construction of new accesses to and from Port Louis. These expenditures will be taken up under capital projects of the relevant Ministry. At this stage the cost to Government has not been worked out.

Consultations with the Ministry of Finance and Economic Development, SLDC and my Ministry have already been undertaken. There is now need for an Inter-Ministerial Steering Committee to be set up to chart the way forward and setting up of administrative, legal and financial committees.

POLICE FORCE – POLICE SYNDICATE – SETTING UP

(No. B/13) Mr A. Aliphon (Third Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain information as to where matters stand as to the proposed setting up of a Police Syndicate, indicating the actions taken as at to date, if any, in relation thereto.

Reply: I wish to refer the hon. Members to my reply to Parliamentary Question B/426 at the sitting of the National Assembly of 08 September 2015.

As I informed the House, some issues were being sorted out with the Attorney General's Office before finalisation of the Bill.

This having been done, the Attorney General's Office has submitted the draft Police (Amendment) Bill allowing members of the Mauritius Police Force to unionise.

It is envisaged to introduce the Bill in the National Assembly soon.

PITON & RIVIÈRE DU REMPART – PROJECTS EARMARKED

(No. B/14) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to Constituency No. 7, Piton and Rivière du Rempart, he will state the number of

projects earmarked for implementation by the National Development Unit thereat, indicating in each case –

- (a) the project value thereof, and
- (b) where matters stand.

Reply: I am informed by the National Development Unit that various infrastructure projects pertaining to drains, roads and amenities are earmarked for implementation during this financial year, in Constituency No. 7.

Furthermore, the NDU has also conveyed financial clearance to the District Council of Rivière du Rempart for the implementation of certain specific drain projects and for the fixing of handrails in various localities.

In addition, the NDU has also provided some 51 street lanterns to the District Council of Rivière du Rempart for fixing at sites throughout the constituency.

I am tabling the lists of the projects.

LAND DRAINAGE AUTHORITY – SETTING UP

(No. B/15) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the proposed setting up of a Land Drainage Authority as announced in the 2015-2016 Budget Speech, he will state where matters stand.

(Withdrawn)

NATIONAL INVESTMENTS – INCENTIVES

(No. B/16) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to national investments, he will state the –

- (a) evolution thereof since 2009 to date, differentiating between public and private investments,
- (b) measures being taken to encourage investments, indicating if –

- (i) appropriate incentives are being given to induce investments in priority sectors and, if so, indicate the sectors concerned therewith, and
- (ii) recourse to Public Private Partnerships and Build Operate Transfer Schemes are being envisaged.

Reply: With regard to part (a) of the question, the information on the evolution of investment as compiled by Statistics Mauritius is being tabled.

Regarding part (b) (i) of the question, a number of measures and incentives have already been taken since this Government took office relating to ease of doing business, smart cities, green economy, bunkering and bio-farming among others. I may reassure the House that in the context of the forthcoming budget, further measures are being considered to stimulate investment and achieve higher growth and employment creation.

In respect of part (b) (ii) of the question, the answer is definitely yes. That is why on the very first day of the resumption of the National Assembly I am introducing a specific piece of legislation, namely the Build Operate Transfer Projects Bill.

DRUG TRAFFICKING - COMMISSION OF INQUIRY – REPORT

(No. B/17) Mr D. Sesunkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Commission of Inquiry on Drugs, he will, for the benefit of the House, obtain therefrom, information as to where matters stand as to the inquiry, indicating the –

- (a) number of –
 - (i) meetings held to date, and
 - (ii) witnesses who have deponed before the Commission, and
- (b) expected completion date of the inquiry, indicating if a date has been earmarked for the issue of a draft report.

Reply: As the House is aware, the Commission of Inquiry on Drug Trafficking was set up on 15 July 2015, chaired by hon. Paul Lam Shang Leen, former Judge of the Supreme Court. The Commission started to conduct hearings on 04 November 2015.

In regard to part (a) of the question, I am informed that, as at 24 March 2016, the Commission has held 58 hearings and has heard 54 witnesses.

With regard to part (b) of the question, I would like to emphasise the fact that the Commission of Inquiry on Drug Trafficking was appointed by the President of the Republic, pursuant to section 2 of the Commissions of Inquiry Act.

It is apposite also to note that according to section 7(2) of the Act, the Commissioners of a Commission of Inquiry are required to submit their Report to the President of the Republic.

Given that the Commission of Inquiry has to report to the President and given that it can, under section 9 of the Commissions of Inquiry Act, regulate its own proceedings including making “such rules for their own guidance and the conduct and management of proceedings before them, and the hours and times and places of their sittings”, it would not be in order to request from the Commission an expected date of completion or whether they intend to issue a draft report, the more so that the President, who appointed the Commission of Inquiry, has not set a deadline for the completion of the inquiry.

NDU – DRAIN PROJECTS

(No. B/18) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, following the floods of February 2016, he will state the –

- (a) number of flood prone areas identified island-wise, and
- (b) budget earmarked for the Land Drainage System in respect of the year 2015-16, indicating the remedial actions initiated by the National Development Unit in connection therewith as at to date.

Reply: Following the torrential rain of February 2016, the Inter-Ministerial Committee set up under the Chairmanship of hon. S. Soodhun, Vice-Prime Minister, Minister of Housing and Lands, had among others, decided to construct, improve and maintain drains where necessary, and clean water courses.

In this respect, the Local Authorities, in consultation with the Parliamentary Private Secretaries, drew up a list of regions/localities which were affected. The Inter-Ministerial

Committee agreed to a list of projects to be effected by either the Local Authorities, the Road Development Authority or the National Development Unit.

As far as the National Development Unit is concerned, I am tabling the list of priority drain projects entrusted to it. Site visits are being effected and remedial actions are envisaged in this current financial year itself.

BAI CO. (MTIUS) GROUP – ALLEGED PONZI SCHEME – INQUIRY

(No. B/19) Mr R. Uteem (First Member for Port Louis South and Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the alleged Ponzi Scheme or Ponzi-like Scheme operated by the BAI Co. (Mtius) Ltd. Group, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry being carried out thereinto, indicating –

- (a) the names of the persons arrested in connection therewith, and
- (b) if any case has been lodged in connection therewith.

(Withdrawn)

BEAU BASSIN & PETITE RIVIÈRE – PROJECTS – IMPLEMENTATION

(No. B/20) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to Constituency No. 20, Beau Bassin and Petite Rivière, he will state the projects implemented by the National Development Unit since January 2015 to date, indicating in each case, the –

- (a) project value thereof, and
- (b) name of the contractor therefor.

Reply: I am informed by the National Development Unit that various infrastructure projects pertaining to drains, roads and amenities are earmarked for implementation during this financial year in Constituency No. 20.

