



REPUBLIC OF MAURITIUS

**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 14 NOVEMBER 2017**

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## THE CABINET

**(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
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 Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security, Minister of Housing and Lands
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment

Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Gender Equality, Child Development and Family Welfare
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Local Government and Outer Islands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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Deputy Speaker	Teeluckdharry, Hon. Kalidass
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 25 of 2017**

**Sitting of Tuesday 14 November 2017**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## PAPERS LAID

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

A. **Minister Mentor's Office, Ministry of Defence and Ministry for Rodrigues**

The Reform Institutions (Premises) (Amendment) Regulations 2017. (Government Notice No. 214 of 2017)

B. **Ministry of Public Infrastructure and Land Transport**

The Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017. (Government Notice No. 215 of 2017)

C. **Ministry of Arts and Culture**

The Annual Reports of the Conservatoire National de Musique François-Mitterrand Trust Fund for the years 2012 and 2015.

D. **Ministry of Business, Enterprise and Cooperatives**

The Annual Report 2016 of the Cooperative Development Fund.

E. **Ministry of Local Government and Outer Islands**

The Beau Bassin/Rose Hill (Markets and Fairs) Regulations 2017. (Government Notice No. 216 of 2017)

**ORAL ANSWERS TO QUESTIONS****HON. S. SOODHUN, FORMER VICE-PRIME MINISTER, MINISTER OF HOUSING AND LANDS – ALLEGED ALLEGATIONS**

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Prime Minister, Minister of Home Affairs, External Communication and National Development Unit, Minister of Finance and Economic Development whether, in regard to honourable Showkutally Soodhun, GCSK, MP, former Vice Prime Minister, Minister of Housing and Lands, he will state/ for the benefit of the House, obtain, *inter alia*, from the Commissioner of Police and the Independent Commission against Corruption, information as to where matters stand as to the various inquiries carried out in relation thereto, indicating what further action, if any, he proposes to take in regard thereto.

**The Prime Minister:** Madam Speaker, let me at the outset remind the House in no uncertain terms that the presumption of innocence is a sacrosanct human right in our '*état de droit*', a right which as a democrat and as a lawyer I uphold.

Madam Speaker, I wish to reiterate that I do not, and I will neither condone nor tolerate any attempt from any individual, whoever he or she may be, to flout the law, in particular, to destabilise the social harmony in our country.

Since I joined politics, I have always laid emphasis on unity in diversity and on the imperative not to discriminate, but to give equal treatment to each and every component of the Mauritian society.

Madam Speaker, as citizens of our united rainbow nation, we are all peace lovers, and we all wish our unity to be strengthened while preserving the splendour and richness of our diversity. We should not say, not write, and not do anything to endanger our social fabric which is sensitive and fragile.

Madam Speaker, taking into account, on the one hand, the importance of preserving our social fabric and upholding national interest, and, on the other hand, the allegations levelled against hon. Showkatally Soodhun, I have asked him to step down as Vice-Prime Minister and Minister of Housing and Lands so as to ensure that the Police inquiry is conducted and is seen to be conducted without bias or any perception of bias.

Madam Speaker, I have been informed by the Commissioner of Police that –



- (i) six cases have been reported against hon. Soodhun in relation to alleged acts of stirring up racial hatred. Out of these six cases, two relate to precautionary measures. However, all the six cases arise out of the same facts,
- (ii) one case has been reported on behalf of hon. Soodhun against a person for reported breach of the Information and Communication Technologies Act.

Madam Speaker, I am informed by the Commissioner of Police that an inquiry has been initiated in all the seven cases I have referred to.

I am also informed by the Commissioner of Police that eight other cases ranging from alleged defamation, publishing false news, breach of Information and Communication Technologies Act, sedition and outrage against Depository of Public Authority have been reported against hon. Soodhun.

I wish to inform the House that, in relation to two of the reported cases, the Director of Public Prosecutions has advised prosecution for an offence different from that reported against hon. Soodhun. In fact, a case of alleged sedition and of stirring up racial hatred had been reported against hon. Soodhun but the Director of Public Prosecutions has advised prosecution for outrage against Depository of Public Authority.

Madam Speaker, I am also informed by the Commissioner of Police that 14 cases ranging from breach of the Information and Communication Technologies Act, diffusing false news, swearing false affidavits to criminal defamation have been reported to the Police by hon. Soodhun against other persons, except for two cases, namely –

- (i) for breach of Information and Communication Technologies Act, and
- (ii) for publishing false news, in which the DPP has advised no further action. All the other cases are still under enquiry.

Madam Speaker, concerning the Independent Commission Against Corruption, I wish to highlight that by virtue of section 81 of the Prevention of Corruption Act, no information relating to any investigation can be disclosed on any case investigated or under investigation by the ICAC, except as provided for under sections 81(4) and 81(5) of the Act.

In addition, under section 61(3) of the Prevention of Corruption Act, the Parliamentary Committee, which includes Members of Parliament, is precluded from seeking information on any investigation by the Independent Commission Against Corruption.

Madam Speaker, I seize this opportunity to reassure the House and the Nation at large that, as Prime Minister, I will ensure that unity, harmony and peace prevail at all times in the country which we all love so much.

I said it before and I repeat it today: I have a sacred mission and that includes preserving and consolidating Mauritius as an ever-lasting haven of peace and harmony.

I appeal to all Members of this august Assembly and to the population to join hands together in fulfilling this mission.

**Mr X. L. Duval:** Madam Speaker, I share the hon. Prime Minister's wish for racial harmony and equality in this country.

Madam Speaker, let us take some of these cases. I don't know if the Prime Minister has referred to a case of a private jet hired for the use of hon. Soodhun from Saudi Arabia to Mauritius at a cost of something like 90,000 Euros - Rs3.6 m. Who was that? Has he inquired, himself, the Cabinet Office, ask the Police, whoever to enquire, who has paid for that Rs3.6 m. and for what purpose did someone pay for that so that hon. Soodhun would travel to Mauritius?

**The Prime Minister:** Madam Speaker, with regard to the facts that have been mentioned by the Leader of the Opposition, there is no case which is under inquiry at the level of the Police. I have not seen any matter which has been reported to the Police in connection to that.

**Mr X. L. Duval:** Notwithstanding any report to the Police, as Prime Minister, someone who appoints the Vice-Prime Minister, was he not concerned to find out who would have paid for that, and for what purpose?

**The Prime Minister:** Madam Speaker, as Prime Minister, I will rely on matters of substance in order to maybe request the Police to carry out an inquiry.

There are hundreds of allegations that are publicised either in the media or on the net every day. Now can I, logically, request the Commissioner of Police to carry out inquiry on

all these matters? If there is a matter whereby I am being informed of certain information which are credible and which warrant an inquiry, obviously I will request the Commissioner of Police to do so.

**Mr X. L. Duval:** I am asking the Prime Minister now, publicly, whether he will inquire into this and find out all there is need to find out about this private jet.

**The Prime Minister:** Well, if the hon. Leader of the Opposition has credible information, provide them to me, I will definitely pass them to the Commissioner of Police...

*(Interruptions)*

...or for that matter, Madam Speaker, there is no need for him to provide to me. He can go straight to the Police, as he has done in the past, and make a declaration and provide the information.

**Mr X. L. Duval:** Madam Speaker, the next thing. It appears to have been two additional suitcases brought in, which have picked up, I am sure, from *menteur menteur* and so forth film. Has there been an enquiry this time by Customs to find out why the former Vice-Prime Minister never disclosed even publicly, hid the fact, that there were these two additional suitcases?

**The Prime Minister:** The Leader of the Opposition is going on the same facts again, I have already replied. If there is material, if the hon. Leader of the Opposition has material, please provide them to me. He is saying publicly, I am also saying to him publicly: if he has material, he should not go and give to journalists, come and either make a declaration to the Police or handover to me, and he will see how I will react.

**Mr X. L. Duval:** I will send the hon. Prime Minister a copy of the video, Madam Speaker, by post; I don't want to come and see him.

Madam Speaker, concerning the Indian businessman Chapelar, he has stated publicly that he would welcome an inquiry at the Mauritius High Commission in London regarding a pseudo-loan of Rs1 m. that was supposedly alleged to be made to the former Vice Prime Minister and that he will be happy to do so, especially after the resignation of the VPM. Now that he has resigned - I don't know if temporarily or not - will the hon. Prime Minister ensure, as in the case of Madam Soornack, we would despatch officers, Police officers or what not, to India, speak to Mr Chapelar who has made very precise accusations this time.

**The Prime Minister:** Again, Madam Speaker, if there is any declaration with regard to that, obviously, the Police will inquire in all transparency, and I again say, as the hon. Leader of the Opposition, himself, had in the recent past, made a declaration against hon. Soodhun, Police has inquired. The matter was referred to DPP and there is a pending prosecution against him with regard to that.

**Mr X. L. Duval:** I thank the DPP for having insisted on this, Madam Speaker.

*(Interruptions)*

**Mr X. L. Duval:** Not the Police! The *enquête* was *menti menti* and we all know! Now, Madam Speaker, as I mentioned, it is not my role, I do not appoint Ministers or Vice-Prime Ministers. Now, the former Vice-Prime Minister went to Apollo Bramwell Hospital, Rs400,000 bill, he never paid, and pressure or not, I do not know, it is for him to find out, that is his duty, how come the Board of Apollo Bramwell Hospital decided to write off this bill of Rs400,000? What was the reason? Was there any pressure put on Apollo Bramwell Hospital? Has he bothered to find out or is he again wanting me to send him information?

**The Prime Minister:** Madam Speaker, I am not aware of Apollo or of any other polo...

*(Interruptions)*

I mean, he has the information!

*(Interruptions)*

He seems to know a lot then he should go and make a declaration to the Police and give the information, the evidence!

**Mr X. L. Duval:** If I trusted the institution of the Police, this country would be far better off! Madam Speaker, we come to this poor Iframac which went bankrupt. A few months after, cars were bought, let me restrict myself to the two cars bought by hon. Soodhun, one a Mercedes for which he never paid the Rs600,000 outstanding and another one, a Mitsubishi for which he never paid at all, Rs800,000. These are official figures. I do not want to get into a polemic and table them. Will the hon. Prime Minister, now that I am telling him this information, find out since the company has gone bankrupt, so many thousands of people have lost money, whether this is true and whether hon. Soodhun will

reimburse this amount? It is only decent that he should do so! And whether he will enquire into it?

**The Prime Minister:** Since the hon. Leader of the Opposition is holding, it seems, documentary proof about this case, if he can hand over a copy to me and I will pass it on...

*(Interruptions)*

Yes! Yes! I will pass it on to the Commissioner of Police so that an inquiry is started on the allegations that he is making.

**Mr X. L. Duval:** There are about twenty names on there, Madam Speaker. For decency...

*(Interruptions)*

**Madam Speaker:** Can we have order on this side of the House, please!

*(Interruptions)*

Order and do not make provocations! Yes!

**Mr X. L. Duval:** Madam Speaker, I am tabling it for everybody to know. I am tabling the information that the hon. Prime Minister requested.

*(Interruptions)*

I am sorry, I tried to be decent, but he does not want me to be decent!

*(Interruptions)*

Madam Speaker, let us continue. Madam Speaker, I will now talk about something that concerns directly the Government. With regard to this communiqué that we have established now was issued by hon. Soodhun, Minister of Housing and Lands for Government of Mauritius joining the coalition against Iran and Qatar, did he take any disciplinary action at all against the former Vice-Prime Minister for doing so?

**The Prime Minister:** Madam Speaker, this question has got nothing to do with the Commissioner of Police and with ICAC.

**Mr X. L. Duval:** Madam Speaker, if you read the question, with your permission, it does say, *inter alia*, it is Latin, and it means amongst others. This is why I am maintaining the question!

**The Prime Minister:** Madam Speaker, ‘amongst others’, then he should not even have mentioned the Commissioner of Police and ICAC and say ‘in general’. When he put questions, he mentioned the ICAC and the Commissioner of Police. Of course, I am limited to only that.

*(Interruptions)*

**Madam Speaker:** Okay, come back to the main question!

**Mr X. L. Duval:** It does say, *inter alia*, you will confirm, Madam Speaker.

**Madam Speaker:** Come to the main question!

**Mr X. L. Duval:** I apologise that it was Latin, but it does say that. Madam Speaker, so, no disciplinary action for the Qatar issue! Now, Madam Speaker, with regard to the illegal posters which were placarded around Mosques in Mauritius, which is very, very dangerous, inciting racial hatred, can the hon. Prime Minister tell us whether the Police questioned the former Vice-Prime Minister at all? This was around July 2017.

**The Prime Minister:** Well, I have a list of cases which are under inquiry and I suppose that the inquiry is pending. I believe so. I do not have the facts of the case to which the hon. Leader of the Opposition is referring to.

**Mr X. L. Duval:** This was one of the cases by the Police this time! Let us come now to another one, Mr Hassen Rohumally who has also gone to the Police and made a deposition for false and malicious denunciation in writing. Now, he complained that nothing at all happened to his deposition. He was arrested once or twice, but for this very serious offence, apparently, hon. Soodhun was not questioned or arrested or whatever. Does the hon. Prime Minister have that information or can he get a piece of paper? I don’t see any Policeman here though.

**The Prime Minister:** I don’t see the name of that person as a declarant under which the case is being under investigation now.

**Mr X. L. Duval:** Madam Speaker, we are not getting very far, but I think the public can see what is happening. Madam Speaker, with regard now to allocation of land, there has been some troubling information that has come to light recently concerning particularly two cases. One is Clear Ocean Ltd in Pomponette, has taken a large part of Pomponette beach, and the other one is KPMM Mauritius Ltd. Both given to South Africans, out of the blue, although there are one or two well-known Mauritians in there, but South Africans basically, with no previous experience in hotels. One does road building and township that is, cité, but that is all. We are talking about 45 arpents of land given to these people. Does the hon. Prime Minister feel compelled to have an investigation to see under what circumstances these were made?

**The Prime Minister:** Oh my God! Madam Speaker, the hon. Leader of the Opposition is mentioning things here and there and saying that there should be an inquiry. Again, I can understand he has no legal background, but maybe...

*(Interruptions)*

For there to be an investigation, there must be something which can amount to a *prima facie* case whereby there can be an offence that can be established. Now, if he has sufficient material, again I will ask him maybe to consult the lawyers from his party, maybe they can prepare the brief for him and he can either go to the Police or he can just send it to me and then I will look into it.

**Mr X. L. Duval:** Madam Speaker, the hon. Prime Minister will step aside, someone else should do his job! That, I think, is fine! Madam Speaker, let me just take the case of the UK where there have been some sexual scandals. It is the Cabinet Office which made the inquiry, it is the Cabinet Office which decided that such and such Minister should step down. We have the Westminster system of Government, we have a Cabinet Office through the Prime Minister's Office and this is why I am asking him, in front of the nation, to take his responsibility, not to hide behind ICAC, not to hide behind the Police and if there are things that come up in the public arena concerning anyone, then he should act and that is what the public is expecting.

**The Prime Minister:** Madam Speaker, everybody can see I am taking my responsibility. I am acting and I should also hope that the Leader of the Opposition would take his responsibility also because on Tuesday, when the two journalists came to see me,

they handed over this copy of this recording and upon their own admission of the hon. Leader of the Opposition that he has given it to them, I am asking myself and the people of this country must ask themselves the question: what was the motive of the Leader of the Opposition...

*(Interruptions)*

... of handing this...

*(Interruptions)*

**Madam Speaker:** Order, please!

*(Interruptions)*

Order, on this side!

*(Interruptions)*

**The Prime Minister:**...of handing this...

*(Interruptions)*

Let me answer!

*(Interruptions)*

**Madam Speaker:** Order!

*(Interruptions)*

**The Prime Minister:** Why does he interrupt?

*(Interruptions)*

**Madam Speaker:** Order!

*(Interruptions)*

Hon. Mrs Perraud!

**The Prime Minister:** Let me answer! What was the motive behind the Leader of the Opposition to hand it over to those journalists?



*(Interruptions)*

**Madam Speaker:** Please, do not make provocations from this side of the House also and on that side!

**The Prime Minister:** Was it to try to prevent or to try to stir up communal tension in the country?

*(Interruptions)*

I wonder why ...

*(Interruptions)*

**Madam Speaker:** Hon. Mrs Perraud, please!

**The Prime Minister:**..he could not himself...

*(Interruptions)*

**Madam Speaker:** If there is anything you wish to raise, please stand up and raise it as a matter of a point of order!

*(Interruptions)*

**The Prime Minister:** I wonder, Madam Speaker, why he could not have gone to the Police or he could not have, at least, informed me that he is in possession of such a recording and look what has happened. When the journalists came to see me, they handed it over to me. On the very day, I requested the Commissioner of Police to start an inquiry!

*(Interruptions)*

**Mr X. L. Duval:** It is good that the hon. Prime Minister raised this issue. It seems the journalists wrote in the article that he said to them that he had already been made aware of that video. Can he tell the House now when he was made aware of that video and what action he took?

**The Prime Minister:** I will! Madam Speaker, I was informed that there was a recording that was being circulated for some time involving, supposedly, a Member of Government. I had no information about the contents, about what it was all about with regard to that recording. And if I may say so, I was also informed that one of the persons having this

recording was the Leader of the Opposition. He had it, you know, not since yesterday, not since one week ago, but since quite some time! And this is another question which I ask: what was he doing...

*(Interruptions)*

**Madam Speaker:** Order! Hon. Jhugroo!

**The Prime Minister:** What was he doing with this recording since a long time ago? Maybe he will answer!

**Mr X. L. Duval:** Madam Speaker, I have to answer this question. It is absolutely false. If it was not...

*(Interruptions)*

If it was not unparliamentary, I would say that the Prime Minister is lying, but I am not saying it because it is unparliamentary.

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo! It is the second time!

**The Prime Minister:** Madam Speaker, I move that the Leader of the Opposition withdraws what he said, namely that if it was not unparliamentary, he would say that I am lying. He just said that.

**Madam Speaker:** Can you please repeat? Because I did not get what you said. There was too much noise. Can you repeat what the Leader of the Opposition said and what you are asking?

**The Prime Minister:** He is casting aspersions on me as if I could have lied, I am lying when I am saying this, and I move that he withdraws.

**Madam Speaker:** Hon. Leader of the Opposition, did you say that the hon. Prime Minister lied? What exactly did you say?

**Mr X. L. Duval:** I will say exactly what I said. I said, "If it was not unparliamentary, I would say that he was lying."

*(Interruptions)*

**Madam Speaker:** Please, I appeal to you! It means the same thing. Please withdraw!

**Mr X. L. Duval:** Madam Speaker, I withdraw it. Madam Speaker, since the video was given to me the day before I handed it over to *L'Express*; that is the truth...

*(Interruptions)*

**Madam Speaker:** Who said that?

**Mr X. L. Duval:** Now, Madam Speaker, if the Prime Minister...

*(Interruptions)*

**Madam Speaker:** Now, on this side also, I am appealing to you not to make provocations.

**Mr X. L. Duval:** Madam Speaker, the Prime Minister has any proof? Then, use it! Give your proof! I am here in front of you! Give your proof or shut up!

*(Interruptions)*

**Madam Speaker:** No! Do not say 'shut up'.

**The Prime Minister:** Withdraw that!

**Mr X. L. Duval:** I withdraw also.

**Madam Speaker:** Ok.

**The Prime Minister:** Madam Speaker, when he asks the question, I give the answer. Now he says do I have the proof! But he knows, he knows very well, when he got this recording and from whom he got this recording also. I leave it to his conscience.

**Mr X. L. Duval:** Madam Speaker, from a Prime Minister who allowed illegal posters to be affixed everywhere, a Prime Minister who allowed his Vice- Prime Minister to make all sorts of senseless remarks about Saudi Arabia, a Prime Minister who has not done anything about 12 cases, at least, that I have raised here concerning his Vice-Prime Minister - I know why he is not doing. I am not going to say it...

**Madam Speaker:** What is your question?

**Mr X. L. Duval:** This Prime Minister, Madam Speaker...

**Madam Speaker:** What is your question?

**Mr X. L. Duval:** ...has no right, no moral right to even be a Prime Minister.

**Madam Speaker:** Your question! This is your question.

*(Interruptions)*

You have finished? That was your last question? The hon. Prime Minister wants to reply? The last question is for the Leader of the Opposition. He said that was his last question.

**The Prime Minister:** *Je laisse le leader de l'opposition à ses fabulations*, and I again put the question to the people. Was it the right behaviour of the Leader of the Opposition to hand over this recording to those journalists?

*(Interruptions)*

**Madam Speaker:** I just want to draw the attention of the House that we had till 12.04 p.m. to ask questions. But since the last question is for the Leader of the Opposition, I will not allow anybody else to come up with questions again.

Hon. Members, the Table has been advised that PQ B/727 in regard to the Committee of Parliamentarians on Chagos Archipelago will be replied by the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues. PQ B/728 in regard to verbal and physical assaults perpetrated against women will be replied by the hon. Minister of Gender Equality, Child Development and Family Welfare.

Hon. Rughoobur!

**Mr Bhagwan:** Madam Speaker, can I raise a point of order?

**Madam Speaker:** Yes.

**Mr Bhagwan:** I will appeal to you that if Members have questions, we cannot go on with three, four supplementary questions. Without anything personal to my friend here, at least other Members can have the opportunity to ask their questions. If one Member takes four supplementary questions, first, second, then we do not have any time for third and fourth questions.

**Madam Speaker:** Hon. Bhagwan, I have taken note of your point. Leave it to me to see to it that everybody has a fair chance of asking questions. Yes, hon. Rughoobur!

### **LANDSCOPE (MAURITIUS) LTD - PROJECTS EARMARKED**

**(No. B/717) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Landscape (Mauritius) Ltd., he will -

- (a) state the reduction in the cost of human resources following the merger of the several organisations thereinto, and
- (b) for the benefit of the House, obtain therefrom, and
  - (i) table copy of the structure thereof, and
  - (ii) give the list of the projects earmarked for implementation, indicating the timeline therefor.

**The Prime Minister:** Madam Speaker, as part of a major public sector reform programme, the State Property Development Company Ltd, the Business Parks of Mauritius Ltd, the State Land Development Company Ltd, the Tourist Villages Company Ltd and Les Pailles International Conference Centre Ltd have merged into Landscape (Mauritius) Ltd on 01 December 2016. Le Val Development Limited will also be merged into the company shortly.

This merger concerns companies managing and overseeing property development on public sector real estate assets other than State lands. The objective is to bring more coherence in policy formulation and improve management efficiency through the pooling of scarce resources, eliminating overlapping functions, developing synergies and creating greater value addition.

Madam Speaker, regarding part (a) of the question, as I have already explained, the objective of the merger was to pool resources in order to generate enhanced project implementation capabilities and not to reduce the cost of human resources by laying off workers.

However, after the merger, one ex-Chief Executive Officer has resigned and the contract of another ex-Chief Executive Officer was terminated, and these have led to a reduction in the salary bill by some Rs2.7 m. over 11 months. Director fees have also been reduced by some Rs5.6 m. during the same period following the setting up of one Board of Directors instead of the previous five Boards of Directors.

As regards part (b) (i) of the question, I am informed that Landscape currently employs a total of 261 persons, of which 251 are on permanent establishment and 10 are on contract basis. I am tabling a copy of the organisation structure of the company.

As for part (b) (ii) of the question, I am informed that the major projects earmarked for implementation by Landscape (Mauritius) Ltd are as follows -

- (a) the construction of two administrative towers for Government offices at Highlands, which is expected to start in November 2018 and completed in August 2020 ;
- (b) construction for the first phase of the redevelopment of the Port Louis Waterfront, which is expected to start in February 2018 and completed in October 2018;
- (c) construction for the first phase of the Ebene Urban Regeneration Project, which is expected to start in July 2018 and completed in February 2019, and
- (d) construction for the second phase of the redevelopment of the Port Louis Waterfront, which is expected to start in October 2018 and completed in August 2019.

Landscape (Mauritius) Ltd is also, acting as -

- (a) project co-ordinator for the provision of infrastructure works to service some 175 arpents of State land at Les Salines, Rivière Noire, where construction has already started and is expected to be completed in August 2018, and
- (b) project implementing agency for the construction of the new Supreme Court Building which will start in December 2017 and is expected to be completed in October 2019.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Madam Speaker, I have only two supplementary questions. The hon. Prime Minister just mentioned the Ebene Re-generation Project. The fact that we know that there is an issue of parking there, can he please look into the whole issue of congestion and parking space problems there?

**The Prime Minister:** Yes, Madam Speaker, we are also looking at the issue of traffic congestion which I would say it has become now alarming. There has been a proposal for a project of building a car park tower. This is in the pipeline of being finalised because there were some issues that have been raised. Discussions, I know, are ongoing. In fact, I know that there is going to be a meeting to try to see to it how we can finalise this project so that at least, I am sure, it will alleviate a lot of the parking problem in Ebène.

**Mr Rughoobur:** Can the hon. Prime Minister table the organisation structure? Can I have a look at the organisation structure?

**The Prime Minister:** Yes.

**Madam Speaker:** Hon. Rughoobur, will you have a look at it and then ask a supplementary question?

**Mr Rughoobur:** I have a question on this.

**Madam Speaker:** So as not to lose time, then, have a look at it and I will ask hon. Jhuboo for his question.

**Mr Jhuboo:** Thank you, Madam Speaker. In a Press article, mention was made of the recruitment of a super CEO, and I quote the article –

*“Au niveau du conseil d’administration ainsi qu’au bureau du Premier ministre on était favorable au lancement d’un appel à candidature internationale pour trouver l’oiseau rare. »*

So, my question to the hon. Prime Minister is whether this rare bird has been selected, appointed and if we could have the name of the person?

**The Prime Minister:** Well, I am not aware if there has been a process that has been started in order to recruit the CEO, not up to now, but I will try to get the information from Landscape.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. In relation to the organisational structure, can the hon. Prime Minister enlighten the House, in relation to the 10 employees on contract, whether they are in those 10 contractual basis employees? Are the CEOs and those who manage the company included?

**The Prime Minister:** I am not aware, but ...

**Madam Speaker:** If you do not have information, you can look for the information.

**The Prime Minister:** I can circulate that information.

**Madam Speaker:** Last question on this issue! Hon. Rughoobur!

**Hon. Rughoobur:** Based on this organisational structure, Madam Speaker, may I request the hon. Prime Minister to please look into one important issue? I find that there is neither a project implementation on the Monitoring Unit nor a Procurement Department. Can the hon. Prime Minister look into this issue because of the fact that the organisation evolves in monitoring projects worth billions of rupees?

*(Interruptions)*

**Madam Speaker:** Hon. Mohamed, please!

**The Prime Minister:** I will pass on this remark to Landscape.

**Madam Speaker:** Next question, hon. Rughoobur!

### **MHC - HOUSING UNITS - CONSTRUCTION**

**(No. B/718) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Mauritius Housing Company Ltd., he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) composition of the Board thereof, and
- (b) over the past two years, the -
  - (i) value of housing loans sanctioned, and



- (ii) total value of housing units constructed for the middle class group.

**The Prime Minister:** Madam Speaker, the composition of the Board of Directors of the Mauritius Housing Company Ltd is as follows -

- (i) Mr Darsanand Balgobin, Chairman, with effect from 15 March 2017;
- (ii) Mr Latanraj Ghoorah, Lead Analyst;
- (iii) Mr Dunputh Khoosye;
- (iv) Mr Georges Henry Jeanne;
- (v) Mr Azaad Aumeerally;
- (vi) Mr Mohammad Taslim Dooky, Executive Director
- (vii) Mrs Dalida Allagapen, Permanent Secretary, Non-Executive Director
- (viii) Mr Bojrazsingh Boyramboli, Permanent Secretary.