Moreover, the National Development Unit has also provided some 88 street lanterns to the Local Authorities for fixing at sites identified by the Parliamentary Private Secretary throughout the Constituency.

I am tabling the list of projects implemented by the National Development Unit as at date.

Project value can be provided only for projects in respect of which works orders have been issued.

POLICE SYNDICATE – SETTING UP

(No. B/21) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the proposed setting up of a Police Syndicate, he will, for the benefit of the House, obtain information as to where matters stand.

(Vide reply to P.Q. No. B/13)

MINISTER OF FINANCIAL SERVICES, GOOD GOVERNANCE AND INSTITUTIONAL REFORMS – OVERSEAS MISSIONS

(No. B/23) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the overseas missions he has undertaken since December 2014 to date, he will state the number thereof, indicating the –

- (a) composition of the delegation thereof;
- (b) countries visited and purposes thereof, and
- (c) expenditure incurred in terms of air tickets, *per diem* and other allowances.

Reply (The Prime Minister): Since December 2014 to date, the hon. Minister of Financial Services, Good Governance and Institutional Reforms has undertaken 14 overseas missions. The information requested by the hon. Member is being tabled.

VICE-PRIME MINISTER, MINISTER OF HOUSING AND LANDS

– OVERSEAS MISSIONS

(No. B/25) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the overseas missions he has undertaken since January 2015 to date, he will give a list thereof, indicating in each case the –

- (a) date and duration thereof;
- (b) countries visited and purposes thereof;
- (c) composition of the delegation thereof, and
- (d) expenditure incurred in terms of air tickets, *per diem* and other allowances.

Reply (The Prime Minister): Since January 2015 to date, the hon. Vice-Prime Minister and Minister of Housing and Lands has undertaken 10 overseas missions. The information requested by the hon. Member is being tabled.

SUGAR INVESTMENT TRUST – FINANCIAL ASSESSMENT

(No. B/40) Mr D. Sesungkur (First Member for Montagne Blanche & G.R.S.E) asked the Minister of Agro-Industry and Food Security whether, in regard to the Sugar Investment Trust, he will, for the benefit of the House, obtain therefrom, information as to the performance thereof since 2009 to date, indicating if a full assessment of the management and financial status thereof has been conducted and if so, indicate the conclusion thereof.

Reply: From information published in the Annual Reports of the SIT for the period 2009 to 2015, the performance of the company can be summarised as follows -

- (i) From a Net Profit of Rs65 m. in 2008 - 2009, the SIT Group has incurred losses to the tune of Rs61 m. in 2014 – 2015,
- (ii) from Rs10m. borrowing in 2009, the figures in 2015 stood at Rs1.2 billion,
- (iii) although from years 2009 to 2014, dividends paid varied between 10 and 16 cents per share, the SIT has had to have recourse to either borrowing or selling of its lands, in order to declare those dividends, and
- (iv) for the year 2014 - 2015, no dividends could be paid due to the poor management encountered since 2009 and the resulting negative cumulative cash flow situation.

The financial position of the Group from 2009 to 2015 showed that there has been a substantial increase in debts over the past few years and most of them were contracted for a short term period.

The main reason for this situation is a complete mismanagement of the following projects -

- (i) AUREA Residential Project - this Project has seen a delay of more than three years as no action was taken following the receivership of a sub-contractor in 2013. There have also been changes in the concept of the project, that is, from gated to non-gated, without the consent of the clients;
- (ii) The Core Business Centre – there has been a change in the concept and design, resulting in additional costs. There has also been a delay in the finalization of the contract with a major client, due to issues relating to parking spaces, and
- (iii) Morcellement Ile d’Ambre – the land for this project was acquired well above its fair market value. Furthermore, instead of residential, the land was meant for agricultural purposes, resulting in 70% of the plots remaining unsold.

The losses incurred in year 2015 were mainly due to the high finance cost and impairment of the Belle Mare Leisure and Waterpark Village, which was recognised since 2009 as required by the Accounting Standard IAS 36.

Since December 2014, bold actions have been taken to redress the situation at the SIT.

As payment was not effected to the main contractor for more than one year, SIT had to raise funds to the tune of Rs250 m. to pay the arrears.

In April 2015, the consultancy firm Price Waterhouse Coopers (PWC) was requested to carry out a “Contract Assurance Review Assignment” for period January to December 2014.

The main findings which relates to The Core and AUREA projects, among others, are-

- (i) contracts were being awarded without being duly vetted by the legal adviser;
- (ii) in case the contracts were vetted, the legal advisers were not those who were appointed by the SIT Board;

- (iii) duly vetted contracts were amended by Management, without proper authority;
- (iv) contracts were signed by the Chief Financial Officer, without proper delegated authority;
- (v) in some instances, contracts were not even signed;
- (vi) in some cases, deposits of money which should have been effected prior to signature of contracts, were effected after signature;
- (vii) there were no clearly defined contractual clauses for non-performance by Consultants;
- (viii) there was no Board's approval for executing deviations in contract terms; and
- (ix) there was no Board's approval for setting of price lists.

In the light of the findings of the PWC Report, the Independent Commission Against Corruption has initiated an investigation in June 2015 and I understand that the enquiry is still ongoing.

The Commission of Inquiry set up to investigate into the unfortunate death of two children at the Waterpark had, among others, recommended that the Waterpark should be revamped to attain world class standard.

In this context, SIT had been looking for strategic partners to modernize the infrastructures of the Waterpark to render it safer, more attractive and profitable.

I am informed that a foreign Strategic Partner has established contact with SIT and has expressed his interest to develop the Leisure Park into an integrated project which will comprise more than a Waterpark. In case these negotiations are not fruitful, the SIT will launch an Expression of Interest for consultancy services for developing a Master Plan to revamp the Waterpark.

I also wish to inform the House that since July 2015, SIT has embarked on a major restructuring programme to become financially sound again. In this context, an independent Consultant, PWC has recently been appointed to draw a Road Map for SIT and work is expected to start as from next month. As part of this restructuring programme, SIT has appointed the State Bank of Mauritius as its Lead Financial Arranger.

Finally, I wish to inform the House that signature of the deed of sale for the AUREA project has started in December 2015 and is progressing.

**BEAU VALLON, RICHE EN EAU, BEL AIR ST FÉLIX & UNION ST. AUBIN
SUGAR ESTATES - VRS**

(No. B/42) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Agro-Industry and Food Security whether, in regard to the former workers of the factory areas of Beau Vallon, Riche en Eau, Bel Air St Félix and Union St. Aubin who opted for the Voluntary Retirement Scheme and whose title deeds had yet to be finalized, he will, for the benefit of the House, obtain information as to where matters stand.

Reply: I wish to inform the House that Phase II of VRS/ERS and Blue Print Schemes has been ongoing since December 2007 and 8,576 employees have retired under these schemes. Ever since I assumed office as Minister of Agro-Industry and Food Security in December 2014, I have received numerous complaints from VRS/ERS and Blue Print beneficiaries to the effect that it was taking too much time for them to obtain their title deeds for the land allocated to them.

It was brought to my attention that as at December 2014, 4,620 beneficiaries were still awaiting their title deeds. I accordingly decided to call all the stakeholders involved in the implementation of the schemes to take cognizance of the problems and bottlenecks that were causing the delays. A Monitoring Committee was set up under my chairmanship and regular meetings have been held to closely follow up the situation and take timely actions wherever appropriate.

I am pleased to inform the House that following decisions taken at the level of the Committee, infrastructural works on many VRS/ERS and Blue Print sites have been completed, and bottlenecks are being cleared out within the shortest delay. Since January 2015, a total of 1,707 beneficiaries have obtained their title deeds. By April next, 345 additional title deeds will be handed over to beneficiaries bringing the total to 2,052. 341 other title deeds are under preparation for the sites of La Lucie Block (109), La Lucie Centralisation (116) and La Rosa (116). These title deeds will be given to the beneficiaries

from May to September this year. With regard to the remaining sites for VRS II which concern 2,227 beneficiaries, all infrastructural works are expected to be completed by 2017.

With regard to the information sought by the hon. Member, I wish to report as follows-

- (a) For Compagnie de Beau Vallon Ltée, 414 VRS beneficiaries had received their title deeds on 24 February 2016. Six title deeds are still outstanding due to succession issues and missing documents.
- (b) Regarding 95 beneficiaries under the VRS Scheme for Bel Air St Félix Sugar Estate, infrastructural works started in June 2010. Following the completion of infrastructural works on the site, the beneficiaries had claimed that 18 plots were not suitable for construction and they had entered a Court Case in 2015. My Ministry, the Mauritius Cane Industry Authority and the District Council of Savanne acted as facilitators and finally the parties have reached an agreement whereby the Bel Air St Felix Sugar Estate will develop 18 additional plots of land for the beneficiaries.

The amended Letter of Intent for developing these 18 plots was issued by the Morcellement Board in February 2016. Infrastructural works will start shortly and are expected to be completed by May 2017.

- (c) With regard to St Aubin Sugar Estate, 148 VRS beneficiaries were handed over their title deeds on 11 March 2016.
- (d) As for the closure of Riche en Eau sugar factory, which falls under the Blue Print Scheme, 150 employees have already received their title deeds since 24 February 2016.

METAYERS – COMPLAINTS

(No. B/43) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Agro-Industry and Food Security whether, in regard to the numerous complaints levelled against the *Société des Plantations de Bois Chéri* by the metayers of Bois Chéri/Grand Bois/La Flora before the National Agricultural Regulatory Office, he will, for the benefit of the House, obtain from the Office, information as to where matters stand.

Reply: I am fully aware of the complaints made by the *Métayers* of Bois Chéri/Grand Bois/La Flora and I have instructed the Officer in Charge of the National Agricultural Products Regulatory Office (NAPRO) and officers of my Ministry to have regular meetings with the representatives of the *Société des Plantations de Bois Chéri* and the *Métayers* to find satisfactory solutions to these complaints.

I wish to inform the House that following these meetings, the following decisions have been reached -

(i) Deduction for fertilisers

The *Métayers* had complained that cost of fertilisers received once in 2014 was twice deducted from their proceeds by the *Société*, i.e., in August and December 2015 and they had expressed the wish to be refunded in cash. However, in view of cash flow problems, the *Société* has proposed that the fertilisers granted to the *Métayers* in September 2015 and February 2016 will not be deducted from the *Métayers'* proceeds. My Ministry is following up the matter with the *Société*. The *Société* has also agreed to henceforth allow the *Métayers* to purchase their own fertilisers.

(ii) Copy of contract

NAPRO is making arrangements for the *Métayers* to have a copy of the contract signed with the *Société*.

(iii) Late receipt of pay sheets.

The *Société* has agreed to issue the pay sheets to the *Métayers* two days prior to payment being effected and to effect payment within ten days after the monthly closure of accounts.

(iv) Reduction of costs of service to *Métayers*

NAPRO, in collaboration with the *Société*, will review the cost of service including weighing and transport of green leaves when determining the final price of green leaves for crop 2015/2016.

(v) Rental fee

The *Société* is agreeable, in principle, to reduce the present annual rental fee of Rs600 per *arpent*, paid by the *Métayers*. The new rental fee is yet to be determined. My Ministry is following up the matter with the *Société*.

I am further informed that, henceforth, NAPRO will be present at every meeting of the *Société* with the *Métayers*.

My Ministry is also working on appropriate schemes to assist the *Métayers* in terms of provision of fertilizers and thus relieve them from their cash flow problems.

I propose to come up with new Regulations to provide for the early payment of proceeds to the *Métayers*. This will gradually alleviate the financial difficulties which the *Métayers* are facing.

HERITAGE CITY – PROJECT VALUE

(No. B/44) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the proposed construction of the Heritage City, he will, for the benefit of the House, obtain information as to the-

- (a) project value thereof, and
- (b) how it will be financed.

(Withdrawn)

SC & HSC EXAMINATION FEES - PAYMENT

(No. B/45) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the payment of the School Certificate and Higher School Certificate examination fees, she will state if the policy in respect thereof has changed since last year and, if so, indicate the reasons therefor.

Reply: As the House is aware, my Ministry has implemented, as from 2015 the measure announced in the Government Programme 2015-2019 regarding full payment of Cambridge SC/ HSC/ GCE examinations fees for school candidates attending state, private grant-aided and registered private fee-paying secondary schools. It was decided that students

would benefit from this new scheme once in their school life for each of these examinations, as appropriate.

I wish to reassure the House that this policy will be pursued this year.

I wish to add that requests for the payment of examination fees in respect of students who have failed and whose families benefit from social aid, unemployment hardship relief and invalidity pensions will be considered by the Ministry of Social Security, National Solidarity and Reform Institutions.

CWA - PRIVATISATION

(No. B/46) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Water Authority, he will state if the privatization thereof is being envisaged.

(Vide reply to P.Q. No. B/29)

ST. FÉLIX – HOTEL PROJECT

(No. B/47) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the proposed implementation of a hotel project on a portion of approximately 30 acres of land in the region of St. Félix, he will state where matters stand.

Reply (Vice-Prime Minister, Minister of Housing and Lands): In December 2015, my Ministry received an application from Clear Ocean Hotel and Resort Limited for the grant of a plot of State land at St Felix for the construction of a five Star Sheraton Hotel.