As regards part b(i) of the question, I am informed that over the past two years, the value of the housing loans sanctioned was as follows -

In 2015: Rs1 billion.

In 2016: Rs1.4 billion.

In 2017 (as at 31 October): Rs1.24 billion.

As regards part b(ii) of the question, I am informed that Mauritius Housing Company Ltd did not embark on any housing project for the past two years.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** I thank the hon. Prime Minister for his reply. In regard to part (b)(i), the hon. Prime Minister enumerated a list of the amount of loan disbursed. There was a Housing Empowerment Scheme for the middle class, if he has information as to the amount of loan that has been disbursed under this scheme - because this is specifically for the middle class - can he can table it later on?

**The Prime Minister:** I do not have the amount that has been already disbursed with regard to that particular Scheme. Obviously, I will find out and we can circulate this answer.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Madam Speaker, with regard to the last part of the question, the hon. Prime Minister said that the MHC for the past years has not been embarking on any housing project, but there was an announcement made in the previous Budget that Government

intended to merge the MHC and the NHDC. Can I ask the hon. Prime Minister what is the situation with regard to this announcement?

**The Prime Minister:** Let me clarify. First of all, I said for the past two years they have not carried out any housing projects, but they have already announced that there is one project on which they are working, that is, the Domaine Le Hochet, but it is still at design stage.

With regard to the merger, there is a Technical Committee that has looked into it and that is still working. There are complex issues that have to be sorted out before we can come to that final stage. So, I will stand to be advised by the Technical Committee.

### **COMPETITION COMMISSION - EXECUTIVE DIRECTOR – ALLEGED CORRUPTION OFFENCES**

**(No. B/719) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, he will, for the benefit of the House, obtain from the Independent Commission against Corruption, information as to if an employee of the Competition Commission or any other person has made allegations of corruption offences committed by the Executive Director of the Competition Commission in the exercise of his functions thereat and, if so, indicate if an inquiry has been initiated in relation thereto.

**The Prime Minister:** Madam Speaker, as I have stated earlier in my reply to the Private Notice Question, by virtue of section 81 of the Prevention of Corruption Act, no information relating to any investigation can be disclosed on any case investigated by the Independent Commission Against Corruption, except as provided for under sub-sections 81(4) and 81(5) of the Act.

In addition, under section 61(3) of the Prevention of Corruption Act, the Parliamentary Committee, which includes Members of Parliament, is precluded from seeking information on any investigation by the Independent Commission Against Corruption.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Madam Speaker, with the permission of one person who is directly concerned with the case at the institution concerned, I am going to table three

documents, namely, the case of Mr Veeramootoo Vencatasawmy – this was the subject of a Press article as well...

**Madam Speaker:** Don't mention names!

**Mr Osman Mahomed:** Names have been mentioned in the Press article.

**Madam Speaker:** Yes, but don't mention names of persons here; those persons are not here to defend themselves.

**Mr Osman Mahomed:** Okay! He made a complaint on 13 July 2016 against the Director, Mr Deshmukh Kowlessur for exploitation and abuse of authority. A few days later, he was notified of charges against section 32(2) signed by Mr Deshmukh Kowlessur himself and, subsequently, his employment was terminated on 27 January 2017. Can I ask the hon. Prime Minister, in light of the documents that I am going to table today, to enquire whether there is nothing wrong in this case because this person has made contact with me and has told me that he has been unfairly dismissed from his job? Thank you.

**The Prime Minister:** Well, obviously, I will look into the documents that are being tabled and the hon. Member can also come with a substantive question with regard to the Competition Commission if there are any issues that he would wish me to furnish to the House.

#### **MBC – MR R. K. V., SENIOR ADVISER – ALLEGED INTERFERENCE**

**(No. B/720) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Mr R. K. V., Senior Adviser at the Prime Minister's Office and Board Member of the Mauritius Broadcasting Corporation, he will state if he is in presence of a petition lodged by a journalist of the Corporation against the latter and, if so, indicate the actions taken in relation thereto, if any, and the outcome thereof.

**The Prime Minister:** Madam Speaker, I am not in presence of any petition lodged by a journalist of the Mauritius Broadcasting Corporation against Mr R. K. V., Senior Adviser at the Prime Minister's Office and Board Member of the Corporation.

The other parts of the question, therefore, do not arise.

Madam Speaker, however, on Thursday 09 November 2017, I was made aware of a copy of a letter dated 11 September 2017, addressed to me, by a group of 28 journalists of the Corporation, in which it has been, *inter alia*, alleged that there were interferences of Mr R. K. V. in the internal, editorial and operational matters of the News Department.

I wish to inform the House that, at no point in time, did I receive this letter, though addressed to me.

Now that I am in presence of this letter, I will obviously look into the matter.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** I hope the hon. Prime Minister can report to the House what action he intends to initiate. But does the hon. Prime Minister find it normal that his Chief Adviser/Senior Adviser in communication matters, Mr Veeramundar, sitting here listening, can be a member of the Board?

*(Interruptions)*

And I think it is the first time that the Chief Adviser/Senior Adviser of the Prime Minister in communication matters is a member of the MBC Board where there is a predominance of the Prime Minister's Office on that Board. Is this normal?

**The Prime Minister:** He can be a member of the Board. Madam Speaker, there have been, in the past, cases where advisers to Prime Minister and Ministers have been obviously members of so many Boards.

*(Interruptions)*

**Madam Speaker:** Sorry! Hon. Jhugroo, I am sorry, you are disrupting the smooth running of the House.

*(Interruptions)*

Yes. Hon. Jhugroo, it is the third time that I am warning you. Please, do not disrupt the smooth running of the House. Yes.

**The Prime Minister:** As I said, with regard to this letter which now I have taken cognizance, I will obviously look into the allegations that have been made by those journalists.

**Mr Bhagwan:** Is the hon. Prime Minister aware - I am sure he will enquire; he has so many officers there looking after the MBC - that every day, there is daily interference from the Senior Adviser and others, especially at the News of 19.30 hours to cover the activities of the Prime Minister and other Ministers first despite other instructions given by the top management of the MBC/TV; whether it is a fact that there is daily interference from Mr Veeramundar to the MBC/TV to that effect.

**The Prime Minister:** Madam Speaker, in fact, when I saw the letter, I saw, at one point in time, that those journalists who are complaining about his interference have made reference from what I can understand when I read that part of that paragraph, to having him said that he was criticising some of the journalists of the MBC for, in fact, just overdoing in terms of news with regard to the Prime Minister. I am just saying from what I have read. I am not saying that this is correct, but I will try to find out what has been said because only part of the quotation is mentioned. But I must have what has been said fully so that I can understand what is exactly the issue.

**Madam Speaker:** Yes, one last supplementary.

**Mr Bhagwan:** Can the hon. Prime Minister give assurance to the House, the country and the nation and all those paying this Rs150 that people of Mauritius are fed up, we live in a modern world, the MBC is not the property of Government. So, we cannot start all the news with Pravind Kumar Jugnauth, Pravind Kumar Jugnauth...

*(Interruptions)*

It is like *cochon*. Every day, it is like this. Before it was another tune. There are so many “*passer diber*” on the other side.

*(Interruptions)*

There are only a few months remaining for you! Only a few months! A few weeks!

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan! Hon. Bhagwan, please! You made your point!

*(Interruptions)*

**Mr Bhagwan:** The Prime Minister said he is a very modern Prime Minister, he believes in transparency, he believes in good governance.

**Madam Speaker:** Okay!

**Mr Bhagwan:** At least, he can give clear instructions because the MBC is doing a disservice to the nation and people are paying the Rs150.

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo! Now, this is the last time I am drawing your attention. Last time! Yes!

*(Interruptions)*

**The Prime Minister:** Madam Speaker, I also believe, of course, in broadcasting...

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, please!

**The Prime Minister:** I also believe in broadcasting news that are newsworthy, that are important and of interest to people. I am not saying, I mean, people who know me, I don't like ...

*(Interruptions)*

**Madam Speaker:** No, please, please!

**The Prime Minister:** ... to be projected all the time on the news, but...

*(Interruptions)*

**Madam Speaker:** Calm down, hon. Bhagwan!

**The Prime Minister:** But maybe also because I attend to...

*(Interruptions)*

**Madam Speaker:** Calm down, but don't become nervous!

*(Interruptions)*

Don't be passionate! Please, do not become nervous!

*(Interruptions)*

Carry on!

*(Interruptions)*

Hon. Rutnah!

**The Prime Minister:** So, obviously, Madam Speaker, there is an issue. In fact, I can assure the hon. Member that I do not interfere in the affairs of the MBC. I do not speak to anyone at the MBC unless - I have done so in the past, yes - there has been a complaint that has been addressed to me and I will try to find out what it was all about. But I must say also that I do, as Prime Minister, attend to a number of functions and it is for the MBC to see which one would be probably of importance and interest to be broadcasted also.

**STATE INSURANCE COMPANY OF MAURITIUS LTD – MR R. M., SENIOR  
ADVISER – BOARD MEMBER**

**(No. B/721) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Mr R. M., Senior Adviser at the Prime Minister's Office, he will state if he has been appointed as member of the Board of the State Insurance Company of Mauritius Ltd. and, if so, indicate the date and terms and conditions of appointment thereof, including the benefits drawn and give a list of all parastatal bodies and State-owned companies of which he is a member, indicating in each case the benefits drawn.

**The Prime Minister:** Madam Speaker, Mr R. M. has been appointed as member of the Board of the State Insurance Company of Mauritius Ltd with effect from 27 September 2017. He will hold office until the next Annual Meeting of Shareholders in 2018.

Madam Speaker, Mr R. M. sits on the Board of only one parastatal body, namely, the Board of Investment and is paid a monthly fee of Rs25,000. He is also a Director of the Board of Air Mauritius Ltd and SBM Holdings Ltd and their subsidiaries.

The remuneration of Board of Directors of the three State-owned companies and their subsidiaries is published in the annual reports of these companies and is, therefore, already in the public domain.

**Mr Bhagwan:** I have a few supplementaries, Madam Speaker, concerning this Mr *pran kass*. Can the Prime Minister inform the House again, the country and the nation, and the reputation of Mauritius, how can somebody - I have said so many times, the Prime Minister has been canvassing against champion, against corruption and so on - who is facing justice for a case of corruption, the Boskalis case, is on bail, having use of a diplomatic passport, how can somebody like this again sit on a board of such an important Government-owned company? Can the Prime Minister, at least, inform the House whether somebody's eyes are on the millions or billions in the coffers of SICOM, sending that guy who is facing corruption, on the Board of SICOM in this modern Mauritius? Is this transparency?

**The Prime Minister:** Madam Speaker, I have already replied to this question in the past, Maurice *est un État de droit*.

**The Prime Minister:** Madam Speaker, I have already replied to this question in the past. Maurice *est un État de droit*.

*(Interruptions)*

**Madam Speaker:** Please!

**The Prime Minister:** *Et il y a la présomption d'innocence.*

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, please!

**The Prime Minister:** Yes, true it is that he is before the Court, being prosecuted for a criminal offence. As I said, let the matter be resolved, but so far, he has not been convicted of any offence.

**Madam Speaker:** Yes.

**Mr Bhagwan:** Again, Madam Speaker, the hon. Prime Minister is saying that there is a case in Court and so on, but somebody who is facing justice and there are people from the Netherlands Government, Netherlands officials who are under oath testifying in that



particular case. The hon. Deputy Prime Minister was a legal adviser of that Boskalis Company and – I would say – Mr *pran kass* is allowed to sit everywhere, travelling with the Prime Minister, VIP facilities and having the VIP passport. So, we will wait for a few months remaining for you...

**Madam Speaker:** Okay, address the Chair!

*(Interruptions)*

Okay, hon. Bhagwan!

**Mr Bhagwan:** ...to appoint him on any other Boards.

*(Interruptions)*

Does the hon. Prime Minister think so! This is modern Mauritius! Can the Prime Minister, at least, inform the House that he has intention, that guy is clean, to appoint him on another Board? Is this the case?

**Madam Speaker:** Okay, hon. Bhagwan! Please!

**The Prime Minister:** I have already answered, Madam Speaker. At any rate, he is not sitting on Board everywhere as the hon. Member is saying. I have just given the reply.

**Madam Speaker:** Yes.

**Mr Bhagwan:** Can the hon. Prime Minister again inform the House that that Mr *pran kass* - P.M, alias Mr Boskalis...

*(Interruptions)*

**Madam Speaker:** Please, don't make allegations!

**Mr Bhagwan:** ...is using the name of the Prime Minister, interfering in all, at the SBM, Air Mauritius? Due to his interference, we see how Mauritius is becoming these days. Is the hon. Prime Minister aware that this Mr *pran kass* is using his name to *pran kass* and also to channel files?

*(Interruptions)*

**Madam Speaker:** No!

*(Interruptions)*

Hon. Bhagwan, this is a serious allegation that you have made. You have said that “that person *pran kass*”. We know what is this term and what it means.

*(Interruptions)*

Either you withdraw this allegation or then you have to produce evidence!

*(Interruptions)*

**Mr Bhagwan:** He is taking money as salary. *Pran kass!*

*(Interruptions)*

He is *pran kass*.

*(Interruptions)*

So, can the Prime Minister....

**Madam Speaker:** So, you are withdrawing what you are saying!

**Mr Bhagwan:** No, I am not withdrawing.

**Madam Speaker:** You are saying he takes money as salary.

*(Interruptions)*

Okay!

**Mr Bhagwan:** *Pran kass!*

*(Interruptions)*

Madam Speaker, can the Prime Minister...

*(Interruptions)*

ABC, *Galoupé Bez Kass!* Can the hon. Prime Minister, at least, inform the House, if not now, but table it - by the way we are still waiting for many questions which have yet been replied – the total amount in rupees that Mr *pran kass* is earning from the public?

**The Prime Minister:** I have said from his responsibility as member of these Boards, it is already in the public domain about what he is earning, but with regard to his wage, his salary as an adviser, of course, if the hon. Member comes with a substantive question, I will reply.

**Madam Speaker:** No, either you or hon. Uteem! You should arrange among yourselves!

*(Interruptions)*

We have got only one. So, either you or hon. Uteem!

*(Interruptions)*

No, please! Either you or hon. Uteem!

*(Interruptions)*

Either you or hon. Uteem who will ask the question!

*(Interruptions)*

Please, ask your question!

**Mr Bhagwan:** How can I ask questions, *gayne vomi kan sa bougre la rentrer ici!*

*(Interruptions)*

How can we have lunch!

*(Interruptions)*

**Madam Speaker:** No, do not lose time!

*(Interruptions)*

Hon. Bhagwan, don't lose time!

*(Interruptions)*

Hon. Bhagwan, ask question!

*(Interruptions)*

Order, please! Order!

*(Interruptions)*

Hon. Bhagwan, time is running out, ask your question!

*(Interruptions)*

**Mr Baboo:** Madam Speaker, can the hon. Prime Minister, for the benefit of the House, state or table the full qualifications of Mr R. M., please?

**The Prime Minister:** I have no problem.

**Mr Uteem:** Madam Speaker, SICOM is a financial institution regulated by the FSC. There is a law, the Financial Services Act which stipulates that Board of Directors in these institutions must be fit and proper person. Being an operator in the offshore sector, I know how difficult it is to convince the FSC to get people on the Board...

**Madam Speaker:** Ask your question!

**Mr Uteem:** ...when there is suspicion...

**Madam Speaker:** Ask your question!

**Mr Uteem:** Yes. This is my question!

**Madam Speaker:** Ask your question or...

**Mr Uteem:** ...there is suspicion of any corrupt charge. So, how is it that in this case, the FSC has allowed this guy to sit as Director of the Financial Institution?

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, please!

*(Interruptions)*

Please, allow the Prime Minister to reply!

**The Prime Minister:** Madam Speaker, you can hear those allegations that are being made against this gentleman...

*(Interruptions)*

**Madam Speaker:** Order!

*(Interruptions)*

Hon. Baloomoody!

*(Interruptions)*

Hon. Baloomoody, please!

*(Interruptions)*

Hon. Bhagwan, you have asked your question, either the Prime Minister replies or if there is noise in the House, he won't be able to reply!

*(Interruptions)*

No, you can't ask questions...

*(Interruptions)*

You can't ask questions and then give the reply yourself!

*(Interruptions)*

Hon. Prime Minister, would you wish to reply! You reply and then time is over!

*(Interruptions)*

**The Prime Minister:** I wish to say I am not protecting anybody. As I say, I will repeat again, *nous sommes un État de droit. Il y a la présomption d'innocence.* Let the matter be resolved, then we will see.

*(Interruptions)*

**Madam Speaker:** Time is over! The Table has been advised that PQ B/745 in regard to the proposed construction of artificial beaches will be replied by the hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development. PQ No. B/784 in regard to St Brandon Island will be replied by the hon. Minister of Local Government and Outer Islands. PQ B/732 has been withdrawn.

*(Interruptions)*

Hon. Osman Mahomed!

**PONT FER/JUMBO/DOWLUT ROUNDABOUTS - GRADE SEPARATED  
JUNCTIONS - CONSTRUCTION**

**(No. B/729) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to Pont Fer, Phoenix, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if the construction of a Grade Separator thereat is being envisaged and, if so, indicate –

- (a) the rationale therefor;
- (b) the scope thereof;
- (c) the estimated cost thereof;
- (d) the proposed procurement procedure envisaged therefor, and
- (e) if compulsory acquisition of land or otherwise will be required therefor and, if so, indicate the extent and total associated cost thereof.

**Mr Bodha:** Madam Speaker, with your permission I will answer this question.

Madam Speaker, the construction of the Grade Separated Junctions at Pont Fer/Jumbo/Dowlut roundabouts forms part of the Road Decongestion Programme. The RDP together with the Metro Express project constitute the National Integrated Transport Network Project. The overall aim of these projects is to provide an effective and efficient road network to support the socio-economic development of Mauritius by -

- (i) improving the fluidity of traffic to reduce congestion;
- (ii) decreasing accidents to provide road safety, and
- (iii) enhancing the level of service to road users through the provision of high quality infrastructure.

Regarding part (a) of the question, we are aware that the Pont Fer, Jumbo and Dowlut roundabouts at Phoenix face major bottlenecks which significantly impact on the traffic flow along Motorway M1 in the lower Plaines Wilhems area. This situation has worsened with the traffic generated by several road projects, which have been recently completed in the vicinity,

such as the Phoenix Beau-Songes Link Road, widening of the Motorway M1 from Phoenix to St Jean and the Verdun-Ebène Link Road.

In order to address the high levels of congestion, it has been deemed essential to construct grade-separated junctions at the three roundabouts. The upgrade would considerably facilitate traffic flow, with suitable merging movements for traffic originating from the south and from other directions.

For safety reasons, the project will also include a part realignment of Sodnac Link Road at its junction with Sayed Hossen Road, and the conversion of Jumbo roundabout into a signalised T-Junction.

Regarding part (b) of the question, the scope of works for the grade-separated junction at Phoenix comprises the following -

- (i) the construction of 3.5 km of road in dual carriageway;
- (ii) the construction of 3 viaducts – one at Pont Fer(315m), one over Jumbo roundabout(180m), and one over Dowlut roundabout(250 m);
- (iii) the construction of a signalised T-Junction at Jumbo;
- (iv) the construction of new roundabouts on Sayed Hossen Road and Sodnac Link Road;
- (v) provision of drainage facilities and retaining structures, and
- (vi) provision of footpaths, road safety furniture, traffic signs, road lighting and landscaping.

In regard to part (c) of the question, I am informed that the estimated cost of the project is MUR 1.8 billion excluding VAT.

Madam Speaker, insofar as part (d) of the question is concerned, an open international bidding procedure has been adopted for this project. Bidding documents prepared and approved by the Central Procurement Board were sent to six prequalified bidders with closing date for submission of bids on 09 November 2017.

Three bids from the prequalified bidders have been received at the CPB and evaluation has started yesterday.

As regards part (e) of the question, I am informed that out of a total of 147,415 m<sup>2</sup> of land required for the project, 24,391m<sup>2</sup> will have to be acquired compulsorily. The associated cost thereof is being assessed by the Valuation Department.

**Mr Osman Mahomed:** The hon. Minister has said that this area is very congested. In fact, the fire truck took 45 minutes to reach Shoprite the other day leading to dire consequences. Now, I will have three questions, Madam Speaker.

**Madam Speaker:** No, one by one.

**Mr Osman Mahomed:** One by one, of course. Can the hon. Minister enlighten the House as to whether the project is now comprised of a single level interchange, single tier, with traffic coming from the North and bound for Vacoas, foreseen to continue using the roundabout at Phoenix, as opposed to the Road Decongestion Programme under the previous Government, which involved a two level interchange, two-tier, with great separation for both Curepipe bound traffic and Vacoas bound traffic over the Phoenix roundabout for traffic coming from the North and vice versa?

**Mr Bodha:** Technically, the solution which has been proposed, Madam Speaker, is one-tier. In fact, the traffic coming from Dowlut and the traffic coming from Sivananda will fly over the three roundabouts.

**Mr Osman Mahomed:** On a second note, can the hon. Minister enlighten the House as to whether the Jumbo roundabout is now set to be replaced by traffic lights on motorways instead of a Grade Separated Crossing and that it is still not quite clear what will happen to the Metro Express at this interface?

**Mr Bodha:** Madam Speaker, the interface between the Metro and this Grade Separated Junction has already been well worked out. In fact, in the former version, the Metro was flying over the roundabouts. This time, the Metro is going to be at ground level and you will have a signalised version where the Metro is going to have precedence over the traffic.

**Mr Osman Mahomed:** So, we will now have traffic lights on motorways. My last question - I am going to table the previous...

*(Interruptions)*

Is the hon. Minister agreeable that these changes, in and of themselves, constitute a downgrading of the initial project for cost reduction sake at the expense of the quality of the project and that its very technical objectives are now compromised with some congestions foreseen to remain post-construction of the project? The documents are here.



**Mr Bodha:** Not at all, Madam Speaker. What I am going to say is that the lights are at ground level. The motorway will fly out over the three roundabouts.

**Madam Speaker:** Next question, hon. Osman Mahomed!

### **A1-A3 LINK ROAD - CONSTRUCTION**

**(No. B/730) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the A1 and A3 motorways, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if the construction of a link road between the two is being envisaged and, if so, indicate –

- (a) the rationale therefor;
- (b) the scope thereof;
- (c) the proposed procurement procedure envisaged therefor, and
- (d) if compulsory acquisition of land or otherwise will be required therefor and, if so, indicate the extent and total associated cost thereof.

**Mr Bodha:** In fact, Madam Speaker, the question is not about motorways, but link road. I thank the hon. Member for asking the questions, in fact.

Madam Speaker, the A1-A3 Link Road will connect the Port Louis-St Jean Road (A1) to the Black River Road (A3) is currently in the pipeline. The purpose of this project is to provide a rapid link for traffic from Port Louis and the central regions heading towards the West and vice versa. The road will start from its intersection with A1 Road at the new interchange to be constructed under the Road Decongestion Programme at Coromandel and will end up at Gros Cailloux.

The project aims to reduce traffic congestion along A1 and A3 Road by providing an alternative access to the West, reduce travel time by providing a faster link and curb vehicle operating cost and enhance road safety.

Madam Speaker, in regard to part (b) of the question, the construction of the A1-A3 Link Road will comprise the following -

- (i) design and construction of approximately 2.7 km long single carriageway with 1.5m wide paved hard shoulders on both sides;

- (ii) design and construction of 400m long dual carriageway with 1.5m wide paved hard shoulders on both sides;
- (iii) design and construction of two roundabouts and a signalised junction, and
- (iv) provision of drainage works and associated miscellaneous road furniture.

The estimated cost is Rs262 m.

Regarding part (c) of the question, I am informed that the project will be undertaken on a design-build/turnkey contract. Bidding documents have already been prepared and will be launched very soon after approval from the Central Procurement Board.

As regards part (d) of the question, the land acquisition exercise has started and an extent of approximately 190,000 m<sup>2</sup> will be required for the project. The value is being assessed by the Valuation Office.

**Mr Osman Mahomed:** I thank the hon. Minister. Can the hon. Minister enlighten the House whether this project is part of the Road Decongestion Programme?

**Mr Bodha:** In fact, the Road Decongestion Programme has the Jumbo Phoenix interchange, the A1-M1 bridge - I am going to talk about it in the next question - and the tunnel. But to connect from the West, we had to do this connection A1-A3 so that people coming from the West can connect at Coromandel, the bridge over Sorèze and join the motorway.

**Mr Osman Mahomed:** Can the hon. Minister enlighten the House further as to whether the A1 and A3 motorways are not already connected to each other and that these connections could have been merely upgraded to serve the same purpose of diverting traffic away from that area?

**Mr Bodha:** The idea, Madam Speaker, was to connect the West with the A1- M1 bridge. Now, the A1- M1 bridge comes at Sorèze and it connects with the Ring Road Phase I and Ring Road Phase II and enters into Port Louis at Ring Road Phase III.

**Mr Bhagwan:** Madam Speaker, can I ask the hon. Minister - not on humanitarian ground, but on other practical grounds, there are a few people in our Constituency, opposite Gamma Civic or somewhere there, just before the Intermart, who have been living there for years and who have received some official papers that they have to move or half of their houses will be reduced and so on, in connection with this project of Gros Cailloux to the motorway. Can I appeal to the hon. Minister to meet these people and see how - because again, it is a question of compensation – alternative houses can be provided to them and

where? So, can I appeal to the hon. Minister to meet these people, there are three or four families in that corner, opposite Gamma Civic, at least, because these people are living a nightmare from what they have seen and witnessed during the past months?

**Mr Bodha:** Madam Speaker, I will certainly and personally do that and I would like to have the hon. Member with me when I am meeting these people.

**Madam Speaker:** Next question, hon. Osman Mahomed!

### **A1 -M1 BRIDGE - CONSTRUCTION**

**(No. B/731) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the A1 and M1 motorways, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if the construction of a link road between the two is being envisaged and, if so, indicate –

- (a) the rationale therefor;
- (b) the scope thereof;
- (c) the proposed procurement procedure envisaged therefor, and
- (d) if compulsory acquisition of land or otherwise will be required therefor and, if so, indicate the extent and total associated cost thereof.

**Mr Bodha:** I thank the hon. Member again. The construction of the A1-M1 bridge, Madam Speaker, is another component of the Road Decongestion Programme, as I said.

Regarding part (a) of the question, the A1-M1 Link Road will improve the distribution of traffic within the network of A1 Road and M1 Motorway and will provide an alternative access to the city of Port Louis to traffic originating from Rose Hill, Beau Bassin, Chebel up to upper Coromandel. It is expected also that the project will reduce traffic congestion to a significant level along A1 and M1 Motorway and at locations such as Redit and Ebène.

Furthermore, in conjunction with the proposed A1-A3 Link Road, which I mentioned, the project will help to reduce traffic generated along A1 Road by providing alternative access to the west.

Madam Speaker, regarding part (b) of the question, the scope of works for the A1-M1 Link Road comprises the following -

- (i) construction of 1.1 km of road of dual carriageway;
- (ii) construction of a 350m long cable bridge at GRNW – which is going to be the longest bridge ever in Mauritius;
- (iii) construction of 2 flyovers – one of 500m length at Chebel and another of 700 m length at Sorèze;
- (iv) provision of drainage facilities and retaining structures, and
- (v) provision of footpaths, road safety furniture, traffic signs, road lighting and landscaping.

Madam Speaker, as regards part (c) of the question, an open international bidding - in fact, we did the tender for both A1-M1 and Jumbo Phoenix in one exercise, so it's the same exercise. So, the bidding procedure was done, bidding documents were prepared and approved by the Central Procurement Board (CPB), sent to six prequalified bidders, with closing date, as I mentioned earlier, on 09 November.