The project was examined by a Fast track Committee and a Multi-Sectoral Committee to determine the viability of the project proposal and ascertain the financial credibility of the applicant for State land in accordance with the Policy Framework approved in November 2015 for the allocation of State lands.

On 29 January 2016, Government approved that the site applied being State Land of the extent of 31A49P (132,915m²) at St Felix be reserved in the name of Clear Ocean Hotel & Resorts Limited for the setting up of a Five Star Sheraton Hotel.

A letter of reservation was issued to the Company on 15 March 2016. The reservation is for a period of 18 months subject to the following conditions, *inter alia* -

- (i) a deposit of Rs150,000 per *arpent* (i.e. Rs4,323,500 in all) which is to be paid within a delay of one month as from 15 March 2016;
- (ii) permits and/ or clearances to be obtained from relevant authorities;
- (iii) submission of plans within a delay of 6 months;
- (iv) submission of an Environment Impact Assessment Licence within the 18 months' reservation period;
- (iv) a contribution of Rs1,500,000 per *arpent* (i.e. Rs43,235,000) to be made to the Consolidated Fund prior to signature of the lease agreement; and
- (v) the promoter shall not make any change in the shareholding structure of the company or any change in the ultimate beneficiary as from the date of letter of reservation until the project has been operational for at least one year.

I wish to inform the House, that in order to prevent speculation on State lands, a new condition has been included in the letter of reservation whereby “the promoter shall not enter into any agreement or engage into any transaction with a third party, sell or transfer any share or make any offer of promise in connection with any sale, transfer or assignment, in whole or in part, of an eventual lease to a third party as from the date of reservation until the project has been operational for at least one year”.

Upon compliance with the terms and conditions of the reservation letter, a Letter of Intent will be issued.

VEGETABLE PRODUCTION – PESTICIDES & INSECTICIDES - REGULATIONS

(No. B/48) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security whether, in regard to vegetable production, he will state if his Ministry proposes to introduce regulations in relation to the use of pesticides and insecticides therefor and, if so, when.

Reply: A Technical Committee has been set up by my Ministry to prepare Regulations under the Dangerous Chemicals Control Act 2004 for the inspection, information, guidance and control on -

- (a) The proper and safe use of pesticides by farmers; and
- (b) Pesticides residues on vegetables, fruits and any other agricultural materials.

Consultations to that effect will be engaged with all stakeholders in the Agricultural Sector prior to the finalisation of the Regulations. In view of the seriousness of the matter, ample time has to be given to the Committee to do a purposeful exercise. It is expected that the Regulations will be ready by the end of this year.

However, I would like to inform the House that despite the absence of Regulations on the use of pesticides, measures are taken by my Ministry to ensure that there is no abusive use of such products. Samples of vegetables and fruits are being taken regularly from farm gate level and tested at the Food Technology Laboratory of my Ministry for the determination of pesticide residue. The results of these tests are now being posted on the website of my Ministry. In case the pesticide residue level is found to be above the acceptable level established by the Codex Alimentarius Commission of the FAO the attention of the farmer concerned is drawn thereto and he is then advised by the Food and Agricultural Research and Extension Institute (FAREI) on the proper way to administer pesticides on plants. The farmer is then subsequently monitored to ensure that such problems do not recur.

As the House is aware, Government is promoting the production of bio-foods where less chemical inputs will be used in vegetable and fruit cultivation. My Ministry is working in collaboration with the FAO on the setting up of the legal and institutional framework to facilitate the introduction of organic agriculture in Mauritius.

LES SALINES - AUCTION FISH MARKET - OPERATION

(No. B/49) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the Auction Fish Market located at Fort Williams, Les Salines, in Port Louis, he will state where matters stand as to the operation thereof, indicating if the premises housing same is being used for the original purpose for which it was built and, if not, indicate the reasons therefor.

(Withdrawn)

RODRIGUES - FIBRE OPTIC CABLES

(No. B/50) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Technology, Communication and Innovation whether, in regard to the proposed laying of fibre optic cables for the connection of Rodrigues Island, he will, for the benefit of the House, obtain information as to where matters stand.

(Withdrawn)

ROAD ACCIDENTS – MEASURES

(No. B/51) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the road accidents which occur in mainland Mauritius, he will state the key risk factors which have been identified therefor, if any, indicating the actions taken by his Ministry to address same.

(Withdrawn)

HOSPITALS - ROAD ACCIDENTS - EMERGENCY RESPONSE SERVICES

(No. B/52) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Health and Quality of Life whether, in regard to road accidents, he will state –

- (a) if his Ministry is involved in the prevention thereof and, if so, indicate how;
- (b) the common type of injuries associated therewith;
- (c) the number of persons who have become disabled as a result thereof, since 2015 to date, and
- (d) the measures being taken to improve the emergency response services of the public hospitals to cope with the increasing incidence thereof.

(Withdrawn)

NATIONAL VOLLEYBALL LEAGUE 2015 - GOODLANDS VOLLEYBALL CLUB - PARTICIPATION

(No. B/53) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Goodlands Volleyball Club, he will, for the benefit of the House, obtain from the Ombudsperson for Sports, information

as to the reasons why the participation thereof in the National Volleyball League 2015 has been validated.

(Withdrawn)

BASIC INVALIDITY PENSION - PROCEDURE

(No. B/54) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Basic Invalidity Pension granted to persons having more than 60 per cent physical incapacity, she will state if she will consider the advisability of reviewing the procedure set up for access thereto.

(Withdrawn)

DRUGS ABUSERS - SUBSTITUTION THERAPY

(No. B/55) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the national policy for substitution therapy for drugs abusers, he will state where matters stand as regards the –

- (a) Methadone Substitution Therapy, and
- (b) availability of Suboxone/Nalterxone as a new substitution therapy, indicating the –
 - (i) number of patients already benefitting therefrom, and
 - (ii) outcome thereof.

(Withdrawn)

HEPATITIS C INFECTION - DRUGS

(No. B/56) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the national policy for the Hepatitis C infection, he will state if new guidelines for patient management and treatment are being applied since new potential drugs such as Sofosbuvir and Ledipasvir have been recommended therefor.

(Withdrawn)

EBOLA - NATIONAL PREPAREDNESS PLAN

(No. B/57) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the Ebola infection, he will state, in the event of a suspicious case thereof, the Recommended Protocol established by his Ministry regarding confirmation of diagnosis, treatment, isolation, prevention of contamination of contact persons and communication of information to the population.

Reply: As per protocol, all foreign nationals having visited Ebola affected countries, namely Liberia, Sierra Leone and Guinea Conakry, within a period of 21 days prior to arrival in Mauritius are not allowed to enter the country, while incoming Mauritian nationals from these countries are transferred to New Souillac Hospital for blood tests to detect Ebola Virus Disease. They are discharged if the test is negative and put on home-based surveillance for a period of 21 days from the date of arrival, which corresponds to the incubation period of the disease.