Three bids have been received from the prequalified bidders. The estimated cost of the A1-M1 project is Rs2.7 billion.

Insofar as part (d) of the question is concerned, I am informed that out of a total of 133,000 m<sup>2</sup> of land for the project, 67,923 m<sup>2</sup> will involve compulsory acquisition, of which 30,000 has already been acquired for a total cost of Rs239 m. The cost associated with the remaining portions will be assessed by the Valuation Authority.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you. Has there been a change in design from what was proposed by J. Maynard, the previous consultant, and the Korea Expressway Corporation with regard to this particular project?

**Mr Bodha:** Basically not.

**Mr Uteem:** This being the case, can the hon. Minister explain why there is so much delay? Because this is a project which was there from the previous government. We have been talking and talking again, and now we know that only last week the tender has been closed.

**Mr Bodha:** In fact, the project in the past was for one billion dollars. We reduced it to 15 million, and then the design was made, the bidding, the pre-qualification to three months from CPB. Then, when we gave them the design, they said it is very complex and

they requested for an extension of time on the bidding, and it was only Friday last that the bids came. So, we started with 16 companies and there were six which were prequalified and, in the end, we had only three bids. I must say that they were 16 of the biggest companies in the world.

**Mr Osman Mahomed:** The hon. Minister just mentioned that cost has been reduced, as opposed to the previous one. Now, J. Maynard is an international renowned consultant. I am not too sure about the Korea Expressway Corporation; I do not see the track record quite readily available. How come the cost reduction is so much? Are we not - once again, I put the question to the hon. Minister - sacrificing the quality of the project at the expense of cost and downgrading the project, and we will end up having more - not now - traffic jam in the coming years?

**Mr Bodha:** Not at all, Madam Speaker. The reduction is linked to the Dream Bridge, which was supposed to cost, from the former government, Rs10 billion. That is where we did not go ahead with that component of the project.

**Madam Speaker:** Next question, hon. Jahangeer!

#### **CEB - ST LOUIS POWER STATION - GAS EMISSIONS**

**(No. B/732) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the newly installed engines of 4x15MW capacity at the St Louis Power Station, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the –

- (a) sound test results thereof as per the bid documents, and
- (b) quantum of NOX & SOX toxic gas emissions therefrom during the operation thereof.

*(Withdrawn)*

#### **TROU AUX CERFS - METEOROLOGICAL RADAR SYSTEM - IMPLEMENTATION**

**(No. B/733) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Project for the Procurement and

Installation of a New Meteorological Radar System at Trou aux Cerfs, he will state where matters stand as to the implementation thereof.

**The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong):** Madam Speaker, with your permission, I shall reply to this question.

Madam Speaker, I would refer the hon. Member to the reply made to PQ B/669 on 05 July 2016 by the then Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit, wherein the House was informed that the project for improvement of the Meteorological Radar System for the Republic of Mauritius would start in August 2016 and would be completed by March 2018. I am informed that the project, in fact, started in mid-September 2016 and is expected to be completed by March 2018.

Madam Speaker, I am further informed that the project comprises two phases, namely

—

- (a) the construction of the building which, I am advised, has been completed at 60%, and
- (b) the manufacturing and installation of the equipment.

I am also informed that 80% of the construction of the equipment in Japan has been completed, and a first consignment of the equipment has reached Mauritius this month.

Madam Speaker, I am informed that the project would be completed by March 2018 and the weather radar is expected to be operational during the cyclonic season 2018-2019.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Thank you, Madam Speaker. Can the hon. Minister state to the House if the procurement includes the training of staff and, if yes, how many staff is under training or would be trained?

**Mr Wong Yen Cheong:** Implementation; we will also have capacity building of the staff that will be comprised in the contract.

**Madam Speaker:** Hon. Baboo!

**Mr Baboo:** Thank you, Madam Speaker. Can the hon. Minister, for the benefit of the House, inform the estimated cost of procuring the system, the standard, and from which country?

**Mr Wong Yen Cheong:** I have some additional information here that, in fact, there was a grant from the Japanese side of Rs407,660,160. Then, the Government of Mauritius has earmarked an amount of Rs250 m. for the financial year 2017/2018 under the item 'Acquisition of Doppler Weather Radar', and in the plan for financial year 2018/2019, an amount of Rs162 m. has been earmarked.

**Madam Speaker:** Yes, hon. Armance!

**Mr Armance:** Thank you, Madam Speaker. Is the Minister aware of the numerous complaints of the inhabitants of Camp Chapelon regarding the installation of the new engine? I would like to know from him whether he is willing to meet the inhabitants for an awareness session.

**Mr Wong Yen Cheong:** I am sorry, Madam Speaker. This has nothing to do with Camp Chapelon.

*(Interruptions)*

**Madam Speaker:** The hon. Member is not listening to what is happening! Hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, can I ask the hon. Minister of Environment that in the process of the construction of this building - The whole surrounding of Trou aux Cerfs is one of the major *parcours de santé* for inhabitants of Curepipe and the surroundings. Can I invite the Minister to go and have a look there, even as acting and former Minister of Environment? Can I ask the hon. Minister whether he considers it normal that the state of affairs concerning this region, where people have their regular walks in the morning and afternoon, and whether it is contemplated by his Ministry, with the contractor, in terms of rehabilitation of the whole site of Trou aux Cerfs, I can say jogging park?

**Mr Wong Yen Cheong:** Madam Speaker, in fact, the substantive Minister talked to me and he is very concerned about the environment. Being the Minister of Environment, he will take this on board so that inhabitants in Curepipe will benefit from a very nice health track there.

**Madam Speaker:** Last question on this, hon. Mrs Selvon!

**Mrs Selvon:** Thank you. Will the hon. Minister explain why this project, announced since January 2015 to form part of an early warning system for intending disasters, has been so much delayed that we are not ready for the 2017 cyclone season?

**Mr Wong Yen Cheong:** Madam Speaker, in fact, there were many problems raised during that. There was also problem of rain season; the construction could not go ahead. I know that during December-January 2016, there was also problem of the procuring of cement; the company was closed. There were some issues like that. But, in fact, that project started in 2013 and it was our Government that came forward so that it can be a reality.

**Madam Speaker:** Next question, hon. Jahangeer!

### **METRO EXPRESS PROJECT – LOCAL WORKFORCE & SUPPLIERS**

**(No. B/734) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state the number of Mauritian contractors to whom Larsen & Toubro has subcontracted works thereunder.

**Mr Bodha:** Madam Speaker, with your permission, I will answer this question.

I am informed that the Request for Proposal and subsequently the contract awarded to Larsen & Toubro Ltd for the design and construction of the Metro Express Project provide for the company to enlist the services of the local workforce and avail of the services of local suppliers, as specified in its Local Industry Participation Plan.

Thus, Larsen and Toubro Ltd will have to access plant and machinery available in Mauritius. The contract, in fact, makes provision for Larsen and Toubro Ltd to develop, implement, maintain and update its Local Industry Participation Plan to ensure that it meets the following objectives –

- (i) expand the capacity of the local workforce through skills development and technology transfer;
- (ii) contribute to the economy through direct and indirect employment;
- (iii) actively assist local industry to up-skill to meet current industry standards and requirements;



(iv) employ local workforce and local suppliers, and

(v) enhance the standard of the industry through the provision of training and development opportunities for example, for engineers.

Madam Speaker, I am further informed that as at date, Larsen & Toubro Ltd has awarded subcontracts to eight agencies; six in Mauritius, one from India and one from South Africa for, *inter alia* –

- fencing works;
- area cleaning;
- geotechnical investigation, and
- conveyance purposes.

Discussions with another five subcontractors are ongoing with the Mauritian contractors for works which are expected to start on 16 January.

Madam Speaker, I am further informed that for the three months from October to December 2017 Larsen & Toubro Ltd will initially be needing around 40 local persons and is doing the needful to recruit same with the assistance of the Ministry of Labour, Industrial Relations, Employment and Training. In fact, there was an advertisement in the papers recently.

**Madam Speaker:** Yes, hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Can the hon. Minister inform the House about the names of the civil contractors that have been awarded the contract?

**Mr Bodha:** The Indian Company is MS SYSTRA with the Detailed Design Consultant; the South African Company is African Consulting Surveyors to carry out the topography survey. This technology, in fact, is not available in Mauritius. That is the information I have.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Can the hon. Minister inform the House whether there has been some mechanism set up to ascertain the competence of the local contractors, whether they have got the requisite skills and know-how to carry out this kind of work which will be an unprecedented kind of work in Mauritius for the first time?

**Mr Bodha:** I think we have to leave it to Larsen & Toubro Ltd. They are professionals. I have a list of the local companies. They have taken –

- Frankipile for geotechnical investigations; in fact, everybody knows that Frankipile is the best here;
- Container Associates Ltd. for conveyancing;
- Canakiah Associates Co Ltd for fencing works and cleaning;
- Wright Garnet Transport for conveyancing, and
- Labolink Ltd. for testing

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you, Madam Speaker. I think we should not underestimate our own local professionals and talent. This is dangerous. This is very dangerous!

*(Interruptions)*

Madam, the hon. Minister in his reply has made mention of plant and equipment, and workers. What about our professionals, our engineers? At a time when the Government has recruited 200 trainee engineers and there is nothing much going on in the Civil Service and they have nothing to do...

**Madam Speaker:** Put your question!

**Mr Osman Mahomed:** What about our engineers?

**Madam Speaker:** Yes!

**Mr Bodha:** In fact, we have proposed and Larsen & Toubro Ltd. has accepted that we have ten young engineers to be trained in the rail industry for the next four years so that in the end they will be able to man. But in the civil works as well we are going to have local people.

**Madam Speaker:** Hon. Lesjongard, last question!

**Mr Lesjongard:** Thank you, Madam Speaker. The hon. Minister in his reply stated that the company Larsen & Toubro Ltd has started discussion with five Mauritian subcontractors, that is, in the civil engineering field. Can we have the names of those companies?

**Mr Bodha:** I don't have the names of the companies but what we have proposed to Larsen & Toubro Ltd is to take all the big five, the major big companies.

**Madam Speaker:** Hon. Members, the hon. Leader of the Opposition tabled a list of purchases of vehicles from Iframac earlier during his PNQ. The said list not being one which meets all the requirements of the Standing Orders in terms of authentication for tabling purposes, I have disallowed the tabling thereof.

However, the hon. Leader of the Opposition may, if he so wishes, handover same to the hon. Prime Minister for his consideration. Thank you.

I suspend the sitting for one and a half hours.

*At 1.00 p.m. the sitting was suspended.*

*On resuming at 2.33 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Please be seated! Yes, hon. Ameer Meea!

#### **TROU FANFARON POLICE STATION – FIRE OUTBREAK**

**(No. B/735) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Trou Fanfaron Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the causes of the fire which broke out thereat, on or about Monday 14 August 2017, and
- (b) where matters stand as to the proposed construction thereof as an integrated project with the new development being envisaged in the city of Port Louis, including the location and the expected start and completion dates thereof.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that on 14 August 2017 at 17.41 hours, the Police attended to a case of fire at the ex-Trou Fanfaron Police Station. The fire was subdued by the Fire and Rescue Services within two hours. Enquiry into the case to know the cause of the fire is still ongoing.

With regard to part (b) of the question, I am informed that the Ministry of Public Infrastructure and Land Transport is in the process of launching a Request for Proposal in the

context of an integrated project for the Redevelopment, Modernisation and Operation of the Immigration Square Terminal that will comprise, amongst others, a new and modern urban bus terminal with an overhead esplanade to be linked to the Metro Express Terminal, commercial spaces to accommodate hawkers and other retailers; a green area; office space; fire station; as well as a surface area of 800 m<sup>2</sup> square to accommodate the Trou Fanfaron Police Station.

I am further informed that the contract for construction works is expected to be awarded within this financial year and the works to last for about two years.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, as the House is aware, the Trou Fanfaron Police Station is listed as a national heritage building, one of the oldest buildings in Mauritius that is dated back to 1779. So, what is being done in order to preserve this building? Because if nothing is being done, it is being left in a state of derelict, the building will run down and will surely catch fire again. So, my appeal to the Rt. hon. Prime Minister is, what is being done to...

*(Interruptions)*

So, my appeal to the Rt. hon. Mentor rather - since the hon. Prime Minister is not here - is what is being done so as to restore this national building?

**Madam Speaker:** What is your question?

**Mr Ameer Meea:** ... so as to restore this national building.

**Sir Anerood Jugnauth:** Well, it will be preserved as a heritage and I am sure that needful will be done because the Commissioner mentioned it to me.

**Madam Speaker:** Yes, hon. Baloomoody!

**Mr Baloomoody:** The Rt. hon. Minister Mentor just replied that the inquiry is still ongoing and the cause of fire is not known yet. May I know whether an audit has been done to find out whether Police inquiry's file has been burnt, specially exhibits have been destroyed in the course of the fire?

**Sir Anerood Jugnauth:** I do not know. I cannot answer that unless a specific question is put.

**Mr Ameer Meea:** Answering to a question, the then hon. Prime Minister, that is, yourself, in March 2015, stated to the House that the new Police Station adjacent to the existing building on the plot of land which is currently used as parking, has been identified to construct the new Fanfaron Police Station, that is vesting of the land in the Police Department in order to start project, arrangements are being made. May I ask the Rt. hon. Minister Mentor whether this destination has been secured, or whether it has been changed for the construction of the new Police Station?

**Sir Anerood Jugnauth:** Well, it is clear that it has been changed. It is a new project that will be on now.

**Madam Speaker:** Next question, hon. Ameer Meea!

#### **CENTRAL MARKET - RENOVATION**

**(No. B/736) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the Central Market, he will state if consideration will be given for the renovation thereof and for the implementation of effective sanitary measures thereat.

**Mr Jhugroo:** Madam Speaker, I am informed by the Municipal City Council of Port Louis that following an adverse report from the Ministry of Health and Quality of Life regarding poor sanitary conditions at the poultry, meat and fish sections of the Central Market, it has decided to renovate the fish, meat and poultry sections of the Central Market which were constructed some 75 years back, and which have not been upgraded since long.

The estimated cost of the renovation works is Rs90m. I understand that the Council is looking for funds to carry out the works.

As soon as funding will be available, it will embark on the project.

**Mr Ameer Meea:** It is good that the hon. Minister is aware of the very bad hygiene and sanitary condition in the meat, poultry and fish sections. My question to the hon. Minister is that at the entrance of the Central Market, which is found on the Motorway, and it has been like this since years, two garbage collection vehicles are parked there every day, for weeks

and for months. May I ask the hon. Minister if he can find an alternative place where garbage could be collected because this is a terrible eyesore because thousands of Mauritians transit through the Motorway where the Central Market is, and also tourists as well transit through this route? May the hon. Minister through his Ministry and the Municipality of Port Louis, sit and try to find an alternative solution because this is, as I said, a terrible eyesore.

**Mr Jhugroo:** Thank you. After having listened to my hon. friend, I will take this issue with the Municipal Council of Port Louis.

**Madam Speaker:** Next question!

**WESTERN CEMETERY, LES SALINES & BOIS MARCHAND CEMETERY  
– TOMBSTONES - PROFANATION**

**(No. B/737) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether he will state if he is in presence of representations from the President of the Chinese Chamber of Commerce in relation to the increasing number of profanation of tombstones at the Western Cemetery, at Les Salines, Port Louis, and at the Bois Marchand Cemetery and, if so, indicate if urgent remedial measures have been taken in relation thereto.

**Mr Jhugroo:** Madam Speaker, I am informed by the Municipal City Council of Port Louis that it has not received any representation from the President of the Chinese Chamber of Commerce with regard to profanation of tombstones at the Western Cemetery, Les Salines.

However, a letter was received from *Fondation Fort Blanc* on 23 August 2017 regarding profanation of tombstones at this cemetery.

Subsequently, a meeting was held by the Lord Mayor with the representative of the Association, and the Council has already informed the Commissioner of Police regarding these acts of vandalism.

Further, I am informed that the Council has taken the following remedial actions to prevent these acts of vandalism -

- (i) only one gate is open during the day, the others have been locked;
- (ii) all gates are locked at night;

- (iii) the services of 2 watchmen were previously and are still posted at the Western Cemetery;
- (iv) the Police have been requested to carry out regular patrols in the vicinity of the cemetery;
- (v) 25 additional floodlights will be provided at the cemetery, and
- (vi) the height of the enclosure wall of the cemetery will increase from 1.5m to 3.0m.

As regards the Bois Marchand Cemetery, I am informed by the District Council of Pamplemousses that following representations received from the Chinese Chamber of Commerce, a site meeting was convened on 15 September 2017 with the stakeholders concerned, in the presence of the representatives of the Chinese Chamber of Commerce.

In the course of the site meeting, the following remedial measures were proposed -

- (i) to increase the number of security guards;
- (ii) to increase the height of the fencing wall;
- (iii) to install barbed wire all along the fencing wall;
- (iv) construct a wall near the flyover;
- (v) regular patrol by the Police;
- (vi) to install CCTV cameras, and
- (vii) to provide adequate lighting in the Chinese section of the cemetery.

I am informed by the District Council that since 01 November 2017, the number of security guards has been increased from 2 to 3 for greater vigilance and control.

Further, the Council has decided to increase the height of the fencing wall, from 4 ft to 7 ft and to install barbed wire all along the fencing wall, and to increase the lighting poles from 25 to 35 in the Chinese section to provide adequate lighting.

I am further informed that, as decided during the site meeting, CCTV surveillance camera would be installed by the Chinese Chamber of Commerce.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Yes, Madam Speaker, according to a past PQ by myself on November 2015, PQ B/824, the then hon. Minister of Local Government informed the House that Bois Marchand Cemetery is the biggest one in Mauritius, covering for about 70 acres of land. And at that time he stated to the House, there were only 6 people looking after the cemetery, but now we are informed by the hon. Minister that the security guards have been increased from 2 to 3. But for a cemetery of about 70 acres of land, do you think that 3 security guards will be sufficient to guard such a vast area?

**Mr Jhugroo:** Madam Speaker, I will take this matter with the District Council of Pamplemousses and they will have to decide whether they will stick to 3 or they will have to increase to 6.

**Mr Ameer Meea:** Also, Madam Speaker, all the measures that the hon. Minister has announced, this was also announced 2 years back. So, I will ask the hon. Minister to take this thing as urgent, because there have been so many reported cases to the Police for *profanation des tombes* and this is a very serious matter. The list that you gave, CCTV, increase wall fence, security guards, this has to be done now. We cannot wait anymore.

**Mr Jhugroo:** Yes, I am aware of this problem because I have also read in newspapers in the past. So, I will take this issue as an urgent matter with the District Council of Pamplemousses.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. May I ask the hon. Minister if he can talk to the Minister of Finance because all these measures cost money and the local authorities keep complaining that they do not have funds, they do not have funds to expense? So, if he can talk to the Minister of Finance and see if funds can be disbursed from the Central Government to the local authorities so that they can implement these projects!

**Mr Jhugroo:** Thank you, hon. friend. Madam Speaker, luckily we have got a Prime Minister and also Minister of Finance *qui est à l'écoute de tous les parlementaires*. So, I will come with this next year when I will go to see him for the Budget, because whatever decisions we have taken during the...

*(Interruptions)*



It is not my habit to butter anyone.

**Madam Speaker:** Hon. Bhagwan, do not talk from a sitting position!

**Mr Jhugroo:** I know that my hon. friends are professionals in buttering, but no, it is not my hobby!

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. I am interested to know in relation to these three security guards. May I inquire from the hon. Minister whether these security guards are employed by independent contractors or are they employees of the Local Council and if they are employees of the Local Council whether the Local Council could try and enlarge the number of security officers into that cemetery?

**Madam Speaker:** The question has been put.

**Mr Jhugroo:** Madam Speaker, I have no information with regard to what my Friend has just mentioned, but anyway, I will ask the District Council to look after this.

**Madam Speaker:** Next question, hon. Ameer Meea!

#### **BALI - WORLD PARLIAMENTARIAN FORUM**

**(No. B/738) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the World Parliamentarian Forum held in Bali, on or about 07 September 2017, he will state if his Ministry had received invitations for participation therein and, if so, indicate the actions taken at the level of his Ministry and the outcome thereof.

**The Minister of Health and Quality of Life (Dr. A. Husnoo):** Madam Speaker, with your permission, I am going to answer this question. On 19 July 2017, the House of Representative of the Republic of Indonesia extended an invitation to attend the World Parliamentarian Forum for sustainable development which was scheduled on 06 and 07 of September 2017 in Nusa Dua Bali, Indonesia. The theme of the forum was achieving the 2013 agenda through inclusive development.

In view of the theme of the forum, the invitation was forwarded for consideration to the Office of the Clerk of the National Assembly and also to the Ministry of Social Security, National Solidarity and Environment and Sustainable Development. On 07 August 2017, the

Ministry of Social Security, National Solidarity, and Environment and Sustainable Development informed my Ministry that participation was not envisaged in the Forum.

Furthermore, on the 28 August 2017, the Office of the Clerk of the National Assembly informed my Ministry that participation was not envisaged in the Forum. Subsequently, the Indonesian Authority was accordingly informed through their Embassy in Nairobi on 31 August 2017.

**Mr Ameer Meea:** Madam Speaker, this Parliamentary Conference was attended by almost 50 countries; neighbouring countries like Madagascar, Zimbabwe even participated in this Conference. May we know what is the exact reason why Mauritius did not participate in that Conference?

*(Interruptions)*

**Dr. Husnoo:** Exactly! I am not the substantive Minister, but from the notes I have got here, all the costs of participation would have to be borne by the respective participating countries and maybe that is one of the reasons. I am not quite sure, but I suppose.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. In relation to the costs, may I know from the hon. Minister how much it would have cost the taxpayers' money for the number of people that would have been sent including *per diem*. Can we have the figures?

**Dr. Husnoo:** I am sorry, I do not have the figures.

**Madam Speaker:** Next question, hon. Jhuboo!

**Mr Jhuboo:** I am sorry, Madam Speaker, I have withdrawn my question.

**Madam Speaker:** You've withdrawn! I haven't received any letter from you.

*(Interruptions)*

No, I don't have.

#### **CEB - EMERGENCY RESPONSE PLAN**

**(No. B/739) Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to if it has adopted an Emergency Response Plan to reinstate electricity supply in the advent of major disasters, natural or otherwise.

*(Withdrawn)*

#### **QUEEN VICTORIA HOSPITAL - LINEAR ACCELERATORS - PURCHASE**

**(No. B/740) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Quality of Life whether, in regard to the treatment of cancer

patients, he will state where matters stand as to the purchase of two accelerators for the Queen Victoria Hospital, as announced in the 2017-2018 Budget Speech.

**Dr. Husnoo:** Madam Speaker, I wish to inform the House that, as announced in the Budget Speech 2017/2018 and as a measure to improve the treatment of cancer in patients, Government is acquiring two linear accelerators.

With the opening of the new Cancer Centre at Solferino, the Government has decided to locate the two linear accelerators at the new site, that is, not at Victoria Hospital.

Hospital Services Consultancy Corporation (India) Ltd. (HSCC), the Consultant for the new Cancer Centre Project has prepared the bidding documents for the implementation of the project and which will include the acquisition of the two linear accelerators as well as other medical equipment.

The estimated cost of the project is still being worked out and, upon finalisation, tenders will be launched.

**Madam Speaker:** Yes, hon. Quirin!

**Mr Quirin:** Merci, Madame la présidente. Donc, si je comprends bien la réponse du ministre, ces équipements ne sont pas disponibles pour le moment. Comme il vient de le dire lui-même, les deux *linear accelerators* vont être placés dans le nouvel hôpital qui sera construit et d'ailleurs j'ai une question concernant le nouvel hôpital. Dans le budget, mention est faite et d'ailleurs le ministre des Finances, quand il avait présenté le budget, avait mentionné l'urgence de construire un nouvel hôpital pour les patients atteints de cancer. Puis-je savoir, Madame la présidente, où en est-on justement avec la construction de ce nouvel hôpital ?

**Dr. Husnoo:** I have just mentioned. The estimated cost is being worked out now. Once, we get the estimated cost the tender will be launched hopefully in the next one or two months.

**Mr Quirin:** Madame la présidente, en ce qui concerne l'hôpital Victoria à Candos, je pense que l'honorable ministre doit certainement être au courant des problèmes qui surgissent pratiquement à chaque fois que les patients viennent à l'hôpital, les longues files d'attente, l'insalubrité des lieux particulièrement au niveau des vestiaires et en sus de souffrir d'un cancer, ces patients se retrouvent dans une situation encore plus difficile.

Peut-on savoir ces derniers temps qu'est-ce qui a été fait justement pour soulager la souffrance de ces patients en ce qui concerne l'attente avant de consulter le médecin? Qu'est qui a été fait justement pour améliorer le sort de ces patients quand ils vont à l'hôpital pour se faire soigner ?

**Dr. Husnoo:** As I mentioned, Madam Speaker, I am aware of the problems of the Cancer Section at Victoria Hospital. It is a very old section with a lot of problems, I am aware of that. That is why we have decided to embark on the new project and we are working on it now.

*(Interruptions)*

No, but it is not going to take *combien d'années*; we are working on it...

*(Interruptions)*

It takes time. It is a specialised project. I am sure the hon. Member is aware. I mean it is not everybody who can do that.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. In the Budget Speech, the two linear accelerators were supposed to be purchased for this year. Now, the hon. Minister is telling us that he is still calculating the estimated costs and that they will be in the new hospital. But the hon. Minister is not saying at all when are we to expect these two high-tech equipment to be operational in Mauritius? Can the hon. Minister, at least, tell us that?

**Dr. Husnoo:** These equipment, one cannot just buy it and put it in an ordinary building. Just to give an idea. To put a linear accelerator, you need a special bunker. The thickness of the wall of the bunker is five feet and we do not have such a bunker in Mauritius now. The thickness of the ceiling is five feet, the *béton armé*. I mean it takes time. We have to do the civil work first and then we can put the linear accelerator. It is not something we can just buy and put it here.

**Madam Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, I come back to the question asked by my friend. I am sure the Minister must have a PRO or somebody who listens to the radio, not only to listen to the radio *Xplik ou cas* by Finlay Salesse or the other radios. People who are going for chimio, we are all MPs we know what is the nightmare there. I have been there myself, waiting time. Madam Speaker, you have been Minister of Health, you started some work before. For chimio when they have to wait for the ambulance, there is no water. They are ill-treated by certain people. I know that the hon. Minister has been travelling just rightly, but travel a bit to Candos these days. The hon. Minister should go and see by himself the state. I am not making it a political issue. We all have members of our parents or people in our Constituency who go there. Ladies waiting! Go and see! The hon. Minister has said that Government is going to build, but pending that what will happen? Pending the construction of the new hospital, what will happen during the weeks and days to come concerning to

alleviate *les souffrances de ces gens qui vont là-bas et qui font de la chimio*, especially poor ladies.

**Dr. Husnoo:** I am aware of the problem just like the hon. Member is aware. It is not that I have never been to Candos. I have been to Candos, I know the problem, but, unfortunately, this problem has been going on for a long time. You know it has been going on for a long time and we are working to try to find a long-term solution for that.

*(Interruptions)*

I know it is difficult. It has been difficult like that for the last 20 years. We are working on it, we have got the consultancy and we are trying to get the money. Once we finalise everything, we will get the money and we will launch the tender in one month or so. So, I am aware of the problem, Madam Speaker.

**Madam Speaker:** Next question, hon. Quirin!

#### **MAURITIUS MULTISPORT INFRASTRUCTURE LTD - DISBURSEMENT**

**(No. B/741) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Mauritius Multisport Infrastructure Ltd., he will state the amount of money injected by Government thereinto as at to date.

**Mr Toussaint:** Madam Speaker, I am informed that Rs33.3 m. had been transferred to the Mauritius Multisport Infrastructure Ltd account in financial year 2016/2017. For this financial year, an amount of Rs8 m. has been earmarked for disbursement.

**Mr Quirin:** Madame la présidente, l'honorable Ministre peut-il nous dire qui sont les directeurs de cette compagnie et aussi de bien vouloir nous préciser les allocations qu'ils reçoivent ?

**Mr Toussaint:** Madame la présidente, premièrement je n'ai pas cette information avec moi parce que la question parlait de la somme d'argent que le gouvernement a injecté dans le *Mauritius Multisport Infrastructure Ltd.*

**Mr Quirin:** Peut-on savoir, Madame la présidente, s'il y a un officier du Ministère de la Jeunesse et des Sports qui siège sur le *board* de cette compagnie et si oui, peut-on savoir le nom de la personne ?

**Mr Toussaint:** Madame la présidente, je viens de dire dans ma réponse précédente que la question est sur le montant, la somme d'argent que le Gouvernement a injectée.

**Madam Speaker:** You do not have the information?

**Mr Toussaint:** I do not have the information now.

**Madam Speaker:** Well, if you don't have, you say you don't have the information. Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you. Will the fund that has been injected in the Mauritius Multisport Infrastructure Ltd kick-start the Multi sports complex in Ward IV over which we had a chance to discuss some time ago.

*(Interruptions)*

Ward IV in Port Louis which was announced or what else would the Rs8 m. be for?

**Mr Toussaint:** Madame la présidente, la question de l'honorable Mahomed n'a rien à avoir avec Mauritius Multisport Infrastructure Ltd. Le complexe dont il parle c'est une des mesures du budget qui n'a absolument rien à voir et ça c'est le Ministère qui va construire.

**Madam Speaker:** Last question!

**Mr Quirin:** *Madame Speaker, I have a few questions.* L'honorable ministre, dans sa réponse, nous a parlé d'un montant de R 43 millions et quelque qui ont été injectées par le gouvernement dans les caisses de cette compagnie. Est-ce que l'honorable ministre peut nous donner plus de détails concernant le *Mauritius Multisport Infrastructure Ltd* ?

**Mr Toussaint:** Madame la présidente, le *Mauritius Multisport Infrastructure Ltd* a eu la responsabilité de mettre sur pied les infrastructures qui vont se faire à Côte d'Or dans le cadre des Jeux des îles.

**Madam Speaker:** Yes, hon. Rutnah!

**Mr Rutnah:** Madam Speaker, can the hon. Minister inform us - if he does not have the information now, he can table it at a later stage - how the Rs33.3 m. have been spent and if money was left, what are the projected program in relation to this Multisport Infrastructure Ltd, whatever activities that it is involved in ?

**Mr Toussaint:** Madam Speaker, I have just said in my answer that a sum of Rs33.3 m. has been transferred and only a sum of Rs8 m. has been earmarked for disbursement.

**Madam Speaker:** Hon. Ameer Meea has a question!

**Mr Ameer Meea:** Yes, Madam Speaker. Can I ask the hon. Minister - even if he does not have the answer now he can later circulate it - whether the Sports Complex at Triolet is still on and if it is still on where has it reached, the stage of completion?

**Mr Toussaint:** Again, Madam Speaker, this question is not related to the question that hon. Quirin asked, but the sports infrastructure at Triolet will be undertaken by my Ministry. This question is about the Mauritius Multisport Infrastructure Ltd.

**Madam Speaker:** Next question, hon. Quirin!

**Mr Quirin:** I have a last question, Madam Speaker, please.

**Madam Speaker:** No. Hon. Quirin, pass on to the other questions. We have got a long list. We have got around 50 questions not answered yet.

**Mr Quirin:** Yes, I know, but ...

*(Interruptions)*

**Madam Speaker:** No, hon. Quirin, pass on to the next question. No, pass on to the last question.

**Mr Quirin:** I have one important question.

**Madam Speaker:** Look, hon. Quirin, I have told you that I know how I manage questions so that all the questions which have been asked, everybody has a fair chance of their questions coming. I do not have to repeat that again, right! I have passed on to the next question.

#### **HIGH LEVEL SPORTS UNIT – ATHLETES - FINANCIAL ASSISTANCE**

**(No. B/742) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the High Level Sports Unit, he will, for the benefit of the House, obtain therefrom –

- (a) information as to the composition of the Board thereof, indicating the name of the Chairperson, and
- (b) the list of athletes currently receiving financial assistance therefrom, indicating the –
  - (i) respective category thereof, and
  - (ii) conditions attached thereto.

**Mr Toussaint:** Madam Speaker, the Board of the High Level Sports Unit has eight members with Mr Pillay Samoo, the Ag. Director of sports as Chairperson. I am tabling the board composition and the list of beneficiaries with conditions attached thereto.

**Mr Quirin:** Madame la présidente, l'honorable Ministre peut-il nous dire si la liste qu'il vient de déposer est la même que celle qui a été rendue publique au courant de la semaine dernière ?

**Mr Toussaint:** Madame la présidente, la liste que je viens de soumettre, c'est par rapport aux mois de juillet à septembre 2017.

**Madam Speaker:** Hon. Quirin!

**Mr Quirin:** Madame la présidente, peut-on savoir combien d'athlètes qui figurent justement sur cette liste et la répartition hommes/femmes si on peut le savoir ?

**Mr Toussaint:** Madame la présidente, il y a un total de 94 athlètes qui bénéficient de ce *scheme*, avec 9 *sparing partners*. Donc, je n'ai pas en détail, au niveau de parité, combien d'hommes et combien de femmes mais ça se trouve dans la liste que j'ai soumise.

**Mr Quirin:** Peut-on savoir, Madame la présidente, si les sports collectifs sont aussi concernés par ces allocations ?

**Mr Toussaint:** Pour le moment non, donc s'il y a des demandes au niveau des sports collectifs et qu'ils respectent les critères nécessaires, bien sûr pourquoi pas.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you. My question pertains to finance, to high level athletes proceeding to international events who used to receive a *per diem* of 10 – 15 dollars per day when they go to participate in international events. Have these been cancelled, and if so why?



**Mr Toussaint:** Madame la présidente, déjà je dois faire ressortir qu'ici nous parlons du *scheme High Level Sports Unit*. C'est un accompagnement des athlètes dans ce qu'ils font et tout ce qui est compétition à l'extérieur, ça c'est quelque chose d'autre. Donc, nous sommes dans une période de transition au niveau du ministère, mais je peux rassurer l'honorable membre que nous faisons tout notre possible pour que les sportifs quand ils vont dans des compétitions à l'extérieur, ils ont tout ce dont ils ont besoin.

**Madam Speaker:** Hon. Quirin!

**Mr Quirin:** Madame la présidente, j'ai une dernière question. D'après les informations qui me sont parvenues, le nombre d'athlètes féminins représente à peu près un tiers sur la totalité des athlètes qui bénéficient de ces allocations et cela je considère assez inquiétant à l'approche des jeux des îles. Peut-on savoir de l'honorable ministre s'il compte mettre en place une stratégie, un plan d'urgence de façon à ce que le nombre d'éléments féminins puisse s'agrandir principalement avec l'approche des jeux des îles ?

**Mr Toussaint:** Madame la présidente, je peux rassurer toute la population qu'il n'y a aucune différence dans ce sens-là, c'est que les athlètes doivent respecter des critères bien spécifiques, bien établis. Donc, bien sûr que nous allons faire tout notre possible pour encourager la gente féminine à donner plus des résultats pour qu'éventuellement elle puisse faire partie de ce *scheme*.

#### **PLAINE MAGNIEN MARKET - ROOF**

**(No. B/743) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government and Outer Islands whether, in regard to the Plaine Magnien Market, he will state when consideration will be given for the provision of a roof thereto.

**Mr Jhugroo:** Madam Speaker, I would like to thank my hon. friend for putting up this question.

After having listened to my hon. friend, the Government Chief Whip, hon. Bobby Hurreeram and myself, the hon. Prime Minister, who is also Minister of Finance and Economic Development, agreed, during the last Budget consultation exercise, to provide funds for the covering of the Plaine Magnien Fair, which is long overdue.

The House may wish to note that funds to the tune of Rs15 m. have been provided in my Ministry's budget for the District Council of Grand Port to execute the project.

I am informed that the District Council of Grand Port has invited bids for the project through an open advertised bidding on 12 September 2017 and the closing date for submission of bids was 12 October 2017.

Twelve bids have been received and bid evaluation has just been completed.

I am informed that the letter of notification in connection with the award of contract would be issued during this week itself.

The successful bidder would have 120 days, as from the commencement of the works, to complete the project.

**Mr Henry:** Merci, Madame la présidente. Je remercie l'honorable ministre pour sa réponse. Vu que c'était une des promesses électorales pendant 2014, ce n'est que trois ans après que l'argent a été voté. Je voudrais savoir de l'honorable ministre, quand il s'agira de l'inauguration de ce *market fair*, est-ce que tous les députés seront invités, parce que comme on a vu dans la presse ce week-end, l'honorable Bobby Hurreeram n'était pas content du tout de n'être pas invité ...

**Madam Speaker:** Hon. Henry, please, this question does not arise from the main question! You are asking for the provision of roof, whether consideration will be given. Next question!

#### **MAHEBOURG & VILLE NOIRE - VILLAGE COUNCIL**

(No. B/744) **Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government and Outer Islands whether, in regard to Mahebourg and Ville Noire, he will state if consideration will be given for each of these villages to be administered by its own Village Council.

*(Interruptions)*

**Mr Jhugroo:** *Ce n'est pas vrai.*

*(Interruptions)*

No, it is fire services!

**Madam Speaker:** Hon. Henry, you have finished with your question!

**Mr Jhugroo:** Madam Speaker, of course, both hon. Members will be invited.

**Madam Speaker:** Do not crosstalk! This is what causes gross disorder in the House!

**Mr Jhugroo:** Madam Speaker, my Ministry has not received any official correspondence from the District Council of Grand Port on the matter so far, even though I understand that the Village Council of Mahebourg has, at its meeting on 25 October 2017, come up with a proposal for the splitting of the Village Council.

The House may wish to note that the creation of any Village Council has got many administrative, financial, as well as human resource implications.

In the event that my Ministry receives such a request, we shall have to examine carefully the rationale behind this proposal, as well as its various implications, and we shall decide accordingly.

**Mr Henry:** Madame la présidente, je voudrais demander au ministre quelle allocation le *Village Council* de Mahebourg a pour s'occuper de Mahebourg et Ville Noire.

**Mr Jhugroo:** Madam Speaker, I do not have this information right now. But one thing I can add is that the population of the Village Council area of Mahebourg, according to the population census 2011, was 13,381. The number of representatives of Mahebourg Village Council on the Grand Port District Council is two. This is due to the fact that Mahebourg is considered to be a large Village Council area. Other Village Councils which have two representatives on their respective District Councils include Bambous, Centre de Flacq, Chemin Grenier, Goodlands, Lallmatie, Rivière du Rempart, and Plaine Magnien.

**Mr Henry:** Madame la présidente, je voudrais savoir du ministre s'il se rappelle qu'on était ensemble et on a été appelé à une réunion et tous les *district councillors* de Mahebourg et Ville Noire nous avaient fait cette plainte, parce ce que quand ils divisent le budget de Mahebourg et de Ville Noire, Ville Noire n'a pas beaucoup de budget pour s'occuper des projets qu'il y a dans Ville Noire. Est-ce qu'on ne pourrait pas faire un effort, peut être ajouter du budget que pour Mahebourg?

**Mr Jhugroo:** Madam Speaker, it is the District Council that decides about the budget, and the Village Council of Mahebourg has got two representatives. It is up to them to decide. I cannot interfere how to decide which amount to give to each and every village.

**Mr Henry:** Madame la présidente, je demandais que le ministère même augmente le budget.

**Madam Speaker:** Hon. Ramful!

*(Interruptions)*

**Mr Ramful:** The question relates to the village of Ville Noire and the hon. Minister is well aware that the population of Ville Noire itself is about 5,000 inhabitants, and they are represented at the level of the Village Council, not the District Council, by only one representative. Is the hon. Minister for the proposition that we must create a Village Council for that particular village?

**Mr Jhugroo:** I totally agree with my hon. Friend, but I mentioned earlier that in the event that my Ministry receives such a request, we shall have to examine carefully the rationale behind this proposal because financial implications are concerned.

### **MAHEBOURG WATERFRONT & BATO ROCHE, RÉMY OLLIER - ARTIFICIAL BEACH**

**(No. B/745) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Tourism whether, in regard to the Mahebourg Waterfront and Bato Roche, Rémy Ollier, he will state where matters stand as to the proposed construction of artificial beaches thereat.

**The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong):** Madam Speaker, with your permission, I will reply to question B/745.

Madam Speaker, I am informed by the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development that there are no such project relating to the construction of artificial beach at either Mahebourg Waterfront or Bato Roche, Rémy Ollier.

**Mr Henry:** Merci, Madame la présidente. Pourtant *c'est le ministre de Local Government*, qui a été nommé quelque temps après, qui a annoncé en grande pompe ce projet

qui allait être implémenté cette année-ci. Peut-être que c'est son ministère ou le ministère de l'Environnement qui s'occupe de ça.

**Madam Speaker:** The hon. Minister cannot reply as it is addressed to another Ministry.

**Mr Wong Yen Cheong:** Maybe the hon. Member can ask a substantive question to the appropriate Ministry then.

**Mr Henry:** Madame la présidente, je pose la question. Qui s'occupe de faire des plages artificielles à Maurice ? Est-ce que c'est votre ministère ou le ministère de *Local Government*?

**Mr Wong Yen Cheong:** Madam Speaker, the question that the hon. Member asked is about two specific places, but there is no such work that has been done there.

**Madam Speaker:** It is related to Mahebourg!

**Mr Wong Yen Cheong:** Yes.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** May I refer the hon. Minister to a Press article. I am going to table that Press article where the hon. Minister Mahen Jhugroo and the hon. Chief Whip, Bobby Hurreeram, promised to the inhabitants of Mahebourg that they are going to propose to the relevant Ministry the creation of artificial beaches at Mahebourg Waterfront. And yet, there is no provision made in the Budget. So, may I know, is this a false promise to the inhabitants?

*(Interruptions)*

**Mr Wong Yen Cheong:** Madam Speaker, in fact, I have some notes that there was a site visit held in Mahebourg in April 27 under the chairmanship of the hon. Minister of Local Government and Outer Islands, but then a request was made to the Ministry to carry out coastal protection works. It is a coastal protection work at Pointe des Régates, ex-sand landing places, over a coastline stretch of about 400 metres. This stretch has undergone degradation ...

**Madam Speaker:** No, you are replying something else, hon. Minister!

**Mr Wong Yen Cheong:** ... and need rehabilitation.

**Madam Speaker:** It is with regard to artificial beaches. If you do not have the information ...

*(Interruptions)*

**Mr Osman Mahomed:** In matters of artificial beach, we need sand. Can I ask the hon. Minister where are we going to get sand to make artificial beaches?

**Madam Speaker:** No, the question does not arise! You are asking a question of a general nature. This question is in regard to Mahebourg Waterfront and Bato Roche, Rémy Ollier. Last question!

**Mr A. Duval:** Are we to expect, therefore, hon. Minister, that, contrary to what has been said by the hon. Minister of Local Government and the Chief Whip, the inhabitants of Mahebourg, Bato Roche and Rémy Ollier will not see any artificial beach whatsoever until the end of the mandate of this Government?

**Mr Wong Yen Cheong:** Madam Speaker, once again, the question was about artificial beach ...

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr Wong Yen Cheong:** There are a series, but it is not the question.

**Madam Speaker:** Next question, hon. Bhagwan!

*(Interruptions)*

Do not crosstalk to create disorder, please!

### **CEB - PLAZA - FESTIVAL OF LIGHTS**

**(No. B/746) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the recent cultural activity organized for the Divali celebration at the Plaza by the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the –

- (a) total amount spent thereon;
- (b) amount of sponsorship received and from whom, and
- (c) cost and procedure followed for the hiring of services/procurement of goods in relation to the marquises, podium, lighting and sound equipment, firecrackers, cakes, transport, private security services and artists and animators who performed therefor.

**The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):**

Madam Speaker, with your permission, I will answer this question.

Madam Speaker, I am informed by the Central Electricity Board that in the context of its 65<sup>th</sup> Anniversary, it organised a Festival of Lights which coincided with the Divali Festival. In addition to lighting of its buildings, the CEB organised a cultural show which was held at Plaza, Rose Hill, on 15 October 2017. For that purpose, the CEB partnered with independent power producers so that all those who produce electricity would be able to celebrate this Festival of Lights and CEB 65<sup>th</sup> Anniversary together with CEB's customer base.

The cultural show in the yard of the Plaza was attended by some 5,000 persons and was an immense success.

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan!

*(Interruptions)*

Hon. Bhagwan!

*(Interruptions)*

Let the Minister reply, then you will ask your questions!

**Mr Boissézon:** With regard to parts (a) and (b) of the question, the total amount spent for the cultural show was Rs2,433,890, exclusive of VAT. Twelve independent power producers contributed a total amount of Rs790,000.

With regard to part (c) of the question, I am informed that it was through requests of quotations that the CEB procured the podium, marquises, lighting, video coverage, advertising materials and the services of an event coordinator.

The services of the event coordinator and supplier of artists included –

- provision for private security services;
- arrangement for performing artists and animators;
- obtention of relevant permits from different authorities;
- coordination between artists, performance on stage, and
- coordination of sound and lighting system.
- Direct quotation exercise was used for –
- catering services;
- radio spots;
- music bands, and
- traditional lamps.

There were no firecrackers during the show.

**Mr Bhagwan:** I think the hon. Minister is misguiding the population. There were not 5,000 people, not even 500; I was there, so I know. Can I...

*(Interruptions)*

*Mo reste vis-à-vis, inn empess dimoun dormi !*

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah!

**Mr Bhagwan:** Can the hon. Minister inform the House who were among the 50 people staying there at that particular time? At a period of time, around 11 p.m., bouncers were used to prevent members of the Press – I won't say now who are the members of the Press who were harassed by these bouncers, *les gros bras*; some even had to go to hospital, they were knocked, harassed by these *gros bras*...

**Madam Speaker:** You are asking the Minister whether it was so?

**Mr Bhagwan:** Yes. Can the hon. Minister inform the House whether an inquiry has been carried out by the Ministry or the CEB about the bad behaviours of these bouncers hired by the CEB?

**Mr Boissézon:** Madam Speaker, unfortunately, I do not have that information; I will submit it to the incumbent Minister.



**Mr Bhagwan:** Can the hon. Minister inform the House - he was there, and he can ask his colleague who is not here - whether any representations were received by the inhabitants surrounding the Plaza, because the show ended very late and there were disturbances? Whether CEB received representations? If the Minister can inform the House later on - through 'Mr Chihuahua', who is not here - about what happened at that particular time?

*(Interruptions)*

**Mr Boissézon:** Madam Speaker, unfortunately, I will not answer that question because there is no Minister 'Chihuahua' here.

*(Interruptions)*

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. The question is very specific, asking for costs under each item, cakes, etc. The Minister has not replied to any of it. Can he enlighten the House as to each item? For example, the marquises, the podium, the lighting, how much did they cost? How much was paid by the CEB? How much was paid by the IPP? And if the Municipality has contributed to that event as well?

**Mr Boissézon:** Madam Speaker, there was no contribution from the Municipality of Beau Bassin/Rose Hill. In fact, procurement from quotations...

*(Interruptions)*

**Madam Speaker:** No comments, please!

*(Interruptions)*

No comments! If you are making that comment to the Chair, I rather ask you not to make any comment.

**Mr Boissézon:** Madam Speaker, the total, as I said earlier, is Rs2,433,890...

*(Interruptions)*

**Madam Speaker:** No, do not crosstalk! Allow the Minister to reply! Yes, hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Madam Speaker, in relation to the alleged involvement of bouncers and the alleged incident that took place, can I ask the hon. Minister

whether he is aware if anyone has complained at Rose Hill Police Station of an alleged assault on Press people?

**Mr Boissézon:** Madam Speaker, as far as the Police Station is concerned, they have received no complaints.

**Madam Speaker:** Yes, last question!

**Mr Bhagwan:** I can confirm that these bouncers took to task some people because they made remarks on the Minister, 'Mr Chihuahua' who is not here...

**Madam Speaker:** Don't mention nickname!

**Mr Bhagwan:** I say Mr Collendavelloo.....

*(Interruptions)*

Bouncers were sent!

**Madam Speaker:** It is not parliamentary.

**Mr Bhagwan:** Bouncers were sent, because the Minister....

*(Interruptions)*

Madam, the Minister is wanted in Rose Hill these days!

**Madam Speaker:** No, don't make remarks!

**Mr Bhagwan:** These are his last days in this Government as MP...

**Madam Speaker:** Don't make remarks, please!

**Mr Bhagwan:** He won't be any longer a Member of Rose Hill...

*(Interruptions)*

You also!

**Madam Speaker:** Hon. Ramful, next question!

#### **SMALL PLANTERS - BAGASSE TRANSFER PRICE FUND**

(No. B/747) **Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Agro-Industry and Food Security whether, in regard to the formula applicable for the calculation and distribution of the accruals out of the Bagasse Transfer Price Fund, he will state if consideration will be given for proposed amendments to be

introduced in the National Assembly to the Sugar Industry Efficiency Act for a review thereof to provide for a fair and reasonable price to small planters.

**Mr Seeruttun:** Madam Speaker, I am informed that the formula applicable for the calculation and distribution of the accruals out of the Bagasse Transfer Price Fund is computed based on the provisions of Section 13 of the Sugar Industry Efficiency (SIE) Act of 2001 and its accompanying Sixth Schedule. Payment is effected based on the percentages given below –

- 12% of proceeds is distributed to Planters of Group I – Miller planters;
- 38% of proceeds goes to planters of Group II – all other planters, and
- the remaining 50% to the Power Suppliers.

The above percentages have been worked out following an out-of-court settlement reached between the then Ministry of Agriculture and Natural Resources and the MSPA in December 1999.

The House will note that the price of bagasse was first set in 1985 and the price fixed was Rs100 for the planters. The millers did not benefit from the Fund, but their source of revenue was from the sale of electricity to CEB.

In 1993, the SIE Act was amended to promote the use of bagasse for the production of energy and a new formula for the distribution of the accruals out of the Bagasse Transfer Price Fund was included. The accruals were divided into –

- (a) a first group consisting of every planter who is also a miller or who directly or indirectly controls, or is controlled by the miller, and
- (b) a second group consisting of all other planters.

The formula for distribution is included in the second schedule of the Act.

As per the Second Schedule, the miller or firm power suppliers were eligible for payment only after making good the entitlement of the first and second group of planters. The then MSPA members disagreed with the amendments brought in 1993, on the sharing of the

share of miller planter to millers and power producers and the MSPA had lodged a case before the Supreme Court.

In November 1999, a new sharing ratio was worked out between the then Ministry of Agriculture and the MSPA members. The agreement on the sharing ratio was as indicated earlier.

It would be noted that between the periods 1985 to 1998, only planters were receiving proceeds out of bagasse for electricity generation.

Madam Speaker, in year 2015, Government has agreed to the setting-up of a Sugarcane Sustainability Fund and a Biomass Framework. Payment to planters out of the Sugarcane Sustainability Fund is made as follows –

- Rs1100 per tonne of sugar to planters producing up to 60 tonnes, and
- Rs300 per tonne of sugar in excess of 60 tonnes.

The price obtained for bagasse by the small planters had increased by more than ten times.

In December 2016, the Government went further to legislate the Sugarcane Sustainability Fund, through the SIE (Amendment) Act 2016, in support of planters.

Madam Speaker, the House will note that I have set up a Technical Committee to look into all the issues which have an impact on the sugarcane sector and the revenue it derived thereof, especially at this difficult time where the sugarcane sector is having to face challenges of an unprecedented nature. The small planter will tend to suffer the most from the prevailing market price.

The aim is, therefore, to look and consolidate all the revenue streams and this includes remuneration from bagasse also. I can reassure the House that the need for review of the provisions of the SIE Act which concern bagasse remuneration will be carefully assessed and actions deemed appropriate will be taken by the Government.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** We should not mix issues. The hon. Minister has talked about Sustainability Fund. This is another issue. We are here talking about the Bagasse Transfer Price Fund. The price of Rs100 was agreed back in 1985. Now, in view of the serious difficulties that the planters are facing, is the hon. Minister agreeable that this price, Rs100 per tonne of bagasse, should it not be reviewed?

**Mr Seeruttun:** Madam Speaker, I have just mentioned in my reply that this was, like I said again, decided following a case that was lodged in the Supreme Court and in 1999 the then Government, the then Minister agreed to that sharing of that Bagasse Transfer Price Fund. Like I said, it was a settlement that was effected at that time and that is why we did not want to go into another legal battle in Court and we wanted to come up with some other measures to support, especially small planters.

**Madam Speaker:** Yes, hon. Ramful.

**Mr Ramful:** Yes, with regard to the percentage, the apportionment of the fund, 38% goes to the small planters, 12% to the Millers, and 50% to the IPPs. The Millers and the IPPs are the same group. So, 62% goes to the Millers. Does not the hon. Minister think that this percentage as well should be reviewed?

**Mr Seeruttun:** Again, Madam Speaker, in 1995, when the then Prime Minister, Sir Anerood Jugnauth was in charge of this country and was giving all his support to this industry, he came up with that particular scheme to, at least, recognise the use of bagasse in the production of energy. And that was the first time they started to get some money out of that particular product. Then, in 1993, they came up with the SIE Act, whereby planters were being remunerated for the bagasse they supplied to the power producers.

At that time, the millers were not being remunerated, and based on that, they lodged a case in Court, and in 1999, the Government that was in place, which you are a Member of, they agreed to....

**Madam Speaker:** Hon. Minister, you are talking of 1999, what the hon. Member wants to know whether now – now you are supposed to come....

**Mr Seeruttun:** What I am saying, Madam Speaker, it was a settlement that was made out of Court and are we going to cover legal battle again, or are we going to look for solutions to address the problem of remunerating the small planters in the first place, and all the growers also in the second place.

**Madam Speaker:** Yes, hon. Rutnah.

**Mr Rutnah:** Grateful, Madam Speaker. I would like to ask the hon. Minister in relation to the composition of this Technical Committee, whether he can say that there is a representative, or someone appointed by the small planters to represent them into the Technical Committee.

**Mr Seeruttun:** Madam Speaker, this Technical Committee is being co-chaired by the Permanent Secretary of my Ministry and the CEO of Business Mauritius. Like I said, it is a committee which is looking at all the technical matters, how we are going to tackle the problems being faced by the Sugarcane Industry. At this point in time, since we are looking at technical matters, we did not seem to have the other stakeholders to be included in that committee. But, of course, they are consulting all the stakeholders to take their views, to come up with certain proposals to address the problems of how we are going to look the industry in the years to come so that it still remains a viable and profitable industry.

**Madam Speaker:** Last question, hon. Ramful!

**Mr Ramful:** The Minister keeps talking about settlements that were reaching Court back in 1995, but now you have a new Government, and the hon. Minister has all the powers to legislate, to come up with amendments to the provisions of the SIE Act. Now, would the hon. Minister, in the light of the difficulties that the planters are facing and given the context with the end of the sugar protocol, would the hon. Minister be favourable with coming with amendments to provide for a better formula, in favour of the small planters?