There is currently no specific treatment to cure the disease and patients require intensive supportive care. Arrangements are in place to admit positive cases in the isolation ward of the New Souillac Hospital. Health care personnel who would be in contact with a patient of Ebola virus disease have been trained in the use of Personal Protective Equipment (PPE) while attending the patient. All health measures taken are in accordance with the National Preparedness Plan for Ebola virus disease.

All relevant information concerning Ebola is communicated to the public through Press communiqués.

UTILITY REGULATORY AUTHORITY - OPERATIONAL

(No. B/58) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Utility Regulatory Authority, he will, for the benefit of the House, obtain information as to why it is not operational.

(Withdrawn)

CEB – ELECTRICITY TARIFF

(No. B/59) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to where matters stand as to –

- (a) the review of the electricity tariff structure, and
- (b) if, following the recent drastic decrease in the price of petroleum products, the benefits therefrom will be shared with the electricity consumers.

(Withdrawn)

PORT – STRATEGIC PARTNER

(No. B/60) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the port, he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to where matters stand regarding the issue of securing a strategic partner therefor, indicating if discussions are still ongoing with DP World Ltd. therefor and, if so, indicate the terms and conditions thereof.

(Withdrawn)

LAND RESTITUTION

(No. B/61) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the families who have been allegedly dispossessed of their land by the sugar barons, he will -

- (a) state if he will now table the list of the names of the 42 families concerned therewith, and
- (b) for the benefit of the House, obtain from the Land Research and Mediation Unit, information as to if the 42 families concerned therewith have been

officially convened to appear before the said Unit and, if so, indicate where matters stand.

(Withdrawn)

**PHYSICALLY HANDICAPPED PERSONS SPORTS FEDERATION - ATHELETE
N. A. - SUSPENSION**

(No. B/62) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the athlete N. A., he will, for the benefit of the House, obtain from the Physically Handicapped Persons Sports Federation, information as to the reasons for the suspension thereof.

(Withdrawn)

MAURITIUS JUDO FEDERATION - JUDOKA J. M. - SUSPENSION

(No. B/63) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the judoka J. M., he will state if his Ministry has issued recommendations to the Mauritius Judo Federation for the suspension thereof and, if so, indicate the reasons therefor.

(Withdrawn)

MINISTRY OF YOUTH AND SPORTS - HEARING COMMITTEE - ATHLETE P. P.

(No. B/64) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the athlete P. P., he will, for the benefit of the House, obtain from the Hearing Committee set up following the positive control of the said athlete for doping, information as to if it has completed its works and, if so

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- (a) (i) indicate the number of hearings held;
- (ii) names of the persons who have testified in the course thereof, and
- (b) obtain and table copy of the final report thereof.

Reply: At the very outset, I would like to inform the House that as member of the World Anti-Doping Agency Mauritius has ratified the anti-doping Convention of UNESCO. Accordingly, a Results Management Committee which is a Standing Committee, in accordance with the World Anti-Doping Agency (WADA) Code, to hear all anti-doping cases of athletes has been set up.

The Committee has already heard the case of athlete P. P. and I am tabling a copy of the Report of the Committee which gives all the information requested for at parts (a) and (b) of the question. The Report had already been made public and is available on the website of my Ministry.

**PHYSICALLY HANDICAPPED PERSONS SPORTS FEDERATION - ATHLETE
N.A. - SUSPENSION**

(No. B/65) **Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the athlete N. A., he will state if his Ministry has issued recommendations to the Physically Handicapped Persons Sports Federation to initiate actions for the suspension thereof and, if so, indicate the reasons therefor.

(Withdrawn)

PROVISIONAL CHARGES - LEGISLATION

(No. B/66) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Attorney General whether, in regard to the practice of lodging provisional charges against the accused, he will, for the benefit of the House, obtain information as to if the said practice will be revisited and, if so, indicate when the corresponding legislation will be amended to cater therefor.

(Vide reply to P.Q. No. B/39)

PROVISIONAL CHARGES - LEGISLATION - AMENDMENTS

(No. B/67) **Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Attorney General whether, in regard to the practice of lodging provisional charges

against the accused, he will, for the benefit of the House, obtain information as to if it is proposed to do away therewith and, if so, indicate when the necessary amendments will be brought to the legislation therefor.

(Vide reply to P.Q. No. B/39)

NINE-YEAR CONTINUOUS BASIC EDUCATION PROJECT

(No. B/68) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the undertaking of Government to introduce a single cycle of basic education of nine years' duration culminating into a national examination at the end of the third year of secondary schooling, she will state the justification for maintaining a selective examination at the end of the primary education cycle.

Reply: I wish, at the very outset, to highlight that the assessment under the Nine Year Continuous Basic Education (NYCBE) project (at the end of the 6th year of primary schooling) is an evaluation of the student learning outcomes leading to the Primary School Achievement Certificate (PSAC). Since, under the new system, all students will transit from Grade 6 to Grade 7, the question of selection as such does not arise. Admission will be done on a regional basis as per criteria set namely -

- (i) parental choice;
- (ii) proximity of residence, and
- (iii) performance.

Allow me, to highlight that assessment is an integral part of any education system for the collection and evaluation of evidence of a student's learning and achievement. It is also important that assessment of and for learning be carried out at various stages of schooling with a view to taking timely corrective measures for the improvement of learning outcomes.

At the end of each year of schooling, pupils would be subject to an evaluation in Core and Non-Core subjects.

In the absence of such an assessment we will have no way of measuring whether the primary education offered is meeting its objectives. This will in fact enhance accountability for learning in our schools.

The reform provides for the introduction of the PSAC as from 2017 to gauge the progress and achievement of the children at the end of the first six years of basic education. The PSAC will assess competencies acquired and other important skills such as communication skills, ICT skills, etc., through school-based assessment. It is therefore not a competitive exam.

Hence, we are not maintaining a selective examination at the end of the primary education cycle but rather introducing a new form of assessment whereby learning outcomes gains, skills acquired and objectives of the curriculum at the end of 6 years of primary schooling are evaluated in an overall manner, both formative and summative.

RIGHTS MANAGEMENT SOCIETY - LICENCE FEES - MONEY COLLECTED

(No. B/69) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to the Mauritius Rights Management Society, he will, for the benefit of the House, obtain therefrom, information as to the -

- (a) total amount of money collected in terms of licence fees over the last financial year, indicating the total amount thereof available to date;
- (b) last time the artists were paid royalties, and
- (c) criteria used to calculate the quantum of royalty to be paid to each artist.

Reply: I am informed that the financial year for the Rights Management Society was January to December 2015. An amount of Rs33.2 m. was collected. Out of that amount, 30% is used for administration purposes amounting to Rs9.96 m. and 7% is provided for Social Welfare of RMS Members amounting to Rs2.30 m.

An amount of Rs20.92 m. is available to date.

As regards part (b), artists were last paid royalties, in December 2015.

With regard to part (c), royalties collected are paid to artists, based on the log sheet provided by users of copyright works. In case no log sheet is available, a sampling list is used for payment of royalties according to the International practice. The percentage is as follows –

i)	Author	25%
ii)	Composer	25%
iii)	Musical Arranger	16.6%
iv)	Publisher	33.4%

SABLE NOIR – CULVERT - CONSTRUCTION

(No. B/70) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the work carried out at Sable Noir for the free flow of water during heavy rainfalls and the construction of a road from the new bridge to the Sable Noir Beach, he will state where matters stand.

Reply: I am informed by the National Development Unit that the contract for the construction of a culvert at Sable Noir to mitigate flooding was awarded to Super Builders Company Limited on 12 November 2014. The project was completed in December 2015.

I am further informed that a new access road of 6.5 metres wide over a length of 75 metres has to be constructed to serve as access leading to Sable Noir public beach. This did not form part of the scope of the project in the original contract.

I am informed that the cost estimate for the project has not been worked out yet as arrangements are underway at the level of the Traffic Management and Road Safety Unit to have an in-depth survey.

Once the survey is completed, the cost estimate will be worked out.

PESTICIDES - CODEX ALIMENTARIUS

(No. B/71) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security whether, in regard to the use of pesticides in Mauritius, he will state if the Codex Alimentarius is the standard used to monitor the use of pesticides by local partners and, if so, indicate if –

- (a) this standard has force of law and if so, how, and
- (b) the Food Act has been amended to include the indicators used in the Codex Alimentarius.

Reply: I am informed that the Codex Alimentarius was established by the Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO) in 1963 to develop harmonized International Food Standards for the protection of consumer health and the promotion of fair practices in food trade. However, these Standards are voluntary and are used as a guide only and they do not therefore have any force of law in Mauritius.

The Maximum Residue Level (MRL) as set up by the FAO Codex Alimentarius is indeed being used as reference standard by the Food Technology Laboratory of my Ministry for the monitoring of pesticide residues in local fruits and vegetables.

With regard to part (b), I am informed by the Ministry of Health and Quality of Life that the Maximum pesticide residue in food has to be in compliance with the Tenth Schedule of the Food Regulations 1999 made under the Food Act 1998. Moreover, the Food Act 1998 and the Food Regulations 1999 are being reviewed to include updated guidelines of the Codex Alimentarius concerning the level of pesticides residues in food.

NATReSA – WINDING UP

(No. B/73) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Health and Quality of Life whether, in regard to the National Agency for the Treatment and Rehabilitation of Substance Abusers, he will state if any decision has been taken for the winding up thereof and, if so, indicate –

- (a) the reasons therefor, and
- (b) if the setting up of a new institution in replacement thereof is being envisaged.

Reply: Government has agreed to the winding up of NATReSA on 15 January 2016. NATReSA was set up by the NATReSA Act in 1996, following the restructuring of the defunct Trust Fund for the Treatment and Rehabilitation of Drug Addicts. The main philosophy behind the setting up of NATReSA was to complement Government's action in having a drug/substance free society through the prevention of substance abuse, treatment and rehabilitation of substance abusers and facilitating their integration in the mainstream society through a multi-disciplinary approach.

I would like to inform the House that when I took office in December 2014, I requested for a cost effectiveness assessment of NATReSA. The main findings of the assessment are as follows -

- (i) NATReSA is not fulfilling most of the objectives set in the NATReSA Act. It has become a cost unit allocating grants to twelve NGOs;
- (ii) since its inception, NATReSA has been focusing on prevention programmes, which have not evolved to meet the requirements of the present time;
- (iii) NATReSA does not provide treatment and rehabilitation. Its role has been limited to allocating monthly grants to NGOs providing codeine treatment and operating as rehabilitation centres; and
- (iv) although NATReSA is expected to keep abreast of latest information on the field, it has not been proactive enough to detect the recent emergence of synthetic drugs or to take timely actions to prevent its proliferation amongst youngsters.

I would also like to highlight that for the financial year 2015-2016, the grant allocated to NATReSA was Rs41,175,000 out of which –

- (i) Rs23.05m. (56%) is spent on staff and operating cost; and
- (ii) Rs18m. is released under its Rehabilitation Programme for Alcoholics and Drug Addicts to 12 NGOs, including 2 in Rodrigues.

44% of the budget of NATReSA is spent on grants in 2015.

There was a need for a paradigm shift in our strategies to be able to respond in a more dynamic and proactive manner to the challenges posed by substance abuse.

With regard to the part (b) question, I wish to point that consideration is still being given as to whether or not such an institution needs to be set up. In fact, all 16 employees of NATReSA have opted in writing to be redeployed to the appropriate departments of my Ministry. This measure will help in improving efficiency in service delivery and ensuring judicious use of public funds.

The Harm Reduction Unit will henceforth be responsible for carrying out prevention programmes on substance abuse as well as providing treatment and rehabilitation to substance abusers.

REGIONAL HOSPITALS - CASUALTY DEPARTMENT - DOCTORS

(No. B/74) Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the regional hospitals, he will state the number of additional doctors that will be posted in the respective casualty departments thereof, following the introduction of the new shift system for the doctors posted thereat, indicating the new -

- (a) scheme of duties;
- (b) schedule of work, and
- (c) grid of remuneration of the said doctors.

(Withdrawn)

MARSHALL PLAN FOR POVERTY ALLEVIATION – UNDP RECOMMENDATIONS

(No. B/75) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Marshall Plan for Poverty Alleviation, he will state if the consultants of the UNDP have submitted a draft copy thereof to Government and, if so –

- (a) indicate if the relevant stakeholders have been consulted in regard to the recommendations contained therein, and
- (b) for the benefit of the House, obtain from the National Poverty Observatory, information as to if it has monitored the said recommendations.

Reply: With respect to part (a) of the question, I wish to inform the House that on 04 March 2016, the UNDP submitted its draft Marshall Plan Reports to my Ministry and same were circulated to all relevant stakeholders, namely, Ministries /Departments CSR companies, NGOs and Trade Unions Confederations with whom prior consultations were held well before the elaboration of the Plan.

Moreover, on 16 March 2016, the private stakeholders participated in a half-day workshop to discuss the proposals contained in the draft Marshall Plan with UNDP Experts .

The final plan is expected to be submitted shortly.

With regard to part (b) of the question, it is only after the final report is approved for implementation that the Poverty Observatory will be able to monitor the recommendations adopted.