**Mr Seeruttun:** Madam Speaker, what I can say that, at this point in time, this Technical Committee is looking at all the different revenue streams to allow this industry to keep on being profitable. And one of the issues that they are also looking at is how to remunerate the growers with regards to the bagasse that they are going to supply to the power producers.

**Madam Speaker:** Next Question, hon. Ramful!

#### **CEB – ALTEO LTD – POWER PURCHASE AGREEMENT**

**(No. B/748) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the renewal of the Power Purchase Agreement with Alteo Ltd., he will, for the benefit of

the House, obtain from the Central Electricity Board, information as to if the formula applicable for the calculation and distribution of the accruals out of the Bagasse Transfer Price Fund shall be reviewed so as to provide for a fair and reasonable price to small planters.

**The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):** Madam Speaker, with your permission, I shall reply to question Nos. B/748 and B/749 together.

Both questions relate to the Power Purchase Agreement existing between Alteo Ltd. and the Central Electricity Board. This agreement is to terminate on 22 December 2018. By a letter dated 23 November 2016, CEB informed Alteo of its wish to renew the agreement, but on terms and conditions to be agreed between the parties.

A negotiating committee is currently negotiating the terms and conditions of the eventual renewal. That committee is chaired by the Director General of the Ministry of Energy and Public Utilities and comprises representatives of the Prime Minister's Office, the Ministry of Finance and Economic Development, the Ministry of Agro-Industry, the Ministry of Environment, Sustainable Development, Beach and Disaster Management, the Mauritius Cane Industry Authority and the Central Electricity Board.

The review of the formula relating to the bagasse transfer price does not fall within the preview of the negotiation for actual terms and conditions of that renewal.

With the assistance of the African Legal Service Facility of the African Development Bank, the negotiating committee is pursuing its discussions with Alteo Ltd. Agreement has been reached on the capacity of the new plant. However, the negotiations are more arduous than anticipated. The Committee has decided that all technical issues must be agreed upon prior to discussion of financial issues. One of the *sine qua non* conditions of the renewal will be the final determination of Alteo Ltd. to the Sugarcane Sustainability Fund.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** I know the hon. Minister is not the substantive Minister but then we had last year come up with amendments to the Utility Regulatory Authority Act and when I look at the functions of that Authority, one of the functions is –

‘the Authority may in the public interest examine any Power Purchase Agreement entered into by a licensee and make such recommendations.’

Now, is the matter being enquired or looked upon by the Utility Regulatory Authority and has it made any recommendations to the Ministry in relation to these contracts?

**Mr Boissézon:** Madam Speaker, as I just said before, we have only reached an agreement but we must have an agreement about all the technical issues before discussing about the financial issues. So, it is too early to send it to any regulatory body.

**Madam Speaker:** Yes, hon. Ramful!

**Mr Ramful:** One of the components in this agreement is with regard to the price of bagasse that is paid to small planters. It is relevant with regard to the agreement. May I press upon the Minister whether he would consider the possibility of roping in a representative of the planters when negotiating with the IPPs?

**Mr Boissézon:** I cannot answer that question now because we are speaking for the future but I will put the suggestion of the hon. Member to the incumbent Minister.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Minister just mentioned that negotiations are ongoing with Alteo Ltd. which is one of the IPPs. Does he find it normal and does he think there is any conflict of interest that whilst these negotiations are ongoing, the CEB asked Alteo Ltd. to finance the expenses at the Diwali night?

**Mr Boissézon:** Yes, thank you for that question, but, we are speaking of an agreement for the purchase of electricity and what was stated in the previous question, the hon. Member was speaking of light...

*(Interruptions)*

Diwali and...

**Madam Speaker:** No but if the hon. Minister does not have the information don't say so!

**Mr Boissézon:** ...all producers participated in...

**Madam Speaker:** You don't have the information? Yes, hon. Baboo!



**Mr Baboo:** Thank you, Madam. As the hon. Minister is also answering the question No. B/749, I would like to ask the hon. Minister, for the benefit of the House, to inform whether, with regard to the quantum for coal being used during the non-harvest season, Alteo Ltd. considers maintaining the same quantum in the new agreement? Thank you.

**Madam Speaker:** This is a very technical question!

**Mr Boissézon:** Yes, I don't have this information.

**Madam Speaker:** Yes, hon. Ramful!

**Mr Ramful:** One last question, since the agreement with the IPPs involves public money, may I press upon the hon. Minister to see to it that all the negotiations, the terms and conditions are made transparent so that the public is aware of the terms and conditions with regard to the contract with those IPPs?

**Mr Boissézon:** Yes, the hon. Member can rest assured that is why the CEB sought the assistance of the African Legal Support Facility of the African Development Bank.

#### **CEB - ALTEO LTD. - POWER PURCHASE AGREEMENT – RENEWAL**

**(No. B/749) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the renewal of the Power Purchase Agreement with Alteo Ltd., he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the terms and conditions upon which the existing agreement is being renewed.

*(Vide Reply to PQ No. B/748)*

**Madam Speaker:** Hon. Ramful, next question!

#### **MAHEBOURG-BAMBOUS VIRIEUX - OYSTER FARM – SEA LEASED**

**(No. B/750) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Oyster Farm of Mahebourg-Bambous Virieux, he will state –

- (a) the name of the promoter/company involved therein, indicating the shareholding of each director;

- (b) if any deed concession has been signed;
- (c) the extent of sea leased and rental value thereof;
- (d) if it has been issued with an Environment Impact Assessment Licence and,
- (e) the estimated impact thereof on the fishermen thereat.

**Mr Koonjoo:** Thank you, Madam. Madam Speaker, with regard to part (a) of the question, I am informed that the name of the company is Mascareignas Oyster (Mauritius) Ltd.

*(Interruptions)*

*Macarena! Mascareignas mo pe dire!*

*(Interruptions)*

*Non, to camarade sa pa mwa sa !*

**Madam Speaker:** *Non.* Hon. Minister, please address the Chair and do not cross talk when you are replying!

*(Interruptions)*

Hon. Minister, please reply!

**Mr Koonjoo:** Yes, thank you, Madam. It has two shareholders who are also the promoters.

As regards the shareholding of each Director, this is a private company, Madam, involved in commercial activities and it would not be in order to divulge such information.

Regarding part (b) of the question, I am informed that the Mascareignas Oyster (Mauritius) Ltd. had in accordance with Section 8B of the Fisheries and Marine Resources Act applied to the Prime Minister's Office for a concession at sea of oyster farming in one of the prescribed zones as per the Fisheries and Marine Resources (Amendment of Schedule) Regulations 2015. The Deed of Concession has not yet been signed.

Madam Speaker, in regard to part (c) of the question, the site is located at Nord Est Ananas Bank and is of an extent of approximately 28 hectares. The concession fee is Rs100,000 per year exclusive of any tax or duty which is applicable and any charge as may be determined by the Government shall be increased annually in accordance with the Consumer Price Index. It is to be pointed out that the same amount and conditions apply to any concession.

With regard to part (d) of the question, I am informed that the company has obtained its EIA licence on 06 June 2017.

As for part (e) of the question, I am informed that the oyster farm at Mahebourg will not affect the marine ecosystem in view of the fact that the oysters will not be fed with artificial feed. However, the promoter shall take the necessary steps to facilitate the movement of fishing boats near the oyster farm. As such, demarcation buoys with the appropriate lights shall be placed around the zone after the finalisation of the Deed of Concession. *C'est tout, merci.*

*(Interruptions)*

**Madam Speaker:** Yes, hon. Ramful!

**Mr Ramful:** The hon. Minister has finished but I have not finished with my question. I have done some research at the level of the Registrar of Companies and, with regard to the shareholdings and directors, there is one Mr Keshaye Beeda who is the promoter and shareholder of that company. Can the hon. Minister confirm if Mr Keshaye Beeda is related to him?

*(Interruptions)*

**Mr Koonjoo:** Mr Keshaye Beeda is one partner of the company. Yes, he is related to me because he is the son of my brother-in-law. Okay, any problem?

*(Interruptions)*

He is related to you also!

*(Interruptions)*

**Mr Ramful:** Apart from...

*(Interruptions)*

Apart from Mr Keshaye Beeda, can the hon. Minister inform the House how many poor and needy fishermen from the locality of Bambous Virieux and Mahebourg have been allowed or have been given facilities to participate in aquaculture farming so far?

**Mr Koonjoo:** Aquaculture in this oyster company...

**Madam Speaker:** No...

*(Interruptions)*

No, the question is general! Ask the question specifically...

**Mr Koonjoo:** This has nothing to do with the question....

**Madam Speaker:**...with regard to the main question then he will be able to answer!

Hon. Ramful!

**Mr Ramful:** Has the hon. Minister received complaints from fishermen with regard to that particular project?

**Madam Speaker:** That's it!

**Mr Koonjoo:** The project is not yet on, Madam. I said just now that it has not been finalised yet. The promoter has asked for some time.

*(Interruptions)*

No. There is no complaint as such. Thank you.

**Mr Ramful:** Is the hon. Minister aware that even though the deed of concession has not yet been signed, the promoters have already started work in the lagoon of Mahebourg, placing nets? Is the hon. Minister aware of this?

*(Interruptions)*

**Madam Speaker:** Hon. Baloomoody!

**Mr Koonjoo:** So far, the promoter has not yet signed the concession. So, he cannot start working, and if he has not started working, how can he employ people?

**Madam Speaker:** Yes, hon. Jhuboo!

**Mr Jhuboo:** Thank you, Madam Speaker. Madam Speaker, I came across a document, it is an invitation for expressions of interest in Rodrigues for aquaculture projects. Madam Speaker, one of the conditions that is required for those who apply for a lease, is that the applicant should have at least 5 years' experience in the field of aquaculture. Now, my question to the hon. Minister is whether Mascarenas fishing has 5 years of experience in the field, and if we apply the same condition as we apply in Rodrigues?

**Mr Koonjoo:** Aquaculture in Rodrigues has nothing to do with this question of...

*(Interruptions)*

It is not an aquaculture as such! It is upgrading of the oysters, and oysters, it is every...

*(Interruptions)*

**Madam Speaker:** But the question has nothing to do with Rodrigues.

**Mr Koonjoo:** It has nothing to do with this question.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam. This is a massive area that has been given to these Mascarenas Ltd. 28 hectares, if I understood correctly. It is huge! I am sure there are very few barachois, of leasehold of that extent. Can the hon. Minister enlighten the House as to the investment that has been undertaken to be made by Mascarenas Ltd in order to obtain this leasehold?

**Madam Speaker:** You do not have the information!

**Mr Koonjoo:** I am not aware of that, Madam.

**Madam Speaker:** You do not have! Last question, hon. Bhagwan!

**Mr Bhagwan:** The Minister has just informed us that one of the shareholders of that company is a very close relative to him. Can he inform the House and the nation whether at any point in time he has had any dealing with files, in presiding the meetings or in recommending actions as far as this company is concerned and whether he can inform the

House that he has declared any interest with his Permanent Secretary or his officials while this file was being handled at his Ministry?

**Mr Koonjoo:** I do not have the information, Madam, but I can tell the House...

*(Interruptions)*

**Madam Speaker:** Order! Order please!

*(Interruptions)*

Order!

**Mr Koonjoo:** If the hon. Member has the information, give it ...

*(Interruptions)*

No!

**Madam Speaker:** Hon. Minister, no crosstalking! Order! Order please! Hon. Bhagwan! Order please! Alright, the hon. Minister does not have the information.

*(Interruptions)*

Hon. Koonjoo!

*(Interruptions)*

**Mr Koonjoo:** *Ramasse to laguelle ein!*

**Madam Speaker:** Hon. Koonjoo!

*(Interruptions)*

**Mr Koonjoo:** *To Ramasse to laguelle!*

*(Interruptions)*

**Madam Speaker:** Order please!

*(Interruptions)*

Hon. Bhagwan, please!

*(Interruptions)*

Hon. Koonjoo, please!

*(Interruptions)*

Right! We pass on to the next question!

*(Interruptions)*

Next question, hon. Sewocksingh!

### **MARSHALL PLAN AGAINST POVERTY - 'PARRAINAGE' - IMPLEMENTATION**

(No. B/751) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the proposed introduction of the concept of 'parrainage' in the context of the implementation of the Marshall Plan Against Poverty, as announced at paragraph 173 of the Budget Speech 2015-2016, he will state where matters stand.

**Mr Wong Yen Cheong:** Madam Speaker, I would like to refer the hon. Member to a reply made to PQ B/959 on 24 November 2015 by the then Minister of Finance and Economic Development, wherein the House was informed that the concept of 'parrainage' was a new approach for the empowerment of vulnerable families and whereby the private sector would take under its wing a *cit  ouvri re* to ensure its development in the short, medium and long terms.

The House was also informed of the commitment of the private sector through the implementation of the Lovebridge concept. On 22 November 2016, in a reply made to PQ B/979, the House was also informed of the details of the implementation of the project, including the regions covered and the number of beneficiaries involved. I am informed that as at to date, some 257 families, comprising around 1200 beneficiaries are being accompanied by Lovebridge Ltd under 6 pillars, namely: education, employability, unemployment, food, health, housing and positive attitude towards empowerment. The project is ongoing and Lovebridge Ltd is in the process of consolidating its action in the short and medium terms to achieve its objectives.

Madam Speaker, in parallel, the Government has come up with an enhanced formula in the 2016-2017 Budget Speech with a view to ensure the socio-economic development of vulnerable groups in a more comprehensive and sustainable manner. It has thus set up the National Corporate Social Responsibility Foundation to be jointly managed by the public and private sectors and the civil society. The main responsibility of the foundation is to manage and allocate funds to support civil society action in 10 priority areas, namely: economic development, educational support and training, social housing, supporting persons with disabilities, dealing with health problems, family protection including gender-based violence, leisure and sports, environment and sustainable development, peace and nation building, and road safety and security.

Madam Speaker, Government considers that this new approach would ensure greater transparency, yield better outcomes for the benefit of vulnerable groups. It would also provide for more conducive environment for NGOs to operate at grass root level to improve the living conditions of people living in absolute poverty. It is expected that this approach would better promote the empowerment of the vulnerable groups and enable them to move out of the poverty trap in a more integrated and inclusive manner.

Furthermore, my Ministry has launched the community working groups in the district of Grand Port and Savanne. The main objective of the community working groups is to bring together around the same table all stakeholders, namely the public and private sectors, non-governmental organisations and beneficiaries in a particular region and to evolve a shared vision and common approach towards the alleviation of poverty to better meet the needs of vulnerable people.

Madam Speaker, this initiative with advocates for a collaborative and participatory approach in the fight against poverty will be replicated in the other district in the coming month. Thank you.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** I would like to thank the hon. Minister for the answer. Can the hon. Minister inform the House about the amount of money earmarked and disbursed by the Government as at now for the '*parrainage*' project?



**Mr Wong Yen Cheong:** There was a sum of Rs100 m. that was earmarked at the beginning at the Ministry of Finance and Economic Development and after deducting the budget operational expenses of Rs70.2 m. for the 12 months ending 13 June 2018.

**Madam Speaker:** Yes, hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, the hon. Minister mentioned the concept of ‘*parrainage*’ which is in the main question, in the Budget Speech 2015-2016, whereby there were 38 *cités ouvrières*, and one of these *cités ouvrières* was Quartier Shell, which is found in my constituency, Constituency No. 3, in Roche-Bois. May I know what is the name of the private company who is *en train de parrainer le Quartier Shell qui se trouve à Roche Bois, dans la Circonscription No. 3?*

**Madam Speaker:** This is a specific question.

**Mr Wong Yen Cheong:** Madam Speaker, I do not have this particular information with me now.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Thank you, Madam Speaker. May I know from the hon. Minister whether, at the level of his Ministry, there is a monitoring unit regarding the implementation of the projects?

**Mr Wong Yen Cheong:** Madam Speaker, as the funding was made from the Ministry of Finance and Economic Development, then the question must be asked to that appropriate Ministry.

*(Interruptions)*

**Madam Speaker:** Hon. Minister, do not pass remarks! Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. From the answer of the Minister, it seems that he is only speaking about the LoveBridge Project, which has been announced by hon. Lutchmeenaraidoo in 2015 - anyway -, where Rs100 m. were allocated. But what about the ‘*parrainage*’, as announced in paragraph 173? The question is very specific and detailed. Where has this project come to now? How much money has been spent in the ‘*parrainage*’? Can he give us a list of all the areas that fall under this and how many people are benefiting from this? Put aside the LoveBridge Project, which is a different project.

**Madam Speaker:** In fact, this is the question!

**Mr Wong Yen Cheong:** In my initial answer, I have already given figures about this.

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah!

**Mr Wong Yen Cheong:** I am informed that 257 families comprising around 1,200 beneficiaries are being accompanied by LoveBridge Ltd under six pillars.

*(Interruptions)*

**Madam Speaker:** Hon. Adrien Duval, we have understood your question! Hon. Minister, do you have the reply? If you do not have, say so! Say that you do not have the information and you cannot reply!

**Mr Wong Yen Cheong:** Madam Speaker, when I have a substantive question, I will table it with pleasure.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** I would like to ask the hon. Minister, if he has the reply of course, the amount of funds invested by the private sector in the 'parrainage' concept.

**Mr Wong Yen Cheong:** The money that was funded, Madam Speaker, was the money that was left by the companies, that was returned to MRA, and this was the money that was used.

*(Interruptions)*

**Madam Speaker:** It is not the question! You have not replied!

**Mr Wong Yen Cheong:** Madam Speaker, there was Rs125 m. initially, but Rs100 m. was allocated.

**Madam Speaker:** Last question, hon. Armance!

**Mr Armance:** The Minister mentioned, in one of his visits to *Cité Blanche* at Pointe aux Sables, that he is going to inject several millions of rupees there. Can I know where matters stand?

**Mr Wong Yen Cheong:** I am sorry, I did not hear.

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah!

**Mr Armance:** The Minister mentioned that he is going to inject several millions of rupees at Cité Blanche, Pointe aux Sables, under 'parrainage' and the NEF. Can I know where matters stand and whether he is still interested in investing the money there?

**Mr Wong Yen Cheong:** Madam Speaker, I cannot see where I mentioned that I am going to inject a few millions of rupees in Cité Blanche.

**Madam Speaker:** Okay, you do not have the reply. The Table has been advised that PQ B/769 and PQ B/771 have been withdrawn. Hon. Ms Sewocksingh!

### **MINORS - LIQUOR & CIGARETTES - SALE**

**(No. B/752) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the sale of liquor and cigarettes to minors, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of contraventions booked over the past two years in Constituency No. 17, Curepipe and Midlands, therefor, indicating the actions taken against the Liquor and Tobacco Licensees involved therein.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that since October 2015 to date, one contravention has been established ...

*(Interruptions)*

One only!

... in Constituency No. 17, Curepipe/Midlands, for the offence of Selling Cigarettes to Minor. The licensee was fined Rs2,500 plus Rs100 as costs.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** I would like to thank the Rt. hon. Minister Mentor for the answer. We have had a lot of complaints from parents, from the public from the constituency, as we know that there are many schools in Constituency No.17 ...

**Madam Speaker:** So, what do you want to ask?

**Ms Sewocksingh:** If the Rt. hon. Minister Mentor could try to see if these things have been stopped.

**Sir Anerood Jugnauth:** First of all, I think the hon. Member should speak to the parents of these children.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Can I ask the Rt. hon. Minister Mentor if, at least, we can have more frequent checks by the ERS, which does a good job at taking contraventions for the sale of cigarettes and alcohol, and if there can be higher presence of ERS, surprise checks, especially near the school establishments in Curepipe so as to avoid the sale of liquor and tobacco to young schoolchildren?

**Sir Anerood Jugnauth:** I think all adults will have to be recruited as Police officers to please the hon. Members on the other side.

**Madam Speaker:** Yes, hon. Ms Sewocksingh!

**Ms Sewocksingh:** I will definitely speak to the parents as a responsible Member of Parliament. In the last Budget Speech 2017, the hon. Prime Minister announced that the *Brigade des Mineurs* would be reinforced. Can the Rt. hon. Minister Mentor inform the House where matters stand?

**Sir Anerood Jugnauth:** Come with a specific question!

**Mr A. Duval:** Madam Speaker, a last question.

**Madam Speaker:** Yes!

**Mr A. Duval:** Can the Rt. hon. Minister Mentor at least convey to the Prime Minister that, in light of stopping dependency on cigarettes, which is the policy of Government to increase cigarette prices and alcohol prices every year, to speak to the Police so as to have more ERS presence and police in general to book contraventions in Curepipe?

**Sir Anerood Jugnauth:** The hon. Member can convey it himself.

**Madam Speaker:** Next question, hon. Ms Sewocksingh!

#### **CUREPIPE & MIDLANDS - STATE LAND - BENEFICIARIES**

**(No. B/753) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to State

land, he will state the number of plots thereof granted in Constituency No. 17, Curepipe and Midlands, since 2015 to date, indicating the names of the –

- (a) beneficiaries thereof, and
- (b) applicants therefor who are on the waiting list.

*(Interruptions)*

**Madam Speaker:** Please, order! Hon. Rutnah!

**The Minister of Agro-Industry and Food Security, Minister of Housing and Lands (Mr M. Seeruttun):** Madam Speaker, my Ministry keeps records on State land allocation on a region and district wise basis. For period January 2015 till date, a total of 68 plots of State lands have been allocated in the following two main regions in the Constituency No. 17, as follows -

- (i) Curepipe – 16
- (ii) Dubreuil – 52

Out of the 68 plots, 63 plots have been allocated for residential purpose, four plots for industrial purpose and one plot for agricultural purpose. The names of the beneficiaries are being compiled and will be placed in the Library of the National Assembly.

As regards part (b) of the question, the list of applications received for State land in the regions Curepipe and Dubreuil is being compiled and will be placed in the Library of the National Assembly.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** I would like to thank the hon. Minister for the answer. May the hon. Minister inform the House if those who have acquired the land have already received their title deeds?

**Mr Seeruttun:** Well, I am not in a position to confirm whether they have or they have not, but they are in the process of having their title deeds, I suppose.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Est-ce que l'honorable ministre peut nous dire quelles sont les conditions requises pour être bénéficiaires du *State land*?

**Mr Seeruttun:** Madam Speaker, I must say that there are different categories of State land. Land for residential purposes. Even for residential purposes, the criteria differ from one category to another. It is a long list of conditions, which I would be pleased to table to the National Assembly.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. I know the hon. Minister has just been in post in this Ministry. With regard to Dubreuil and Curepipe, Malherbes and Dubreuil, there are a number of ex-squatters now that shall be given their lease soon. Can the hon. Minister look into the rest of them? There are a number of them whose applications have not yet been considered. If he can, as a priority. It is a very old case. Can he look into it for Dubreuil and Malherbes? Thank you.

**Mr Seeruttun:** Yes, Madam Speaker, I know the State land that has been allocated in the region of Dubreuil. They are mostly those who were squatting previously and their cases have been regularised. So, if there are other cases, probably, at the level of the Ministry, I will see whether their cases could be considered. I am not in a position to say whether there are or there are not, but if there are, we will see.

**Madam Speaker:** Next question, hon. Ms Sewocksingh!

**MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY, AND  
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT - HEARING AIDS -  
SUPPLIERS**

**(No. B/754) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to hearing aids, he will state the –

- (a) name of the suppliers thereof;
- (b) country of origin thereof, and
- (c) number of defects thereof reported, indicating the number thereof having been refunded, if any, and
- (d) number of people on the waiting list to be allocated therewith, indicating since when.

**The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong):** Madam Speaker, with your permission, I shall reply to PQ B/754. I am informed that hearing aids are provided to applicants who have been certified as requiring a

hearing aid by the registered audiologist or speech therapist. The provision of assistance in kind is governed by the Social Aid Regulations 1984.

Until 01 October 2016, applicants whose annual family income was less than Rs150,000 were eligible for hearing aids. Subsequently, the Budget Speech 2016/2017 made provision for the household income threshold for eligibility for hearing aids at Rs30,000 monthly.

As regards part (a) of the question, the procurement of hearing aids is effected by the Ministry of Social Security and National Solidarity through Open Advertised Bidding. For the last procurement exercise the contract was awarded to a company known as Ocentra Ltd on 01 March 2016 for the procurement of 1,460 hearing aids.

With respect to part (b) of the question, the hearing aids were from the United Kingdom.

As regards part (c) of the question, there has been no complaint reported at the level of the Ministry of Social Security and National Solidarity with respect to hearing aids. As such, no defect has been reported and no refund has had to be effected.

For financial year 2016/2017, a request for bids was launched on 18 January 2017 through Open Advertised Bidding for the procurement of 1,550 hearing aids. The closing date was fixed for 22 February 2017. After the opening of bids, a formal complaint was received to the effect that the bidding document did not provide for the need for spare parts, after sales service or maintenance.

Subsequently, the bidding exercise was cancelled and the bidding documents were reviewed. Tenders were relaunched on 28 August 2017 through Open Advertised Bidding for financial year 2017/2018 for the procurement of 1,550 hearing aids and the closing date for the submission of bids was fixed for 04 October 2017. I am informed that the contract has been awarded on 25 October 2017 to the lowest substantially responsive bidder, namely Ocentra Ltd, for the sum of Rs4,551,550.

As regards part (d) of the question, there are presently 1,438 persons on the waiting list and, Madam Speaker, with your permission, I am tabling a list giving the time of application on a monthly basis.

I am advised that the 1,550 hearing aids ordered will cover the number of pending and new applications.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** In his reply, the hon. Minister mentioned about spare parts. I know he is not the concerned Minister, but can he let us know about the lifetime of the battery which is in the hearing apparatus?

**Madam Speaker:** The Minister won't be able to have this information; this is a specific information which the hon. Member is asking. Hon. Armance!

**Mr Armance:** Thank you, Madam Speaker. The Minister mentioned there is no complaint, then, he admits himself that there is some backlog in providing the hearing aids. I would like to mention the case of Mrs M.G. and I will table it.

Madam Speaker, Mrs M.G. applied for the replacement of her unit since March and we are now in November, and I wonder why this has not been replaced till now. I can table it for the Minister.

**Madam Speaker:** Last question, hon. Ms Sewocksingh!

**Ms Sewocksingh:** In his reply, the hon. Minister mentioned that there are some 1,400 patients on the waiting list. May I know when they will receive their hearing apparatus?

**Madam Speaker:** The hon. Minister said that tender documents have been issued.

**Mr Wong Yen Cheong:** I have already mentioned the time. The contract has been awarded on 25 October 2017 and, subsequently, as soon as we receive it, I believe it will be distributed.

**Madam Speaker:** The Table has been advised that PQ Nos. B/783, B/784, B/785 and B/777 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 Minister Mentor, Minister of Defence Minister of Rodrigues rose and seconded.**



*Question put and agreed to.*

## STATEMENTS BY MINISTERS

### NEGATIVE INCOME TAX ALLOWANCE - ELIGIBILITY CRITERIA

(4.11 p.m.)

**The Prime Minister:** Madam Speaker, with your permission, I would like to make a statement on the review of the eligibility criteria and conditions for payment of the Negative Income Tax Allowance.

The negative income tax system is an innovative measure which has been introduced to provide financial support to vulnerable employees earning emoluments less than or equal to Rs9,900 per month. Those persons despite their hard work and efforts face financial difficulties and deserve Government encouragement and support. This measure was announced in the Budget Speech 2017/2018 and the legal framework was laid out in the Finance (Miscellaneous Provisions) Act 2017.

Once the administrative framework and system was set up at the level of the Mauritius Revenue Authority, Government decided to bring forward by six months the effective date of the Negative Income Tax, that is, as from 01 July 2017 instead of 01 January 2018 and to effect payments on a quarterly basis instead of a half yearly basis. Thus, the first quarterly payment is scheduled for end of November 2017.

Government has now taken the decision to relax the eligibility criteria and conditions for paying the Negative Income Tax.

First, the Negative Income Tax Allowance will now be computed on the basis of the monthly basic salary instead of total earnings criteria. However, an employee whose monthly total earnings exceed Rs20,000 will not be eligible to Negative Income Tax. This will ensure that employees performing overtime are not penalised and that the Negative Income Tax does not act as a disincentive to additional work.

Second, the condition that the beneficiary should be in full-time employment has been waived. However, to be eligible, a part-time employee should work for a minimum of 24 hours over at least 3 days in a week.

Third, the condition that the employee has to be in continuous employment for the preceding 6 months has been removed. An employee earning basic salary not exceeding Rs9,900 will thus become eligible for the Negative Income Tax in the month he takes up employment.

Fourth, initially an employee was not eligible to Negative Income Tax if the aggregate monthly income of the employee and that of his or her spouse exceeded Rs30,000. Henceforth, an employee will be eligible to Negative Income Tax if his/her monthly income does not exceed Rs9,900 and that of his or her spouse does not exceed Rs30,000.

Fifth, both the employee and the employer were required to be up to date with all their contribution payments to the National Pensions Fund and the National Savings Funds, that is, there should be no arrears. This condition has been changed so that an employee will benefit from the Negative Income Tax once the contribution to the National Pensions Fund and the National Savings Fund is paid in respect of the month in which the Negative Income Tax is being claimed.

Thank you, Madam Speaker.

(4.16 p.m.)

#### **TRUST FUND FOR SPECIALISED MEDICAL CARE – BOARD OF TRUSTEES**

**The Minister of Health and Quality of Life (Dr. A. Husnoo):** Madam Speaker, further to the reply to Parliamentary Question No. B/695 from the First Member for Beau Bassin and Petite Rivière, hon. Bhagwan, at the last sitting of 07 November 2017, with your permission, I would wish to make the following statement.

Following the departure of the former Executive Director from the Trust Fund for Specialised Medical Care, the Board of Trustees was reconstituted and same was gazetted on 01 June 2017.

From April to July this year, the Trust Fund for Specialised Medical Care found itself in a situation where only one Cardiac Surgeon was in post. The waiting list had reached 103 patients and the waiting time for surgery was 15 weeks. The current Board, as soon as it has been constituted, has arranged for foreign cardiac surgeons to come over and undertake highly specialised cardiac surgical interventions, including delicate paediatric cardiac surgeries on patients who had been on the waiting list for quite a long time. Highly

experienced cardiac surgeons from South Africa (Dr Stemmet) and from Italy (Dr Agati) performed surgical operations on 30 cases. The newly appointed Board has approved the reopening of the new Centre at Victoria Hospital in the interest of patients and in order to reduce the waiting list. A new cardiac surgeon from Serbia has been recruited on 21 September 2017 on a 2-year renewable contract following a selection exercise.

Since the reopening of the new Cardiac Centre at Victoria Hospital, 44 surgeries (including very complex cases requiring 3-5 bypasses) have been undertaken.

The waiting list as at 09 November 2017 is 73 patients with a waiting time of less than 5 weeks. I must also add that, weekly, 10-12 new patients are being added to the list, including 4-5 emergency cases. Contacts have been established with different foreign organisations to come and operate freely on patients in the very near future. The new Board of Trustees has agreed to different visits during the months of November and December 2017. Adult and paediatric cardiac surgeries and interventional cardiology will be held by four different teams on humanitarian ground.

Madam Speaker, I am putting up before the House concrete facts about what has been achieved in such a short span of time...

**Madam Speaker:** Hon. Minister, are you departing from what you gave! Do you have the paper!

*(Interruptions)*

I will just have the paper!

*(Interruptions)*

I would just request you to go according to the copy which was agreed with my office, please!

**Dr. Husnoo:** Sorry, Madam Speaker. That is the latest copy that was given.

**Madam Speaker:** Can you please pass on the copy, hon. Minister!

**Dr. Husnoo:** There is only one copy!

*(Interruptions)*

**Madam Speaker:** Please!

*(Interruptions)*

Please!

*(Interruptions)*

Order, please! There must be a misunderstanding!

*(Interruptions)*

**Dr. Husnoo:** Okay, I will just continue, Madam Speaker!

The Trust Fund for Specialised Medical Care has not organised any seminar in a hotel resort in the north this year, as mentioned by the hon. Member.

Madam Speaker, however, my Ministry launched invitations on 08 July 2017 to various stakeholders, including the Chairperson of the Trust Fund for Specialised Medical Care and the Director of Cardiac Services to attend an International Conference on Diabetes and Associated Diseases, which was held from 28 to 30 July 2017. Upon receipt of the invitations, the approval of the Board of the Trust Fund for Specialised Medical Care has been sought at its third meeting held on 21 July 2017 for participation in this International Conference. According to procedures, the necessary approval of the Board was obtained. The Director, Cardiac Services, Dr Guness, could not, however, attend the said Conference as he was abroad.

Madam Speaker, I am tabling the invoice and the payment receipts that booking was made for only one person for the International Conference on Diabetes and Associated Diseases.

Thank you, Madam Speaker.

*(Interruptions)*

**Madam Speaker:** Yes, hon. Minister of Local Government and Outer Islands!

(4.21 p.m.)

### **SHOPRITE TRIANON HYPERMARKET STORE – FIRE OUTBREAK**

**The Minister of Local Government and Outer Islands (Mr P. Jhugroo):** Madam Speaker, with your permission, I wish to make a statement on the fire that broke out at Shoprite Trianon Hypermarket Store in the evening of Sunday, 12 November 2017.

Madam Speaker, since the fire outbreak, the Mauritius Fire and Rescue Service has been working round the clock, in very difficult conditions, by making use of all the necessary resources and logistics at their disposal to put off the fire.

I have been personally monitoring the situation since the fire broke out on Sunday. A Crisis Committee has been set up under my chairmanship to monitor the situation. The committee comprises representatives from the Mauritius Police Force, the National Disaster Risk Reduction and Management Centre, the Ministry of Health and Quality of Life, the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, the Forensic Science Laboratory, the Ministry of Labour and Industrial Relations, Employment and Training, the Municipal Council of Quatre Bornes and the Mauritius Fire and Rescue Service.

The Committee, which met this morning, took note that, as at 09.30 a.m., around 80 per cent of the fire has been extinguished. The Acting Chief Fire Officer has reported that it is taking time to extinguish the fire over the 20% of the remaining area, which covers approximately 100m<sup>2</sup> because of the following reasons –

- (a) there was a significant amount of inflammable materials stocked on site such as plastics, papers, perfumes, edible oil which when burning emitted very dark fumes;
- (b) visibility on the site is very low;
- (c) there is heavy heat release near the seat of fire and reaching around 2000 degrees Celsius, and
- (d) fallen racks and debris are obstructing access to the seat of fire.

The Committee also took note that the Fire Services is also carrying out a rescue exercise, as one person is still missing. The Fire Services is mobilising all its available

resources from nearby stations to combat the fire and carry out the search and rescue exercise.

Madam Speaker, the Committee further took note that the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development has carried out an ambient air screening exercise around 02.00 p.m. on 13 November 2017 in the surrounding area both upwind and downwind of the site. This exercise has not detected the emission of the pollutants and toxic gases such as nitrogen dioxide, nitrogen monoxide, sulphur dioxide, carbon monoxide, benzene, hydrogen chloride and ammonia.

A second ambient air monitoring exercise is being carried out today.

The Crisis Committee will be meeting again, tomorrow, 15 November 2017 at 10.30 a.m. to take stock of the situation and progress achieved.

Madam Speaker, I have met the family of the missing person. I share their pain and sorrow. I have made arrangements for two psychologists to assist them.

Madam Speaker, I am informed that the search is still on with 3 teams of 2 fire-fighters.

The Mauritius Police, the Mauritius Fire and Rescue Service and the Ministry of Labour, Industrial Relations, Employment and Training are, each separately, investigating into the causes of the fire outbreak.

I thank you, Madam Speaker.

**Madam Speaker:** I suspend the sitting for half an hour.

*At 4.25 p.m. the sitting was suspended.*

*On resuming at 5.05 p.m. with the Deputy Speaker in the Chair.*

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded the Equal Opportunities (Amendment) Bill (No. XVI of 2017) was read a first time.*

*Second Reading***THE COPYRIGHT (AMENDMENT) BILL****(NO. XIII OF 2017)**

*Order read for resuming adjourned debate on the Copyright (Amendment) Bill (No. XIII of 2017).*

*Question again proposed*

**The Deputy Speaker:** Hon. Lesjongard!

(5.06 p.m.)

**Mr G. Lesjongard (Second Member for Savanne & Black River):** Mr Deputy Speaker, I, first of all, wish to thank you for giving me the opportunity to intervene on the Copyright (Amendment) Bill.

As stated in the Explanatory Memorandum, the purpose of this Bill, in front of us today, is to bring a few amendments to some specific clauses of the Copyright Act with a view to improve the Act. We all know that the Copyright Act was voted in this House in 2014 and we all know that that piece of legislation was voted amidst protests from Members who were present at that time in this House, but also from the artist community. During the debates, the artist community, I think they had met at the Marie Reine de La Paix Social Centre and they raised their voices against several important clauses of the Bill at that time.

Now, the Bill, like I said, in front of us today, will amend certain specific clauses of the Copyright Act with a view to improve the legislation. I believe one of the main provisions is the replacement of the Rights Management Society by the Mauritius Society of Authors. In other words, Mr Deputy Speaker, Sir, we are reverting back to the previous appellation of the Society. I will be saying a few words on this change and why today we have to change the appellation of the Society. But, we all agree that we have wasted time and time has proved us right in what was said when we debated the Copyright Act.

Now, before I get into the various sections of the Act, allow me, Mr Deputy Speaker, Sir, to make a few remarks with regard to speeches that were made before me, especially from orators who intervened from the Opposition. Hon. Baloomoody stated in his speech that the artist community deserves a better piece of legislation and he was very critical regarding some specific clauses of the Bill. His main objection was with regard to the recommendations of the High-Powered Committee, but he also criticised the powers of the Minister in the Bill,

the election of the Members to sit on the Board and the equitable distribution of income between the producers and artists.

Hon. Henry from the Opposition also intervened, but I do not wish to refute all the points raised by hon. Henry because he was very irrelevant in his speech, but on one issue, I wish to ask him a question. He stated in his speech that he had talked to his colleague in his party about the proposed amendments. He said that, after having talked to his colleague who was the former Minister of Arts and Culture, he is agreeable with the amendments that are being proposed. I understand why he stated that, because his colleague who was the former Minister, as I said, was part of the process for the preparation of this Bill. Finally, Mr Deputy Speaker, Sir, what I understand from the speech of hon. Henry is that the main Opposition party is agreeable to the amendments in front of us and to support the argument that I have made, I shall refer to an extract of the speech of hon. Henry where he stated –

“I have had the opportunity to discuss with some Mauritian artists. They are very optimistic about this amendment. Finally, their voices have been heard.”

In other words, hon. Henry is congratulating the Minister, which is in total contradiction with regard to what another Member of the Opposition said about how artists are being treated now.

The hon. Minister, in his speech, made reference to an unfortunate event which occurred in December 2015 and he was referring to the clash that happened between artists and pirated CD sellers in Port Louis. Followed by that, we all know that there was a pacific march by the artist community whereby politicians participated from the different political parties in the country. It was then that the Government decided to set up a High-Powered Committee comprising of the Assistant Solicitor General, members of the artist community, officials of the Anti-Piracy Unit, officers from the Prime Minister’s Office and also officers from the parent Ministry. We were informed that that High-Powered Committee had met 16 times and that experts from the World Intellectual Property Organisation made comments and that the comments that were made were taken on board by the High-Powered Committee. Now, we were also informed that, since the month of February this year, the Bill was on the website of the Ministry for views. Having said that, Mr Deputy Speaker, Sir, we all conclude that there were wide consultations before this Bill was introduced in the House.



Now, we were also informed that it was only when consultations were completed that the draft Bill was finalised by the High-Powered Committee and that the final version of the Bill with all the recommendations were sent to the concerned Ministry.

Now, I come back to the point that was made by hon. Baloomoody whereby he made reference to the non-inclusion of some of the recommendations of the High Powered Committee which is not correct at all because from what we understand, all the recommendations were taken on board by the parent Ministry.

Now, having commented on the remarks made by colleagues from the opposition and before I make further comments on this Bill, allow me, Mr Deputy Speaker, Sir, to pay tribute today to two pioneers of our local music who have left us recently. Here, I have in mind, Marclain Antoine and Roger Clency, both have been in the forefront of our local music for the past 50 years. Marclain Antoine, from what I understand, was among those who contributed in the setting up of the MASA at that time.

M. le président, il était connu comme le griot local. Il était à la fois poète, chanteur et musicien. Qui ne connaît pas Roger Clency ! Il a été parmi le premier à introduire le séga dans les hôtels à Maurice.

Now, allow me to revert back to clause 43, the clause which deals with the replacement of the Rights Management Society by the Mauritius Society of Authors. *Comme je le dis auparavant c'est un retour à la case départ.* We should refer to the speeches made by Members of the Opposition at that time when they intervened with regard to the creation of that new entity which is the Rights Management Society and there were fundamental questions that were put to the Minister at that time. Fundamental questions with regard to the International Confederation of Authors and Composers Society. The question was whether that society was consulted before decision was taken to change the name of the MASA. The attention of the Minister was also drawn to the fact that there are agreements that were signed between the MASA and I understand some 230 international societies, and the question that was put at that time, was with regard to the reciprocity of those agreements. Unfortunately, Mr Deputy Speaker, Sir, at that time, the Minister did not respond to those queries when he did his summing up speech.

Now, what do we hear today? We hear that there were no consultations done at that time with those organisations and not only that, Mr Deputy Speaker, Sir, what is appalling is, now to hear that consultations were done only when the Act was proclaimed, that is, much

later after we have debated on that piece of legislation. And when consultations were done, it was clear that that organisation, that is, the (CISAC) International Confederation of Authors and Composers Society refused to acknowledge the creation of that new entity, that is, the Mauritius Society of Authors, that is why today I say we are back to *la case départ*.

Now, I think the hon. Minister today is doing the right thing, he has explained the complexity of the situation, we are returning back to the original appellation of the Authors Society, that is, MASA, and we understand that with that decision things will be much easier at the level of that organisation.

Now, another fundamental issue which was discussed again when we voted that piece of legislation back in 2014, was in relation to the number of artists sitting on that Board. I think, if I can recall, it was the then Leader of the Opposition who raised that issue in his speech, and we know that in that legislation the number of artists represented on the Board was reduced from 7 to 3, and until today I think we don't know the reason behind that reduction. I am happy now that this number will be increased back to 7 so that we get a better participation of artists at the level of the Board of the MASA.

Now, with regard to the election process, the amendment brought to the relevant schedule proves that the process will be done in a very democratic and transparent way and the election will be conducted by the office of the Electoral Commissioner.

Can you believe that, Mr Deputy Speaker, Sir, the Copyright Act was proclaimed on 21 April 2014, and it was only 15 months later, that is, in June 2015, that the rules of elections were gazette? Now, we understand from the hon. Minister that there will be a delay, a reasonable delay when we vote this piece of legislation for the elections to be held. I think hon. Baloomoody, in his speech made a comment about Members of the Board representing the artists and that they should be fluent in English and French. I think this was in the schedule that was there back in 2015. I think in the new amendment which is being brought, that condition is not there.

Now, remark was also made with regard to officers sitting on the Board. It was stated that in the previous legislation the status and rank of officers sitting on the Board was defined and that now, in the amendments being brought in front of the House, we are deleting that section, and it was also stated that in doing so, we were downgrading the Board. I think this is not correct as most of our legislations do not define the rank of officers sitting on the

different Boards, and the statement that was made that the Minister does not care about the artists because of that decision is not a very valid argument.

The Minister has explained the reasons why he has brought these changes. The reasons being very often such high ranked officers are not available and sometimes there are no officers to replace them, resulting in a lack of quorum, thereby hindering the proper functioning of the Board. In other words, the amendment being brought will make it more flexible to designate officers to sit on the Board.

Then there is a new section, whereby a provision is made for the appointment of the Secretary to the Board, which is a very practical decision, and that Secretary will have the responsibility to convene meetings of the Board and keep minutes of proceedings.

One query that I would like to clarify is with regard to the establishment of the Provident Fund and a Benevolent Fund. In the previous legislation, mention was made for the creation of these two Funds. I would wish to know whether these two Funds have been created and whether they are functioning.

I refer now to another new section, which is section 45A, which has been added in the legislation and which deals with the creation of committees, which I think is a very good idea, whereby the Board will have the possibility to co-opt members to sit on the committee, and we understand that an allowance will be paid for members who sit on such committees.

Another issue, which I think we should give attention to, is in the legislation at section 48 and deals with the annual report of the Society. Now, it is stated at section 48 of the legislation, and I refer to that section –

“The Director shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare, in respect of every financial year, an annual report and submit it to the Board for approval, together with an audited statement of accounts on the operations of the Society.”

If one refers to the speech that was made back in 2014, the then Minister, when he intervened, said that, and I quote –

“Mr Speaker, Sir, with a view to instilling confidence among the artist community and allow the management of finances in a professional, efficient and transparent

manner, the Bill provides for the accounts to be audited by the Director of Audit, and these will be tabled before the National Assembly annually (...).”

What is the situation today, Mr Deputy Speaker, Sir? Have the accounts of the Rights Management Society been audited? Have annual reports been tabled before the National Assembly since 2014? We would have thought the answer is yes after I have quoted what the former Minister said. But, unfortunately, the answer is no! We voted that piece of legislation because of opacity in the use of funds at the MASA, because of lack of trust, lack of credibility, because of lack of efficiency, and we wanted good governance at the Society. I believe we are still far from what we expected at the level of the Society.

Now, we are repealing the section that was there in the previous legislation and we are introducing a new section, which I have read earlier. The Minister, in his speech, has informed us that, from information he has gathered, the Rights Management Society is finalising all financial statements and annual reports, and I do hope that they have valid reasons for the delay. If this is not the case, as a Member of this House who voted the law in 2014, I believe they should be taken to task, Mr Deputy Speaker, Sir.

The amendments also deal with what is known as the length of duration of copyright. It has been increased from 50 years to 70 years. The Berne Convention stipulates that the term of ‘copyright protection’ is defined as follows: the life of the author plus at least 50 years after his death. And countries are free to choose a longer term of protection, and it varies from country to country and it varies from 50 to 100 years. Here, in Mauritius, we have decided to move from 50 to 70 years, and I believe this is a good decision, as it will allow the protection of the work of the artist for an additional 20 years.

Let me say a few words, Mr Deputy Speaker, Sir, with regard to the clause dealing with equitable distribution of remuneration of artists. I believe this clause has been introduced to settle the issue of collection of remuneration, as this was an issue between performers and producers. Now, with this amendment, it will be for the MASA to collect the remuneration. The distribution will be done on an agreement signed between the performers and the producers. In case there is no such agreement, it will be distributed in equal amounts, which I believe is very fair.

There was also the issue of imposing a levy. I think this was raised by a hon. Member of the Opposition side, that is, the issue of imposing a levy on mobile phones and pen drives

or other digital recording instruments. I have been told that there was never such a proposal made by the High Powered Committee.

To end up, Mr Deputy Speaker, Sir, I will say a few words on piracy. J'ai fait mention un peu plus tôt, M. le président, des agressions, avec l'arrestation de certains artistes en 2015, dont je salue le courage, car c'est leur gagne-pain.

Je tiens aussi à rappeler à la Chambre que suite à cela, il y avait eu un élan de solidarité envers ces artistes; un élan de solidarité exprimé par nous-mêmes, par la nation dans son ensemble. J'avais moi-même participé à cette marche pour exprimer ma solidarité envers ces artistes et nous savons que c'est toujours en cette période de fin d'année, qui arrive dans quelques semaines, que ces pirates sont à l'œuvre.

J'espère que les autorités vont être, comme d'habitude, doublement vigilants et empêcher ces personnes d'opérer. Il est un fait aussi que, parmi les amendements, il y a un amendement précis qui met la pression cette fois-ci sur les consommateurs qui achètent des CDs piratés, comme maintenant c'est un délit punissable par la loi.

Je vais terminer, M. le président, mais je saisis l'occasion qui m'est donnée pour saluer bien bas certaines personnes. Je parle des artistes qui nous ont quittés, tels que Marclain Antoine et Roger Clency ; je parle aussi de nos divas mauriciennes. Et là, j'ai en tête les chanteuses comme Linzy Bacbotte, Nancy Derougere, Caroline Jodun, Jasmine Toulouse, Laura Beg, Sandra Mayotte, Anne Sophie Paul qui font un travail extraordinaire afin de valoriser les artistes femmes. L'image des femmes artistes a constamment évolué ces dernières années. Aujourd'hui, elles méritent pleinement leur place dans ce monde artistique et elles viennent prouver aussi qu'il existe une solidarité parmi les artistes.

Mr Deputy Speaker, Sir, these amendments, as stated by the Minister, will no doubt consolidate the actual legislation and will allow the MASA, which looks after artists of our country, to function in a very transparent and democratic way.

I am done, Mr Deputy Speaker, Sir.

(5:39 p.m.)

**Mrs D. Selvon (Second Member for GRNW & Port Louis West):** Merci M. le président. La propriété intellectuelle concerne les lois suivantes à Maurice, à savoir, le *Copyright Act 2014*, le *Genetically Modified Organisms Act 2004*, le *Layout-Designs*

*(Topographies) of Integrated Circuits Act 2002* et le *Patents, Industrial Designs and Trademarks Act 2002*. Il y a d'autres lois qui peuvent également entrer en jeu, comme le Code Criminel ou d'autres législations concernant la protection de l'information ou *data*. Ici, on s'en tiendra à la protection spécifique des artistes et des créateurs d'œuvres originales.

D'abord sur le plan international, Maurice est signataire des traités suivants :

*The Berne Convention for the Protection of Literary and Artistic Works, 10 May 1989 ;*

*The Paris Convention for the Protection of Industrial Property, 24 September 1976, and*

*The Convention Establishing the World Intellectual Property Organisation, 21 September 1976.*

Toujours sur le plan international, *The World International Property Organisation (WIPO)* s'occupe des différentes sphères de la propriété intellectuelle, qui est aujourd'hui une marchandise reconnue sur les marchés mondiaux et porte une grande valeur ajoutée. La production et la création artistique sont, donc, des domaines sacrosaints que tout gouvernement doit protéger en y prêtant beaucoup d'attention, tout en respectant scrupuleusement l'indépendance et les droits de l'artiste et de l'intellectuel créateur aux fruits de leur travail.

Mais que ce passe-t-il à Maurice ? Il y a une grande colère chez les créateurs mauriciens envers les gouvernements successifs depuis 2005, qui, dans l'ensemble, n'ont pas mis en place les mécanismes adéquats pour la protection de leurs droits et de leur gagne-pain. Les musiciens, les chanteurs et autres artistes créateurs ne se sentent pas suffisamment protégés contre le piratage, ce qui fait que des artistes ont entrepris une marche pacifique le vendredi 31 décembre 2016 pour protester contre le piratage de leurs œuvres.

Mais ils avaient aussi exprimé leur espoir que ce gouvernement allait remédier aux déficiences de la loi votée en 2014, *The Copyright Act*, celui-là même que l'actuel gouvernement veut amender. La communauté des artistes locaux avait exprimé sa satisfaction en décembre 2014 de la mise sur pied d'un *High-Powered Committee* pour étudier les mesures à prendre pour protéger les artistes et revoir la *Copyright Act 2014*. Ils avaient

demandé au gouvernement de voter les amendements dès la rentrée parlementaire. Selon la presse, le producteur Siva Pareemanun avait déclaré que, je cite –

« Ce comité va marquer l’histoire. »

Et il avait ajouté –

« Je suis heureux de cette décision. Nous allons revoir 45 clauses de la *Copyright Act*. (...) Nous ne serons pas satisfaits aussi longtemps qu’elle ne le sera pas. »

Le chanteur Zanzak Arjoon avait invité les artistes, je cite –

« à maintenir la pression jusqu’à ce que la nouvelle loi soit votée à l’Assemblée nationale. »

En juin 2017, la loi de 2014 était encore décriée. On pouvait lire sur le site web artistique mauricien, koze.mu, de sérieuses réserves exprimées. Des informations et commentaires qui se trouvent encore sur ce site méritent d’être cités ici pour démontrer l’insatisfaction des créateurs mauriciens face à la loi de 2014. Interrogé par koze.mu, le directeur du *Rights Management Service* expliquait ceci, je cite –

« Beaucoup pensent que la *RMS* c’est l’affaire des ségatiers. Mais la loi régissant le droit d’auteur définit une “œuvre” comme étant une création littéraire, musicale, photographique ou une peinture. »

Je citerai quelques opinions émises par les artistes mauriciens sur le peu d’intérêt qu’offre l’actuelle loi et sur le fait que les amendements, que nous sommes appelés à voter, ne seront pas la panacée aux problèmes des créateurs mauriciens face au piratage de leurs œuvres. L’ingérence ministérielle, ajoutée à la loi dans l’article 48A de l’amendement, dérange également.

Mais tout d’abord, je puiserai dans les témoignages concrets sur la faillite de *The Rights Management Society* actuel et qui disparaîtra avec les amendements. Si le *RMS* est censé concerner tous les arts, peu d’artistes se sentent concernés par la société de gestion collective mauricienne. Une photographe témoigne –

« J’ai essayé de comprendre quel est l’intérêt pour moi, mais les informations étaient confuses. De toute façon, en cas d’utilisation illégale d’une de mes photos, c’est moi

qui vais devoir entamer les démarches judiciaires. La RMS me donnera des conseils uniquement. »

Le directeur du RMS a accepté cet argument, mais souligne le fait qu'un photographe ne peut prouver qu'une photo lui appartient si elle n'est pas enregistrée au RMS. Une œuvre est protégée du moment qu'elle est créée. Personne d'autre n'a le droit de s'attribuer la propriété. Cependant, il sera difficile de prouver qui est l'auteur de l'œuvre si elle n'est pas enregistrée. De plus, dans un cas pareil, l'artiste portera plainte au civil alors que le RMS est mandaté pour apporter le cas au criminel dans ce genre de situation. Une autre professionnelle de la société de production, *en bas la haut*, déclare de son côté, et je cite –

« Selon les conseils d'un avocat, le meilleur moyen de protéger un scénario et de l'envoyer soi-même par la poste, de le garder dans l'enveloppe fermée et le cachet de la poste fera foi de la date à laquelle cette œuvre a été achevée. La méthode est un peu archaïque, mais plus prudente. »

En ce qui concerne les amendements qui sont devant nous, la question est de savoir s'ils répondent aux critiques concrètes formulées. Ainsi dans ces amendements on relève que le ministre s'arroge des pouvoirs étendus. Les artistes sont des personnes très influentes et le gouvernement qui fait face déjà à trop de problèmes causés par ces ingérences illimitées dans des affaires qui ne le concerne pas, n'a pas l'intérêt à changer les lois pour s'ingérer dans des affaires de créations artistiques qui sont par essence des activités indépendantes de la politique et mieux gérées par des professionnels. Un ministre reste un partisan et aux ordres d'un parti politique et comme le souligne un homme de loi, cité dans *l'Express* du 31 Octobre de cette année –

« L'Article 48(a) va donner un pouvoir exorbitant d'intervention ministérielle.

Cet homme de loi, M. Steven Sorebois, déclare en effet –

« Ce nouveau pouvoir accordé au ministre est abusif. »

Oui, abusif! Pourquoi avoir un conseil d'administration si le ministre peut renverser ses décisions ? Soit c'est le conseil d'administration qui décide soit c'est le ministre. On ne peut pas avoir les deux.