BAIN DES DAMES – FISH MORTALITY

(No. B/76) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the thousands of dead fish recently found on the shores at Bain des Dames and in the vicinity thereof, he will state if an inquiry has been carried out thereinto, and if so, indicate the outcome thereof.

Reply: Following the report of dead fish on 17 January 2016 in the region of Bain des Dames, officers of my Ministry carried out a site visit in the area.

Fish mortality was noted within an area enclosed by a bund constructed by the Mauritius Port Authority. About 5 000 dead fish comprising different sizes and species including juveniles were found ashore over a stretch of about 800m.

On the same day of fish mortality, a communiqué was issued on the media prohibiting the public to collect and sell dead fish from the area. Officers of the Fisheries Protection Service (FPS) were on site to prevent members of the public to collect fish for consumption or sale.

Seawater samples were collected and analysed for physico-chemical parameters by officers of the Albion Fisheries Research Centre to look into the cause of fish mortality. The Food Technology Laboratory analysed the dead fish specimen to detect the presence of any pesticide residue.

The collection and the disposal of dead fish were attended to on site by the Mauritius Ports Authority.

The analyses conducted on the seawater samples and observations made indicate that the fish mortality occurred as a consequence of the combined effects of the following factors-

- (i) no flushing of the seawater in that confined area of the harbour;
- (ii) a rise in seawater temperature by 4⁰C above the ambient temperature, which led to a decrease in the level of dissolved oxygen in the seawater;
- (iii) increase in the salinity of sea water by seven (7) Practical Salinity Units, and
- (iv) algal bloom as a result of higher levels of nutrients and their decay which consumed the dissolved oxygen.

However, no pesticide residue was detected in the fish sample.

Monitoring of seawater quality was continued for a period of two weeks after the fish mortality incident. The results of the seawater analyses showed improvement of physico-chemical parameters to normal levels.

LAGOON - FISHING ACTIVITIES

(No. B/77) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to fishing activities in the lagoon, he will state if the abolition thereof is being envisaged and, if so, indicate the reasons therefor.

Reply: With regard to fishing activities in the lagoon, my Ministry is not envisaging in the immediate term the abolition thereof. However, conscious of the fact that the lagoon is being depleted through illegal fishing of juvenile fish, my Ministry is currently implementing a number of measures to encourage the fishermen to operate in the off lagoon areas.

RIGHTS MANAGEMENT SOCIETY – HIGH-POWERED COMMITTEE

(No. B/78) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to the Rights Management Society, he

will, for the benefit of the House, obtain therefrom, information as to the new policies thereof, if any, giving details thereof.

Reply: My Ministry has set up a High-Powered Committee to review the Copyright Act 2014 and to bring necessary amendments thereto.

The Terms of Reference of the Committee are to -

- (i) review the Copyright Act 2014;
- (ii) examine the weaknesses of the Copyright Act 2014 so as to safeguard the interests of artists, and
- (iii) bring necessary amendments, as far as possible to the Copyright Act 2014, in light of suggestions made by the stakeholders.

At the request of artists, the Committee is chaired by a senior official of the State Law Office and comprises representatives of the Prime Minister's Office, the Anti-Piracy Unit of the Mauritius Police Force, the Mauritius Revenue Authority (Customs Department), the representatives of the Rights Management Society (RMS), artists from various disciplines and a representative of my Ministry. The committee started its meeting on 12 January 2016.

Ten meetings have been held so far. Out of 60 Sections of the Copyright Act 2014, 52 Sections have been reviewed till now. The first amended draft of the Act will be ready by mid May 2016.

Moreover, following a request made by my Ministry in August 2015, the World Intellectual Property Organisation has agreed to assist us in drafting the amendments and to review the functioning of the Rights Management Society and they will be coming by the end of April.

Moreover, the RMS has come up with some new policies as follows -

Policy for Stakeholders -

- (a) Authorisation for Reproduction -

Authorisation should be obtained from the original copyright owner before issuing any authorization for reproduction to applicants.

- (b) Authorisation for Occasional Licence -

Submission of log sheets is compulsory.

50 % is requested as down payment from applicants for occasional licence.

Applicants should settle any outstanding sum with the Society before submitting any new application for licence.

(c) Distribution of Royalties

- Fees collected from music users are no longer kept in the distributable account for a long period of time.
- In order to carry out efficient and frequent distribution exercises, necessary actions have been initiated to upgrade the actual internal system.
- As from April 2016, interest credited in the distributable account will be distributed to Copyright owners during relevant exercises.

(d) Collecting of fees from Music Users

- All music users should, as from 2015, submit the log sheet as per the template transmitted by the Society.
- Collection of cheques by Officers is no more allowed so as to avoid any risk of corruption. This policy has been established in 2015.

Internal Policy -

- (a) Each Court case has its own file as from 2015.
- (b) Each request for examination of CDs/DVDs seized by Police has its own file as from 2016.
- (c) Several internal procedures have been set up for the smooth running of the Society.

TURKEY BREEDING PROJECT

(No. B/79) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Agro-Industry and Food Security whether, in regard to the Turkey Breeding Project, he will state if the study carried out in relation thereto has been completed and if so, indicate the findings thereof and if it is considered viable, indicate if his Ministry proposes to give facilities to encourage same.

Reply: The Turkey Breeding Project is implemented by the Animal Production Division of the Agricultural Services of my Ministry. As a first trial, 500 day-old turkeys

were imported from France in October 2013. The eggs obtained from the imported stock were incubated for the production of day-old poults. However, it was noted that there was a low fertility rate resulting in poor production. The fertility problem can be addressed by artificial insemination. Unfortunately, there is not adequate expertise in turkey artificial insemination locally to address this issue.

As indicated in my reply to PQ No. B/81 addressed to me by the hon. Member last year, the assistance of the Chinese experts working at the Belle Vue Experimental Station at Albion under the Chinese Agricultural Technical Cooperation Programme was sought on artificial insemination of turkeys. However, they did not have the required expertise in the field.

A second batch of 1000 day-old poults was imported from France in September 2014, mainly for sale to farmers. However, a disease known as “Black Head” affected both flocks of imported turkey, causing significant losses. The disease was transmitted from chicken to turkeys. As a consequence, the import of a batch of turkeys scheduled in 2015 was postponed since there were no facilities where turkey could be reared separately from chicken. Action is presently being initiated to rehabilitate a building in Richelieu to house imported stock for eventual sale to farmers.

From the experience gathered in the first trials with turkey, it can be concluded that -

- (i) Further research is required in terms of developing a breed suitable for Mauritian conditions and which does not require artificial insemination;
- (ii) Capacity-building of staff is needed in turkey rearing and breeding, and
- (iii) Turkey rearing should be undertaken in fresh facilities where chicken have not been reared.