Je souhaite que le ministre tienne compte de toutes ces remarques. En vérité, à force de s'arroger des pouvoirs dans toutes les sphères, les ministres finissent par élargir la masse des mécontents contre eux-mêmes à travers le pays. J'aurais souhaité avoir des *Boards* de professionnels et experts en œuvres artistiques vraiment indépendants du pouvoir politique pour que les responsabilités soient mieux partagées et que le public sache qu'un ministre n'est chargé que de la supervision générale des activités des *Boards* qui se doivent d'être indépendants de la politique. Les ministres aiment sans doute danser sur des airs d'Alain Ramanisum or des *Bhojpuri Boys*. Mais que vont-ils faire de cette galère réservée aux professionnels de la création artistique à part légiférer pour le bien de tout le monde.

Je remercie la Chambre de m'avoir écouté. Merci.

**The Deputy Speaker:** Hon. Rutnah!

(5.50 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, firstly, let me start by saying that most of the things that ought to have been said in this House in relation to the Copyright (Amendment) Bill, have already been said. However, given that I have shown interest in addressing the House today, I propose to say certain things that will, of course, be of interest.

Mr Deputy Speaker, Sir, prior to this amendment, we had the 1997 Copyright Act, which amended the 1986 Copyright Act. The 1997 amendment was an amendment that was proposed in order to modernise legislation so that we will be compatible with the spirit and intendment of a post GATT era. By that time, we also had joined membership with the World Trade Organisation and we were also, by virtue of the World Trade Organisation, a member of the World International Property Organisation. We also, by that time, formed part of the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literacy and Artistic Work.

So, we had not only, by then, our local law, but also with had international convention and treaty to which we were bound by and we are still bound by those international convention treaties.

Copyright, Mr Deputy Speaker, Sir, simply means that you cannot copy just like you cannot copy my venous pattern. No one can copy the venous pattern of another human being. No one can copy the DNA of another human being. It is inherent.

*(Interruptions)*

But, unfortunately,...

*(Interruptions)*

Of course, my very able friend, hon. Tarolah, is an original, he is not a copy.

*(Interruptions)*

Of course, he is not a copy. And I refer to my friend ...

*(Interruptions)*

He is not a copy; he is an original and I subscribe to what my very able and learned friend, hon. Roopun said in the last part of his intervention in relation to the words used by John Mason that –

“You were born an original. Don’t die a copy.”

And my friend Tarolah will never die a copy. He will die an original.

*(Interruptions)*

Yes! Never mind what kind of business, but he will always be an original!

Thankfully, if I may say, or unfortunately, my friend Kee Cheong Li Kwong Wing, he had no copyright about his words in this House. Unfortunately!

*(Interruptions)*

Yes, he has been copied. But my friend, Kee Cheong Li Kwong Wing, will always live an original. He will always and will be remembered for his originality.

*(Interruptions)*

Never mind!

**The Deputy Speaker:** Order!

**Mr Rutnah:** I am not going to entertain into a conversation with my friend.

**The Deputy Speaker:** Hon. Rutnah, please come to the Bill,

**Mr Rutnah:** Yes. So, this is by way of background, Mr Deputy Speaker, Sir, that we are here now amending yet another part of the 1997 legislation to bring it to international norms so that we keep up with a modern world and we have to live in a world where things are met with speed and intelligence.

Mr Deputy Speaker, Sir, let us look at what the Minister proposes today.

He proposes by way of the Explanatory Note that the object of this Bill is to amend the Copyright Act in order to, amongst others –

- (a) make better provisions regarding phonograms;
- (b) increase the length of the duration of copyright;
- (c) make better provisions regarding the payment of equitable remuneration, and
- (d) replace the Rights Management Society by the Mauritius Society of Authors and provide for the procedure regarding its membership.

The explanatory note, in itself, demonstrates the willingness of this Government.

Firstly, to honour its promise in relation to copyright and to bring our country to the standard that is required of us as a country, as a nation to protect our artists, our authors and those who create products which should be copyright. So, what has been done in relation to broadcasting itself? Previously, we only defined broadcasting organization as only the Mauritius Broadcasting Corporation, but today we all know that not only the Mauritius Broadcasting Corporation that broadcasts music or works of authors but also nowadays we have got private radios. We have got websites, we have got web TVs. We have got all sorts of audio-visual materials now on which people can go on the internet and watch works of authors and listen to music. So we cannot, in 2017, not include all these other organisations that air music; take the works of authors and air them and not pay them anything, it's wrong. The intention of this Bill, Mr Deputy Speaker, Sir, is, firstly, to modernise the law itself and to implement this as a modern law; secondly, to give the respect that artists ought to be given; thirdly, it's an economic matter to let them get paid properly - let them earn for the work that they have done, and, fourthly, there is an inclusion to strengthen moral rights and moral

values. So, the clause amending the broadcasting organisation now extends to any legal entity which takes the initiative of packaging, assembling and scheduling program content for which it has, where necessary, been authorised by right holders and be the legal and editorial responsibility for the communication to the public of everything which is included in its broadcast signal. So, this, in fact, encompasses all the other broadcasters organisations that are supposed to be bound by the law.

Mr Deputy Speaker, Sir, clause 4 of the Act introduces the moral rights concept at a higher level, a level which is unprecedented. There are moral rights and legal rights and we all know that some people argue that what they deem to be moral others can say that they are not moral, that is, they are immoral. What is moral to one person can be immoral to others. What is legal right can always be a legal right because it is prescribed by law, but unfortunately morality is not prescribed by law. That's why people who pirate, people who copy, people who cheat they believe that they can infringe that moral right, they believe that they can do it so easily: abuse the rights of authors, abuse the rights of musicians because for them it's not immoral to do so. By virtue of this law today, the injection of a higher degree of morality demonstrates that we want to build a nation where there will be not only respect for the law as legal right, but also for moral rights. People should think twice before copying, before selling pirated CDs or before selling any material which they have copied without the authorisation of the authors.

Clause 7 of the Bill amending section 15 of the 1997 Act deals with extension of the years after the death of the author from 50 years to 70 years thereby brings it in line with the spirit and intendment of the Berne Convention as elaborated earlier on by my good friend hon. Lesjongard. So, I am not going to speak about it, simply to say that we are doing things which are required by virtue of the international obligations that we have signed on.

Clause 8 of the Bill seeks to amend Section 16 in relation to equitable remuneration and this is where the crux of this Bill lies. It is to give respect, to extend that respect that one would ordinarily expect that authors and creators should have. They have worked hard, they do work hard and when they produce, they have to sell it, and when they sell they have to earn the remuneration that is expected so that they can earn a living from their profession, from their work.

Today, until today if I may say, our musicians, our artists have technically been conned. Their money has been taken away of them and what this Bill is going to do is to pay the equitable remuneration, and I'm going to quote word for word -

“Where a reproduction concerns an audiovisual work or a work embodied in a sound recording, other than the reproduction of a single copy by an individual exclusively for his own personal purposes, the author or owner of copyright shall be entitled to equitable remuneration to be paid to, and distributed by, the Society”.

The Society, we will come to it later on the MASA, before today Rights Management Society but we are reverting to the MASA. And clause 8 (b) –

“The equitable remuneration shall be paid –

- (i) by the manufacturer of the equipment or material supports, normally used for private reproduction for personal purposes of the work, except where such equipment is, or such material supports are, exported; or
- (ii) by the importers of such equipment or material supports, except where the importation is by a private person for his personal purposes.”

So this clause reinforces the right of the authors to earn what they deserve for the work that they have carried out, for their hard work. And also, the Act provides for the mandatory written authorisation from copyright owners or the Society prior to make use of the work. So, the mandatory authorisation from MASA is very important because we did not have it before. That is why the abuse used to take place. So, if we look at clause 23 of this Bill going to amend section 45; there are a number of functions that have been listed that the Society is able to do. But the most important is: firstly, to get the consent of the artists and secondly, the Society will also be able to act on behalf of the authors. The Society can represent or provide legal representation in Court cases; help them in order to deal with their complaints, and also consumers will be encouraged to actually purchase originals and not copy.

Now, before I end, I propose to deal with two issues that hon. Mrs Selvon raised. Firstly, the issue relating to the fact that there was an incident in December 2015, and until today we didn't do anything. But, hon. Mrs Selvon, if I may remind her that there were questions put by hon. Barbier who now sits on the other side of the Opposition bench, and

quite properly he put the question some time ago about what was happening in relation to the amendments of the Copyright. And the then Minister of Arts and Culture, hon. Baboo, who was previously sitting on this side of the House, but now circumstances have made him sit on the other side of the House, and I like it when he is smiling from there.

*(Interruptions)*

He, himself, at the time stated in reply to the question of hon. Barbier that there was a High-Powered Committee set up in order to look into the problems of the authors. But up until hon. Baboo was holding the portfolio, the work was not completed, but then eventually hon. Roopun made it a duty that the work gets completed and brings the appropriate Bill into this House. So, the Government has not slept or sat on the Bill or on the programme to actually revolutionise the rights of authors in this country.

The second criticism that hon. Mrs Selvon raised by saying: “*le ministre s’arroge des pouvoirs étendus*”. But let us look at what section 48A says. Section 48 deals with direction by the Minister. The Minister will direct, and the words here used in the proposed legislation are -

“The Minister may give such written directions of a general character to the Society, – that is the MASA – not inconsistent with this Act, as he considers necessary in the public interest, and the Society shall comply with those directions.”

Now, if a Minister of a Government cannot act in public interest, if we cannot trust a Minister of the Government to act in public interest, whatever Government may come into power tomorrow, why we cannot place our trust? But whenever there are questions from Opposition Members and when the Minister says: “I don’t know about this”, the Minister gets criticised. But why? If he can give directions means he is accountable to the House and he is accountable to the people. He gives direction in public interest for the benefit of the society and for the benefit of the authors, of those who have created their works. Secondly -

“The Minister may require the Society to furnish such information in such manner and at such time as he thinks necessary in respect of its activities and the Society shall supply such information.”

What is wrong with it? The Minister is entitled to know. The Minister is mandated by the people to represent the people of Mauritius. Why the Minister is not entitled to know

what are the activities and is that sphere of activities in which the Society will be acting. Of course, he should know. Of course, he should have a bird's eye view on the activities of the Society in order to ensure that things are running smoothly. For example, if it comes to payment for the authors; if the Society is in a position where he can pay a certain amount of money and refuses to do so. Who can give directions? Are we going to leave it to members of the Board or is it not the Minister who can give such directions in relation to the betterment of the authors who create their work by virtue of hard work, perseverance and devotion in what they do?

So, Mr Deputy Speaker, Sir, this Bill is a Bill that is going to help our authors, our artists and our people in Mauritius, and it will encourage our younger generation. It will encourage our children to actually become artists, become authors, become creators of work which tomorrow will be protected by laws that exist in this country.

On this note, thank you very much for your attention.

*(Interruptions)*

**The Deputy Speaker:** Hon. Barbier!

(6.13 p.m.)

**Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) :** Thank you, Mr Deputy Speaker, Sir. First of all, I think I will have to remind my friend that the amendments we are bringing to the law today concern the 2014 law. You freshly voted a new Bill. We are not amending the law of 1987 or 1997 or whatever because we had a fresh legislation voted in 2014. In fact, these amendments today are bringing us back to the philosophy of the law which stands in 1987 with a few improvements, but also with some *lacunes*. This is, in fact, my reading of all the amendments which are being brought to the House today.

As the law stands now, it gives the possibility of the creation of unlimited numbers of organisations, law firms, individuals who can make up some organisations to claim for copyright and royalties. I stress on that issue when I intervened on the Bill in 2014, and I draw the attention of the House of the *l'impraticable de ces amendements*. And I am happy that today this is no more part of the Bill. So, it was impossible to be implemented. It is good that these amendments do away now with the past philosophy of the Bill which has been voted in 2014.

The amendment to section 16 of principal Act amended, I will quote part (b) -

“(b) The equitable remuneration shall be paid –

- (i) by the manufacturer of the equipment or material supports, normally used for private reproduction for personal purposes of the work, except where such equipment is, or such material supports are, exported; or”

Then, it continues -

- “(ii) by the importers of such equipment or material supports, except where the importation is by a private person for his personal purposes.”

My reading of this paragraph is that importers of equipment, and when I say equipment, I hope, Mr Deputy Speaker, Sir, that it means also devices, that is, telephone, USB, iPad and so on. So, if my reading is right, this particular paragraph gives the opportunity to levy on these devices, and these devices, by virtue of this paragraph, can be taxed, can levied. But it is clear for me because in the Act of 1987, we had some proviso like that, but, unfortunately, it was not implemented for some practical reasons which were not clear in the law then. But, today, I think it is now clear that we can now levy on these devices through the proviso of this paragraph.

My concern today is how. So, can the Minister explain why? Because there is no proviso in the law which explains how we are going to levy, how will the Society collect these revenues which the importer is supposed to pay. Is it going to be through a clearance certificate delivered by the MASA? Is it going to be collected by the MRA? Is it going to be levied on the type of device or the value of device or the quantity imported? So, we need to know which mechanism has been put in place or will be put in place to enable the Society to collect their money from the importers.

I think it has been the wish of the authors, of the Society for years now. These amendments, today, give the opportunity to levy, but there are no details so far of that mechanism set, because the law does not set the mechanism to give the possibility to the Society to collect the levy. So, I wish the Minister can give us some clarification on that issue, if my reading of the legislation is right as it is today.

Mr Deputy Speaker, Sir, regarding the objects of the Bill, one of which interests me much more than the others is to –

“(c) make better provisions regarding the payment of equitable remuneration;”



I am happy with the other objects, but this one also is very important. My query today is how the Minister, how the MASA, how this law gives us the opportunity to do so. I will take the example of caller tune. I just talked about the levy, which we suppose we can collect through this law. But, as regards caller tune, actually, everybody or most of us have a caller tune, a music on our...

*(Interruptions)*

Most of us, I say. You are among the exceptions! Most of us have a caller tune on our phone. It is music from whatever author it is, and using that music gives the right to the authors to collect something. But, for years, the MASA has been fighting with the Telecom and other service providers to be able to have a proper collection, a proper contract with these providers. I must say that Telecom, to divert all that, has been dealing directly with the artists. So, to exploit their creation, they use it and pay only peanuts to the artists. For example, out of Rs10 which the customers pay to use the caller tune on a monthly basis, only one rupee is distributed to all right owners of this music. I think this is very, very unfair. I am asking myself if Telecom, which is a Government major shareholder company, is not sharing equitable remuneration to the local artists, what will other users of musical world do. So, Telecom should give the right example, the right signal by paying a substantial percentage of what it gathers to the artists. This will give the right signal and the artists will be able to receive a substantial payment for their music used by the service providers for telephone.

I do not know where my friends at the MASA have been able to reach now. I was on the Board some years back and it was one of our items of discussion with the Telecom. As far as I know, there has never been the will from the side of the Telecom to finalise whatever type of contract which could have been finalised in favour of artists. So, I must stress on it again and ask how this legislation, today, will give us the opportunity of discussing, dealing, negotiating with these service providers for the MASA to be able to collect a fair revenue to be distributed to the artists for their music, their work which are being used by Telecom, Emtel and other telephone service providers.

Another one is about the visibility of Mauritian artists. Mr Deputy Speaker, Sir, one very important issue is where today our artists are losing money, especially those who perform abroad. Many of our artists today perform abroad, and very often. Our music is being played worldwide. This a fact! But do you know that some of these artists have not received any royalties from abroad, from other Society, for years, for more than ten years? I know

many of them who have performed abroad and they usually complain: “So, where are our royalties?” They have been performing in England, India, Australia, France, Belgique very often, and they never received their dues. A few who are alert and who perform in Reunion Island know how to fill in some papers there and they do, from time to time, receive something from the SACEM there. But the majority of artists performing abroad are not receiving their due, Mr Deputy Speaker, Sir. Why? Is the hon. Minister aware of that? Does the hon. Minister know that some producers who work in Reunion Island are making different declaration of works, different from what they declare here in Mauritius, just to be able to get more money there, and some are right owners, which have been declared to the MASA in Mauritius here; they go to the SACEM in Reunion Island, make some alteration, some different type of declaration just to make these producers collect more money from the SACEM. This is not normal. Normally, these authors are not aware; I am sad to see such a situation prevailing today, since there is a modern type of administration through SISNet which can be used properly, thus giving the opportunity to make it visible by Mauritius, for all our artists to be visible by all the other sister society. Unfortunately, this is not so today, and I pray the society, the Minister to see to it that today the law gives us the opportunity to implement whatever decision has to be implemented, so that this *lacune* could be, I would say, solved and give the possibility to our Mauritian artists to receive a better remuneration.

Many Mauritian artists who performed abroad in the past, as I said, have never received their royalties for these abroad performances and MASA has not been able to update the data for the international users. So, I put the question : who at the MASA or which specific officer with the MASA is trying to cover up defaulters? I, myself, went to the SACEM in Reunion Island last year, just to inquire - because I am a member of the MASA and also an author and composer - why for years they have not been receiving royalties from there. I was accompanied by a friend who is a very much known artist in Mauritius and we were surprised to note that, not only us but most of our artists here, their works are not visible. I also checked for my friend who accompanied me. He was shocked to know that some of his works, which were very successful inland and abroad, are not even visible in any library. Why? Who is responsible for that, why is the MASA not working on this issue, what data has not been updated, and why does the situation last for years? In fact, these are the questions that I have to put to the hon. Minister to know how we can increase the remuneration of artists by correcting all these ill-doings which are happening year in year out.

One other thing, Mr Deputy Speaker, Sir, today, we have so many radios online, we have TV online; they are using musical works every day. Do these amendments today give us the opportunity to claim whatever we can claim to these radios and TV online today? Every day they are using musical works and I am not sure they are paying a single cent to the MASA. So, will these amendments give the possibility to the society to claim whatever can be claimed, what is rational, what is equitable to be paid to the society so that it may be distributed to the authors and composers?

The other issue is the YouTube. Today, YouTube has become a major distributor of musical works and films also. Not only YouTube, but other service providers of the same type. So, how will the MASA, through these amendments, negotiate with those giant service providers? I know that another society abroad has been able to negotiate and has signed some agreements with YouTube, and they are now receiving some money from these providers to be distributed to their authors. So, are we going to follow these steps? Does this legislation give us the possibility of doing so? We are so far behind, Mr Deputy Speaker, Sir. So, I put the question: why are we lagging behind for years, through negotiating with other service providers worldwide? We are losing money, our artists are losing money and when we talk of equal remuneration, these are issues which we have to look through. I hope that my intervention today will give us some ideas how to tackle this issue.

I think everyone has talked on Section 48, which is on page 12. In Section 48A (2) -

“The Minister may require the Society to furnish such information in such manner and at such time as he thinks necessary in respect of its activities and the Society shall supply such information.”

I have no problem with that, this is every good. In fact, I appreciate this one, but coming to 48A (1) –

“The Minister may give such written directions of a general character to the Society, not inconsistent with this Act, as he considers necessary in the public interest, and the Society shall comply with those directions.”

I think it is too much; this is anti-democratic. I can't understand why the hon. Minister wants to control the MASA and give directions for which the MASA shall comply to. I think this is very unfair. What is Government contributing to the MASA today? Some years back it was Rs9,000 and Rs50,000 yearly, out of a running budget of nearly Rs15 m. So, for that meagre

contribution which you are giving to the Society, why is it that the hon. Minister wants to control everything. This is very unfair; I cannot accept that. What is being collected today is the royalties for artists and out of these revenues for artists, we are paying for a running cost of Rs15 m. yearly and once we deduct the Social Contribution, the difference is distributed to the artists. Maybe in these days, there were Rs9 m. or less which were distributed to the artists.

Therefore, this meagre less than Rs1 m. contribution, the Minister today wants to have a *mainmise* on this Society and control everything. I totally disagree with this amendment at 48A(1) which gives the power to the Minister to give direction to the Board and that the Board should comply with these directions. I do not agree and I want to know why. MASA is an auto finance society. Money collected in the name of artists is being paid to the staff. I am not against it, but the Minister cannot just step in and give direction which we will have to comply to. As I said, it is anti-democratic. I hope that we are not going to have any abuse of this part of this legislation.

As I said, these amendments bring us back to as they were before the new Bill of July 2014 was voted. As I said, I have noticed a few improvements, for example, concerning the right between the producers and the performers. That is good! Because it has been a mess for years and, today, we are re-establishing equilibrium for that 50 per cent share for producers and performers. That is a good thing. We are also re-establishing the number of artists on the Board back to 7 members as it was in the Act of 1987. That is fine also! The moral right also has been clarified. Okay, this is a good part of the Bill.

But there is a lot to do concerning the mechanism, as I said, to be set to collect revenue on importation of devices and equipment. As you know, this will be able to compensate the effect of digital world, uploading, downloading or whatever the use is today and, I think, this will be done away now. Whilst we collect the appropriate money for it, we can say that we are doing our best to help these artists through the collection of this revenue.

Allow me to say a few words now concerning the MASA. I think the problem of the MASA since years now is that we do not have a Director. The Director is suspended for, I do not know, how many years now. So, there is a body which has no head and we are trying to change the head each three months, each year. I can see on the other side my friends there doing their best as responsible officers to try to give a helping hand to the MASA on a part-time basis. But what we need is a full-time capable, honest, devoted Director to handle the

Society either we can have one in-house or outside, but with a clear-cut schedule of duty and appropriate executive power and tasks to be implemented there.

Mr Deputy Speaker, Sir, as I said, this law brings us back to where we were in 1987 with the 1987 Act, but with a few improvements, but there are still many lacunas and I hope that what I said today will help the Government, will help the MASA to think about all these and choose.

Before I end, I would like to say that the last amendment which has been circulated concerning election is fine because in the amendment which was circulated before, there is an additional schedule where it gives the possibility to organise election by law. So, with this new amendment circulated, the law gives us the possibility to know which categories of artists have to be elected on the Board. The seven members to be elected will be of four different categories of artists and I think this will also help to organise the election the sooner possible. Because there was an injunction when the law was voted in 2014 and since then we have not been able to organise the election at the level of the MASA. So, this one is giving all the details of this election and I hope that we will not have any problem today to be able to organise the election on the side of the artists.

All I can say is I wish good luck to my friends from the MASA and the Ministry as an artist and in the name of all the artists of this country, I hope this legislation will now give the opportunity to give a better possibility to the MASA and the artists to have a better collection of their due.

I am done, Mr Deputy Speaker, Sir. Thank you.

*(Interruptions)*

**The Deputy Speaker:** Hon. Baboo!

(6.42 p.m.)

**Mr S. Baboo (Second Member for Vacoas & Floreal):** Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to talk on this Bill. Well, I will not be lengthy as most of the aspects of the Bill have already been covered in this House.

It is, however, with pride that I will talk about this amendment Bill today which is a long-awaited sign of justice, *une lueur d'espoir*, for our Mauritian artist community. If we go back, Mr Deputy Speaker, Sir, to the Copyright Act 2014, it is for sure to symbolise an

unrealistic masterpiece scripted by public officers having no concept of the real artist situation prevailing in the island. The Act is a clear example of putting the cart before the horse which proves that there had been no consultation with the artists during the making of that law. I would also venture to say that it was just a beautiful piece of law to complicate the life of artists.

The change of appellation from MASA to RMS in 2014 was a major drawback for the artists as explicitly talked over by the hon. Minister and from this side of the House. Due to this change, the artists have been struggling owing to the non-recognition of their due rights locally and internationally. It is a clash between artists and the street vendors culminating in a road fight in December 2015 which brought to limelight the real problems that artists have been battling with for years. There was, therefore, Mr Deputy Speaker, Sir, an emergency to act for the rights and interests of the Mauritian artist community and to remedy their status quo.

When in Government and upon consultation with hon. Xavier-Luc Duval, prompt action was taken in bringing the issue to Cabinet for the setting up of a High Powered Committee for the review of the Copyright Act 2014 and to analyse its flaws. We did not want to bring along a Bill compiled by public officers but one where mainly the artist's voice was heard, considered and built up with the participation of all concerned stakeholders.

The High-Powered Committee was set up in January 2016 and assistance from the World Intellectual Property Organisation was then sought. The delegated expert of the World Intellectual Property Organisation had intense working sessions with all stakeholders. The Committee consisted of artists of different musical spheres like Ton Rolo, Jean-Marie Residu, Richard Hein, Bruno Raya, Siva, Jean-Jacques Arjoon who is an ex-member of the MASA and the President of *Association des Auteurs Compositeurs Mauriciens*. As for Dr. Boyzini, Kenny Sinien, Louis Michel Nanne, some of the grieved artists, who were involved in the December 2015 incident, were also requested to form part of the Committee in order to bring out and conceptualise the issues affecting the artists. However, they decided to withdraw from the Committee after a few sittings. The Committee met not less than 16 times since January 2016 showing the strong determination to support and help the artists. As the change of appellation from MASA to RMS was not recognised by the International Confederation of Societies of Authors and Composers (CISAC), the decision taken by the High-Powered Committee was to revert to the previous appellation which was the best solution to all these

misconceptions and years of non-payment of royalties. It was imperative to bring forward amendments to the Copyright Act 2014 so that it is of international norm.

Mr Deputy Speaker, Sir, I have heard a lot of comments in the House on what could have been included in the amendment Bill, and I am surely not here to take the side of the Minister. It is known that the draft amendment Bill was made public on the official website of the Ministry of Arts and Culture, whereby comments and suggestions by the artists and the public in large were being welcomed for the crafting of this Bill. It is an amendment to be made for the best interests of the artists. Therefore, if anyone felt concerned about this issue and had any motivation towards the Mauritian artists, it was his responsibility to make it known and to share his views at that time. In case artists' and publics' relevant suggestions were not considered, then it is another scenario and we would strongly condemn this.

However, I do agree that there may be cases where many artists have not been able to consult the draft Bill on the Ministry's website due to a lack of facilities. Therefore, I believe that there should have been an initiative by the Ministry to go towards the artists by having workshops or caravans moving around major villages and towns grouping the different types of artists and explaining to them in simple Creole and Bhojpuri these amendments being brought and, at the same time, getting their views.

Now, going back to the Copyright Act 2014, Mr Deputy Speaker, Sir, I would say that it did not really give the Police the power to act against piracy defaulters, but this Bill protects the work of artists to another level. Clause 16 and Clause 29 of the Bill show that provision have been made to eliminate the leeway to piracy problem.

I can say, with this Bill, there will no longer be any excuse of difficulty to differentiate between an original and a pirated work. The Bill rightly accommodates this issue. The representation of artists and the rules of election as per the Schedule added to this Bill for the proposed MASA Board is also commendable. Clause 23 sheds light on the functions of the MASA which was an important drawback of the Copyright Act 2014. I would venture to say that this Bill empowers this society in the rightful way to toll towards valuing and protecting the artists and their crafts. It brings more transparency and accountability by determining and segregating the powers of the different protagonists of this society.

Mr Deputy Speaker, Sir, as I said, it is easy to criticise this Bill; however, it is one which reflects the mind-set of the artist community; something which has remained

untouched for years, tending to forget the long hours of work of those artists, the hard life they endured for non-remuneration of their piece of work for not being heard by authorities and, therefore, with no protection shield at their mercy.

Before ending, I would like to highlight this point. Mr Deputy Speaker, Sir, today we have a new Chairman at the RMS, however, I would like the Minister to ensure that there is no issue of conflict of interest with this appointment, even that the father of the new Chairman has a case lodged against RMS on a matter of caller-tune. We sincerely wish, with the new regulations being brought back, the MASA to be fully functional for the best interest of all artists and not just for a few privileged ones. On a humanitarian note, I would request the Minister to ensure that more tracking be done by the Anti-Piracy Unit around the island during the year and that these *descentes des lieux* be intensified during the festive seasons when most of the artists' works are sold, when they can truly earn their living from these sales.