As a result of the different difficulties experienced in the trial phase, the strategy of the Ministry for the time will be limited to ad hoc importation of commercial stock for direct sale to the public and the farming community. Appropriate quarantine facilities are being developed for this purpose and once completed, a new batch of 500 day-old turkeys will be imported in the course of this year.

The Food and Agricultural Research and Extension Institute (FAREI) provides technical advice and assistance to breeders involved in turkey production. At present, 36 farmers are involved in turkey rearing with around 195 heads. Low hatchability is one of the

breeding constraints encountered by farmers. FAREI is supporting farmers by providing an artificial incubator, to improve the hatchability rate. A hatchability rate of 62% has been recorded. Two portable electric artificial incubators (capacity 48 eggs each) were procured in December 2015. Backyard poultry breeders (including turkey farmers) are being supported through lending of the artificial incubators.

HERITAGE CITY PROJECT – CITY OF PORT LOUIS STATUS

(No. A/1) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to Port Louis, with the displacement of the National Assembly, the Prime Minister's Office and other Government offices to the Heritage City, he will state –

- (a) if its status as the capital of the Republic of Mauritius will be altered;
- (b) when same will be implemented, and
- (c) if the City of Port Louis, the inhabitants thereof and the persons/entities who have been operating thereat will be compensated for economic loss.

Reply: In regard to part (a) of the question, I wish to assure the House, in no unequivocal terms that the status of the City of Port Louis as the Capital of the Republic of Mauritius, will not be altered with the implementation of the Heritage City Project.

Concerning part (b) of the question, the Heritage City Project will be implemented during the period 2016 to 2019.

In regard to part (c) of the question, I wish to reiterate that only a few Ministries will move to the Heritage City without at all disrupting the activities of Port Louis as a City. It is relevant to point out that there are already a number of Ministries and Departments which are operating outside Port Louis and their relocation has not affected, in any way whatsoever, the economic development of the City of Port Louis or its inhabitants.

I also need to stress that the implementation of the Heritage City Project should not be viewed in isolation. As a matter of fact, with the upcoming development of the Port Louis Smart City, the Port development, the Tourist Heritage Trail, among others, the City of Port Louis will become even more vibrant both to the inhabitants and in terms of commercial activities and economic development.

The question of compensation for economic loss, therefore, does not arise.

POINTE AUX SABLES – INCIDENTS

(No. A/2) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if some inhabitants of Pointe aux Sables have reported cases of incidents purporting to be continuous harassment against them by a family living at Camelia Street, in Terrasson, Pointe aux Sables, since 2008 to date, indicating –

- (a) the number of –
 - (i) reported incidents, and
 - (ii) Police Officers of La Tour Koenig and of the Pointe-aux-Sables Police Stations who have been transferred in relation thereto, and
- (b) if an independent inquiry will be carried out in relation thereto.

Reply: In regard to part (a) of the question, the information obtained from the Commissioner of Police has revealed that since 2011 up to 24 March 2016, ten cases were reported to La Tour Koenig Police Station against one Ms T.E.M.J. residing at Camelia Street in Terrasson, Pointe aux Sables.

All the cases were reported at La Tour Koenig Police Station. The nature of the complaints was as follows -

Nature of Case	Number
Precautionary Measure	6
Obstruction	1
Damaging Property	1
Assault	1
Dangerous Driving	1

Total	10
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The outcome of the 10 cases is as follows -

Outcome	Number
Filed and disposed at the level of Police Station	4
Cases referred to District Prosecutor	3
Still under enquiry	3
Total	10

In regard to part (a) (ii) of the question, no Police Officer from either La Tour Koenig or Pointe aux Sables Police Stations has been transferred in relation to these cases.

In regard to part (b) of the question, Police has initiated enquiries in all these cases. Therefore, the question of an independent inquiry being carried out in relation thereto does not arise.

POVERTY – HOUSEHOLD BUDGET SURVEY

(No. A/3) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to a World Bank ‘Overview’ dated 06 October 2015 sounding the alarm on the gravity of the current increase of poverty in Mauritius and of the middle classes falling increasingly into poverty, he will state the latest available figures and indices showing the level and extent of poverty in Mauritius.

Reply: Poverty is measured in both absolute and relative terms. Latest figures available are those based on the last Household Budget Survey (HBS) conducted in 2012.

Absolute Poverty

The \$1.25 (Purchasing Power Parity) per person a day line is used internationally to measure absolute poverty (\$1.25 PPP was equivalent to Rs1,020 monthly in 2012). Based on this line, the proportion of population in absolute poverty in Mauritius was estimated to be less than 1% in 2012.

However, for developing countries like Mauritius, the \$2 (PPP) per person a day line is more appropriate to assess poverty (\$2 PPP was equivalent to Rs1,640 monthly in 2012). Based on this line, the proportion of poor persons in Mauritius was estimated at less than 2% or 24,200 persons in 2012.

Relative Poverty

Statistics Mauritius (SM) uses the Relative Poverty Line (RPL) which is defined as half of the median monthly household income per adult equivalent, which was Rs5,652 in 2012. Thus, for a household with 2 adults and 2 children (equivalent to 2.36 adults), the poverty line worked out to around Rs13,310 per month.

Based on the RPL as per HBS 2012, the poverty indicators are as follows -

Estimated number of households in relative poverty	33,600
Proportion of households in relative poverty	9.4%
Estimated number of persons in relative poverty	122,700
Proportion of persons in relative poverty	9.8%
Gini Coefficient	0.414

ST LOUIS POWER STATION - OIL SPILL

(No. A/4) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the

fuel oil spill from the St Louis Power Station into the populated neighbourhood thereof, on 09 March 2016, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if -

- (a) it has since taken stock of the heavy human casualties that could have been sustained and;
- (b) it had denied that the Station represented a hazard to the environment and to the local residents in a counter-affidavit sworn on 7 August 2015, and
- (c) the relocation thereof will now be considered and if interim preventive measures will be taken to ensure against the recurrence of similar spills to avert the risks of heavy human casualties.

Reply: I am informed by the CEB that 09 March 2016, there was a minor oil spill of about 2 cubic meters at St Louis Power Station due to a technical problem in the heater system of a service tank.

The spillage was contained within the premises of the bund wall of the tank and cleared on the same day. There was no risk to the CEB employees and neighbouring residents.

As regards to part a (ii) of the question, I am informed by the CEB that the operation of the Saint Louis power station does not pose any direct risk to the nearby inhabitants and that the CEB is taking all necessary precautionary measures in accordance with its EIA Licence to avoid any environmental hazard.

With regard to part (b) of the question, the new engines will be located away from the residential zones and they will meet environmental performance with regard to emission, noise and vibrations.

The CEB has ensured that the storage tanks are enclosed within a bund wall in line with international standard so that accidental spills are contained within the wall. Regular checks are carried out and additional warning devices have been included on the storage tanks.