Mr Deputy Speaker, Sir, however, on the other side, I beg to defer that the Police can be of major help to the community of artists when they are already burdened by their work. How can we expect the Police to supervise the anti-piracy during the peak December season and round the clock during the year? I would have rather proposed that a Police *d'artistes* be set up at the Ministry as the Head Office and that the units be set up at the five regional quarters of the Police, that these units be enforced with the latest technologies and turning of international norms. I also had a WhatsApp account set up during my tenure as Minister in order to name and shame with full proof of photos and videos of acts of piracy. This was a simple initiative in order to help the Police in discouraging and tracking the defaulters more easily. I do not know if this is still on.

I will end, Mr Deputy Speaker, Sir, by saying that this Bill is in line with most of the demand and expectations of the artists. However, we expect to have a parity of powers with no overshadow by the Minister, no political interference and nepotism on the MASA Board and in the functioning of this regulator when it receives only 10% financial contribution from the aegis Ministry.

I will furthermore request that the MASA Board be also minuted in Creole language for the understanding of the member artists since the Board are already being conducted in Creole.

I thank you, Mr Deputy Speaker, Sir.



**The Deputy Speaker:** Hon. Roopun!

(6.57 p.m.)

**Mr Roopun:** Mr Deputy Speaker, Sir, allow me to start by thanking all the hon. Members for their contribution to this debate. When listening to the previous orator, I doubt whether there is need for me to sum up. It would seem that he has done most of the work. I am glad also about the tone and the tenor of the speech of the Opposition Whip, which, in fact, is in total contrast with the hon. Member of his party who intervened last Tuesday. But, nevertheless, I am glad that all throughout all hon. Members have made observations, ask for clarifications and we may say that 90%, we are in agreement and there is consensus.

Of course, there are a few issues over which I wish to clarify. I believe that hon. Lesjongard did make mention of it. It is about the issue of the High Powered Committee coming with a report. I must confirm that there has never been any report as such from the High Powered Committee and the High Powered Committee was mandated, in fact, to come with a revision of the Act and under the chairmanship of the Assistant Solicitor General, a draft Bill was prepared, circulated, ventilated and it is in substance what was proposed by the High Powered Committee that I am bringing to this House. Of course, after having consultation with officials of my Ministry, officials of other Ministries, Ministry of Finance and the ICT Ministry, we are agreeable to the recommendations and we are coming with whatever has been proposed by the High Powered Committee.

Insofar as issues about the equitable remuneration and levy is concerned, I mentioned specifically that this provision has been in our law for quite some time, but so far as the Copyright Act is concerned, there was one issue which was not clear. It was to what extent the producer and the performer should be remunerated out of this equitable remuneration. This is what has been cleared today. They can still come and agree on the quantum, but by default, the law provides that it is going to be a 50-50 distribution.

I am glad that hon. Barbier, as a matter of fact, if I am not mistaken, is the only artist here in this House who participated in this Bill and I am most grateful to him. He is agreeable, at least, with this 50-50 rate. It is good to state that we have in section 2 of the Act now included the 'terms equipment,' which means any recording or transmission equipment is going to be defined as equipment so that whatever falls under that definition is any device over which there can be a levy. I wish to add again that it is not the province of this Ministry

or the MASA to come with levy or whatever. We will have discussions with the Ministries concerned, the Ministry of Finance and Economic Development, but also the Ministry of Foreign Affairs because here we are dealing with issues which may also have repercussions also on international trade, WTO commitment and so on. This is an issue which will be taken care of in due course, but, at least, today with this amendment, we have cleared the way so that equitable remuneration for artists can become a reality in the near future, I expect.

Insofar as allocation of airtime is concerned - hon. Baloomoody did raise this issue - I understand that actually all the different private radios and also the MBC has got a policy towards encouraging local artists to perform, but there is no mandatory provision because we should also realise that different radios have got different audiences. I must say that I had consultation with the MBC and during the last budget, we tried to find out some means by which we can remunerate the artists who performed on MBC. I hope we will have the support of all radio companies so that they take good note of the wishes of this House, so that better possibilities are given to all artists to perform. I think that they have got this moral duty, at least, towards our local artists and I am sure that they will take good note of the wishes of this House on both sides.

There were also some qualms with hon. Baloomoody about the fact that we are now as if not giving sufficient consideration to our artists. They were supposed to be *ti-dimounes* and that we are now making as if they are not important to us. We are reviewing the composition of all those civil servants, ex-officio members who will have to be on this Board, but I believe we should be consistent.

First of all, so many times in this House we have heard of so many PQs that such high civil servant is sitting on so many Boards. Now, we are trying to see something which is practical so that we can give opportunities to young officers. It is as if these young officers have no competence. In fact, we wish to empower them. For me, it is an insult for those young officers; it is as if they do not have the qualifications and expertise. We know today, in our Civil Service, how many of those young officers are well trained. And here, young graduates like the MSO, although they have got post graduate certificates, we cannot just ignore them. I must also say that when we are talking about copyright, the challenges for us today are the new technology. I believe that all those young officers, I must say not so young, but, at least, younger officers will be there and will help enormously in trying to find ways and means to support the artists.

I must also say that what is more important for us is to have officers who are dedicated, who can attend the maximum number of meetings. Because so often we know that whenever a specific officer is appointed and he has got so many other commitments, more often than not he is not present on the Board.

This is a real issue which we have been facing and here, just for example, in Ministry, previously it was stated that it should be a DPS. I have got only two DPS, for example. Other Ministries have got only one. Like the one who represents the IP Office, there is only one such officer according to this law. But if there is any issue, we know that officers who are available can attend so that there is no deadlock in the MASA. And this is why I wanted to emphasise that this is something we are doing for the benefit of the organisation, of the Society, and just to be reminded that this is done with the consent of the High Powered Committee, which includes many artists, and I am sure that this is going to clear a way as regards why we have come with this amendment so that this organisation can work better in the future.

I covered the question of levy, Mr Deputy Speaker, Sir. Insofar as the Provident and Benevolent Fund, which was raised by hon. Lesjongard is concerned, I must say that this Provident and Benevolent Fund exists for quite some time now and they provide for pension to retired artists and also there is a death grant, which means that, in fact, it exists. Insofar as the issue about rules of election is concerned, which are raised by hon. Baloomoody, it is a fact that GN 121 of 2015 did impose quite some cumbersome conditions regarding all those who can stand as candidate, but I must say that, as advised by the State Law Office, the new Schedule to the Act will do away with those criteria so that it is the new Schedule which is going to prevail over the conditions over which a member can stand as candidate.

Of course, there is this issue which has been canvassed by many hon. Members regarding the fact that provision is being made for the Minister to give directions. I wish first of all to state that this is not the first legislation where we have got such provisions, where the Minister can give directions of general nature whenever it is in the public interest. But, here, I should also add that, whenever we talk about copyright, in any copyright law, there is a balance to be struck between the private right of office and the benefit of the public at large. And we should be able to find the required equilibrium so that only the economic right of artists should not prevail to the detriment of the public right, to make fair use, for example, of copies, so that all those considerations are duly rated and that it is where the Minister may

intervene and, of course, it is also good that the directives are going to be in writing. It is not just like this. It is going to be in writing so that there is transparency; we know what the Minister is stating and, of course, whenever we give directives, it is going to be done whenever it is needed and also whenever the Minister gives directives, of course, he is accountable and he will have to justify whatever directives he is giving.

There was also the issue about iTunes and YouTube. Just to be reminded that section 2 has been amended and what is deemed to be broadcasting organisation today will deal with all different types of organisations involved in broadcasting of signal to the public, and invariably iTunes and YouTube also will now fall under this definition of broadcasting organisation. But, of course, now, it will be up to the Society to try to see with the new power that is being given to them, how this can be used to the benefit of artists.

Hon. Barbier also mentioned the visibility of artists abroad not receiving royalty there. But, of course, this will depend upon reciprocal agreements with those foreign countries, and I am sure that the MASA has taken good note of it and will try to see how this can be dealt with just like the issue of producers using different declaration of works. Also, regarding the updating of the data records of artists, I am sure that the MASA and the new team will take care of this.

Insofar as caller tune is concerned, first of all, we are going to try to see with all telecommunication operators and once MASA has got the necessary authority as the sole Society to deal with those telecommunication operators, hopefully we can come with an agreement so that the artists are given equitable remuneration whenever their works are being used on those devices.

Of course, I mentioned the post of Director, and we know that this is an issue which has been lagging for quite some time and the Director is being paid. But my wish is that whenever the new Board is set up, I mean a full-fledged Board, not only by those nominated by the Minister, but also by all those who are going to be elected, the seven artists, they can come, sit down and try to find ways and means how to deal with this issue about the Director who is there and who, unfortunately, cannot act. But I leave it to the new Board which is going to be reconstituted to make due diligence and try to come with whatever they feel should be the interest of the artists and the organisation as a whole.

Mr Deputy Speaker, Sir, my hon. predecessor raised issues about *piratage*, about naming and trimming. I take good note of it, but we should realise that when we talk about *piratage*, it is not by mere passing of a law or amending a law that we are going to achieve the objective. Fraudsters are going to be here. We can try to have the support of the Piracy Unit, but it is a long-term process and there should be education about the consumers. It is going to be a long battle; we have to educate the consumers of those pirated goods.

With this legislation, we have come with changes in the law where now it is going to be an offence to buy those pirated goods. I believe that this is going to be a deterrent and, of course, we will have also to work on it so that this is being communicated to all consumers of works. I trust that we are also going to have the support of the artist because we should not forget that the artists themselves are well known, they perform everywhere. I believe that they also should try to propagate this notion of buying originals so that they also can benefit from it. But, in any event, just to take from where the hon. Opposition Whip mentioned about the need for us to ensure that there are more raids, just to tell that, today itself, I asked for a meeting with the Anti-piracy Unit and to see how, with the coming end of year activity and festivities, we will try to reinforce our action of the ground so that at least we try to help the artists to the best of our abilities.

Mr Deputy Speaker, Sir, I think that I have covered most of the points raised. *Laissez-moi, M. le président, terminer en disant que je maintiens et je réitère cette vision que j'avais en 2014 d'accorder une autonomie à la MASA.* This issue was raised by hon. Baloomoody. In fact, in 2014, I was then in Opposition and I stated that this should be the objective of the MASA. There should be autonomy and the artists should themselves be managing their rights. We hope that, in due course, we will achieve this objective.

M. le président, je dois dire que cette société de la MASA a le potentiel de devenir autonome et la parole doit revenir aux artistes. C'est dans ce sens que nous travaillons. Avec ce projet de loi, nous avons jeté les bases et j'invite nos artistes à se joindre à nous dans cet élan parce que seul on ne pourra certainement pas aller vite ; on doit travailler ensemble. Je n'ai pas de doute que nos jeunes artistes pourront prendre en main cette société qui a trop souvent été sujette aux critiques. Et là, je dois dire que nous avons les artistes, nous avons aussi les enfants des artistes qui sont des professionnels. Je fais aussi un appel vis-à-vis les enfants des artistes pour nous donner un coup de main.

Je suis fier de dire que j'ai nommé le fils d'un artiste, qui est lui-même artiste, notre ami Michael Veeraragoo. Donc, c'est le fils de notre cher ami Claudio Veeraragoo. Je suis sûr qu'il fera honneur aux artistes ainsi qu'à sa famille.

L'honorable Baboo a parlé d'un cas. Je suis sûr que notre ami, le nouveau *Chairperson* du *Board* va travailler d'après les normes de la loi et, naturellement, là où il y a conflits d'intérêts, c'est sûr qu'il ne va pas intervenir.

Avec ces quelques mots, M. le président, je dois dire que j'ai eu l'honneur de terminer un travail qui a été laissé en suspens. J'ai eu l'honneur de présenter cette loi devant cette Chambre et je m'en réjouis. Merci, M. le président.

With these words, I commend the Bill to the House. Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

### **THE COPYRIGHT (AMENDMENT)**

#### **BILL (NO. XIII OF 2017)**

*Clauses 1 to 20 ordered to stand part of the Bill.*

*Clause 21 (Section 43 of principal Act amended)*

*Motion made and question proposed: "that the clause stand part of the Bill"*

**Mr Roopun:** Mr Chairperson, I move for the following amendments in clause 21(b) -

“(i) in the proposed subsection (3), by deleting paragraph (j) and replacing it by the following paragraph –

(j) 7 other members, to be elected, subject to subsection (3A), from amongst the categories referred to in the Schedule, and in accordance with the procedure for the holding of an election as specified in that Schedule.

- (ii) by inserting, after the proposed subsection (3), the following subsections –

(3A) Where no nomination is received for the election of members in any category referred to in the Schedule, the Minister shall appoint a member for that category.

(3B) Where an elected member dies, retires, resigns or is removed from office, the vacancy caused shall be filled, for the remaining period of the term of office –

- (a) by appointing the person who obtained the highest number of votes in the relevant category, as appropriate, after the elected members at the preceding election held; or
- (b) where no person is qualified for appointment under paragraph (a), by a person of that category, to be appointed by the Minister.”

*Amendments agreed to.*

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clauses 22 to 28 ordered to stand part of the Bill.*

New Clause 28A.

*Motion made and question proposed: “that the clause stand part of the Bill”*

**Mr Roopun:** Mr Chairperson, I move that a new Clause 28A. be added by inserting after clause 28, the following new clause –

**“28A. New section 51A inserted in principal Act**

**51A. Amendment of Schedule**

The Minister may, by regulations, amend the Schedule.”

**The Chairperson:** The question is that new Clause 28A. be read a second time.

*Question put and agreed to.*

*New Clause 28A. ordered to stand part of the Bill.*

*Clauses 29 to 31 ordered to stand part of the Bill.*

*Schedule*

*Motion made and question proposed: “that the Schedule stand part of the Bill”*

**Mr Roopun:** Mr Chairperson, I move that the Schedule be amended as follows -  
 “by deleting the Schedule and replacing it by the following Schedule –

**SCHEDULE**

[Section 30]

**SCHEDULE**

[Section 43(3)(j)]

**RULES OF ELECTION**

**Sub-Part A – Categories**

Seven members shall be elected from amongst the following categories, as follows –

- (a) 2 members from the category of Music Author, Composer and Performer;
- (b) 2 members from the category of Audiovisual/Theatrical;
- (c) one member from the category of Literary Author;
- (d) one member from the category of Publisher; and
- (e) one member from the category of Other Works.

**Sub-Part B – Procedure for Election**

**1. Calling for nominations and appointment of nomination day**

Not less than one month before the expiry of the three-month period specified in section 43(8) of the Act, and thereafter, not less than one month before the expiry of the term of office of the members referred to in section 43(3)(j), the Secretary to the Board shall publish in the Gazette and such newspaper as the Society may determine, a notice inviting the submission of nominations and appointing a day on, and the time at, which nominations shall be submitted.

**2. Eligibility to stand as candidate**

No person shall be eligible to stand as candidate for election as a member of the Board unless, on nomination day, he is a member of the Society.

**3. Procedure after nomination**

(1) If the number of persons nominated exceeds the number of persons to be elected, the Secretary to the Board shall publish in the Gazette and such newspaper as the Society may determine, a notice –

- (a) specifying the names of persons duly nominated;
- (b) appointing a day, time and place, being not less than 15 days after the publication of the notice, for the holding of an election.

(2) A person who has been nominated shall not publish or distribute any manifesto which is likely to induce persons to vote for him to be a member of the Board.



#### 4. Persons entitled to vote

(1) Every person who, on nomination day, is a member of the Society shall be entitled to vote at an election of the members of the Board.

(2) Every member of the Society voting pursuant to subparagraph (1) shall vote for such number of candidates as there are vacancies available in the membership of the Board.

(3) Any vote which is cast contrary to subparagraph (2) shall be null and void.

#### 5. Election

(1) The election of members of the Board shall be conducted by the Office of the Electoral Commissioner who shall communicate the results to the Secretary to the Board.

(2) The Secretary to the Board shall forthwith submit to the Minister the results of the election.

(3) The Minister shall, within 21 days from the date of receipt of the results of the election, publish in the Gazette the names of the elected members of the Board.

#### 6. In this Sub-part –

“person” includes an organisation.”

*Amendments agreed to.*

*Schedule, as amended, ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

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

#### *Third Reading*

*On motion made and seconded, the Copyright (Amendment) Bill (No. XIII of 2017) was read the third time and passed.*

#### *Second Reading*

### **THE CODE DE COMMERCE (AMENDMENT) BILL**

(No. XIV of 2017)

*Order for Second Reading read.*

**The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin):** Mr Deputy Speaker, Sir, I move that the Code de Commerce (Amendment) Bill (No. XIV of 2017) be read a second time.

Mr Deputy Speaker, Sir, there are two main objects of this Bill, namely –

- (1) to amend the Code de Commerce in order to give effect to the Convention for the Unification of Certain Rules for International Carriage by Air, which is commonly known as the “Montreal Convention 1999”, relating to airline liability in case of death or injury to passengers and of delay, damage or loss of baggage and cargo;
- (2) the opportunity has been taken to update the existing provisions of our *Code de Commerce* relating to -
  - (i) liability for damage caused by moving aircrafts and mortgages and privileges in respect of aircrafts in the light of the corresponding provisions in the French *Code de l’Aviation Civile*, and finally
  - (ii) to make provisions relating to the seizure of aircrafts.

Mr Deputy Speaker, Sir, our law relating to *la navigation et le commerce aérien* generally and *le transport aérien* in particular, as it presently stands, dates back to 1985 when Act No. 21 of 1985 was enacted by Parliament to provide for the existing provisions of our *Code de Commerce* in the present day ‘*Livre Troisième*’, more particularly, the present day Articles 454 to 468.

The said provisions derived from the Warsaw Convention which dates back to 1929. The said Warsaw Convention 1929 has, over the years itself, been amended by a number of protocols and conventions, namely the Hague Protocol 1955, the Guadalajara Convention 1961 and the Montreal Protocols of 1975. The result is that all these instruments provide a complex patchwork of potentially applicable compensation regimes in case of death of/or injury to a passenger

Furthermore, Mr Deputy Speaker, Sir, the actual provisions of our Code de Commerce concerning the amount of compensation in case of death or injury are wholly inadequate. The regime for the calculation of the amount of such compensation is determined by a formula based on what is known as ‘Special Drawing Rights’ as defined by the IMF.

The Warsaw Convention 1929 initially had fixed a Special Drawing Rights at 8,300, that is, roughly about Rs375,000. This limit was revised by the Hague Protocol 1955 to

16,600 Special Drawing Rights. Such figures do not reflect the actual economic situation of the industry and the country.

*Mr Deputy Speaker, Sir,* l'insuffisance de la Convention de Varsovie de 1929 qui réglait les responsabilités des transporteurs aériens en cas de décès ou blessures et de ses révisions ultérieures, a mis en évidence la nécessité de moderniser et unifier ce régime de responsabilité.

En mai 1999, un accord a été négocié entre les États contractants de l'Organisation de l'Aviation Civile Internationale (l'OACI) qui modernise le régime de la Convention de Varsovie afin de le refondre en un instrument unique offrant un niveau d'indemnisation approprié en cas de dommages causés aux passagers lors de transports aériens internationaux.

La nouvelle Convention de Montréal de 1999 établit un cadre juridique uniforme pour régir la responsabilité des compagnies aériennes en cas de dommages causés aux passagers, aux bagages et aux marchandises lors de voyages internationaux.

Indeed, Mr Deputy Speaker, Sir, the Montreal Convention 1999 established a modern, fair and effective regime to govern airline liability to passengers and shippers on international flights, thus doing away with the complex patchwork of compensatory regime of the Warsaw Convention as amended. Every year, more than 3 billion passengers and goods worth in excess of 5 trillion USD travel by air. Civil aviation is the safest form of transport. Accidents and incidents, however, do occur. That can lead to injury or even death or delay or loss to baggage and cargo. The Montreal Convention 1999 thus established a modern compensatory regime in respect of such accidents and incidents during international air carriage.

Mr Deputy Speaker, Sir, Government ratified the Montreal Convention in January this year and same was deposited with the International Civil Aviation Organisation in February 2017. The ICAO is the depository of the Convention.

Montreal Convention delivers essentially the following main benefits –

It replaces the arbitrarily low airline liability cap for death or injury under the previous Warsaw Convention and Warsaw Hague Liability Regime.

Under the Montreal Convention, passengers are entitled to claim damages up to 113,100 Special Drawing Rights without proof of negligence or fault. If damages are claimed in excess of that, the burden of proof lies with the airline to show that it was not negligent.

Montreal Convention 1999 also offers other consumer friendly provisions, such as the ability for passenger claims to be brought in a wider choice of jurisdictions and advance compensation payments by airlines to victims.

Furthermore, most of today's international airlines operate large and increasingly global route networks, but because of the fact that there has not been universal ratification of Montreal Convention 1999, a patchwork of liability regimes continue to exist. For example, an individual flight between any origin and destination can have passengers and cargo shipments which are subject to different liability regimes. This creates complexity and confusion in determining which regime covers a particular accident or incident. The claims handling process obtaining adequate insurance cover and litigation resulting from an accident are unnecessarily complex. Montreal Convention 1999 goes a long way to eliminating such issues.

By ratifying the said Convention, Government is ensuring that a modern and fair liability regime will apply to passenger and cargo claims whatever the route or destination involved. In this regard, it is important to note that most, if not all, of our main trading partners have already adopted the Montreal regime of compensation, namely the EU countries, India, China, Saudi Arabia, Singapore, the UAE, Australia, Japan, Botswana, Brazil, Canada, Egypt, Kenya, South Africa, just to name a few.

Mr Deputy Speaker, Sir, the second object of this Bill is to amend the existing provisions of our Code de Commerce relating to *hypothèques, privilèges* as well as *saisies conservatoires*. The existing provisions of our law are inspired from the then French *Code de l'Aviation Civile* as it stood in 1972. Nowadays, the said French *Code de l'Aviation Civile* is subsumed in what is known today as *Le Code des Transports* published in France since November 2010 in the '*Journal Officiel*'. The proposed amendments reflect the updated French Civil Aviation Law relating to *hypothèques et privilèges*. We are also introducing, Mr Deputy Speaker, Sir, provisions relating to *saisies conservatoires*.

Mr Deputy Speake, Sir, Article 437 of the new '*Livre Troisième*' provides a general definition of 'aircrafts'.

Article 437 of the new Livre Troisième provides a general definition of aircrafts. Articles 439 à 499 of the new Livre Troisième give effect to the Montreal Convention 1999. Articles 438 à 441 deal with the definitions and Article 442 is, in fact, Article 1 of the Montreal Convention 1999. Articles 448 and 449, Mr Deputy Speaker, govern le *transport*

*national*, it is to be noted that, Montreal Convention 1999 covers international travel by air. Thus, national travel by air, for instance between the islands of Mauritius and Rodrigues, the regime will be in Articles 448 and 449. Articles 500 to 512 set out the liability regime for damage caused by moving aircrafts. Articles 513 to 527 relate to mortgages on aircrafts. Articles 528 to 532 relate to *privilèges sur les aéronefs*. Articles 533 et 534 concernent *les saisies conservatoires*, and finally Article 535 concerne *la vente forcée des aéronefs*.

Mr Deputy Speaker, before ending I wish to place on record, the efforts put by a number of dedicated professionals who have meticulously examined each and every provision of our Code de Commerce and updated same in the light of the provisions of the Montreal Convention 1999. I refer here specifically to the work of the Law Reform Commission which has produced two very enlightening reports in 2012 and 2016 respectively concerning *la réforme du droit aérien*. I also place on record the dedicated professional assistance I have obtained from the learned Solicitor General, Parliamentary Counsel and her small, yet efficient team; the Chief Executive Officer of the Law Reform Commission, the Director of Civil Aviation and Staff and finally the Staff of the External Communication Division of the Prime Minister's Office in the preparation of this Bill.

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

**Mr Toussaint rose and seconded.**

**The Deputy Speaker:** Hon. Uteem!

(7.39 p.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** M. le président, comme le veut la tradition, permettez-moi tout d'abord de féliciter mon confrère l'honorable Attorney General pour la présentation de son premier projet de loi en tant qu'Attorney General, un projet de loi que je dois préciser n'est pas controversable et que nous, de ce côté de la Chambre, nous accueillons favorablement.

L'objet de ce projet de loi comme l'a si bien expliqué l'honorable Attorney General est de donner force de loi à la Convention pour l'unification de certaines règles relatives au transport aérien international, aussi connu comme la Convention de Montréal, une Convention signée en mai 1999 qui est entrée en vigueur en novembre 2003 et qui a été déjà ratifiée par 129 pays.

La Convention de Montréal, M. le président, remplace la Convention de Varsovie, elle-même, signée le 12 octobre 1929 et notre Code de Commerce qui date de 1985 est inspiré par la Convention de Varsovie qui était déjà obsolète. Mais avant de commenter sur certains dispositions de ce projet de loi, M. le président, je voudrai attirer l'attention de l'honorable Attorney General, sur ce que je considère un impair sur la page du site en ligne de l'organisation de l'aviation civile internationale. Effectivement, sur le website de l'International Civil Aviation Organisation, on fait mention que l'île Maurice a signé la Convention le 28 mai 1999, a déposé les instruments de ratification le 02 février 2017 et que la Convention est entrée en vigueur le 03 avril 2017. Or comme l'honorable Attorney General le sait pertinemment ce projet de loi est le projet de loi qui va donner effet à cette Convention, et ce projet de loi précise que la Convention entrera en vigueur à une date qui sera proclamée ultérieurement. Donc, j'espère que l'honorable Attorney General va rectifier, par les soins de qui de droit, le site de l'organisation de l'aviation civile internationale.

Mr Deputy Speaker, the heart of the Convention of the Montreal was the compensation payable to passengers and cargo after, for injury or death, and compared to the Warsaw Convention, the Montreal Conventions provides a more generous compensation in case of death or injury to passengers.

Under the Warsaw Convention, Article 22, which is currently in effect in Mauritius, the maximum liability of an air carrier was 250000 Francs. Now, under the new Convention, it would be 113100 special drawing rights. I'll pose, Mr Deputy Speaker, to explain that, under our current Commercial Code, which is based on the Warsaw Convention, the maximum compensation is expect in Francs, which is a monetary unit what was used by the World Bank and which is equivalent to a certain milligram of fine gold. Now this has changed, the Franc has been replaced by another currency called special drawing rights, which is linked to a basket of major international currencies, and roughly, one special drawing rights is equivalent to Rs48.

So, when we talk about convention payable under the Warsaw Convention, it was roughly Rs1.5 m. and now under the Montreal Convention, it would be roughly around Rs5.4 m., a significant increase in the amount of compensation. The Montreal Convention is not only generous in the quantum of compensation payable, it also made it easier for passengers to claim compensation because the Montreal Convention sets two systems. If you are claiming up to Rs5.4 m., you don't need to prove any *faute*, any negligence, anything on the

part of the aircraft, you just have to prove the amount of damage you have suffered, the injury you have suffered, how much medical expenses you have paid, and it's a strict liability, the aircraft has to pay. If you are going to claim more than Rs5.4 m., then the burden is on the carrier to show that it has not been negligence or that the damage has resulted exclusively from the fault of the third party.

Now the Montreal Convention is also pro-victim, is also friendly because it provides for, what we call, advance payment. What is advance payment? Under Article 28 of the Convention, in case of an aircraft accident resulting in death or injury to passenger, the carrier shall, if required by its national law, make advance payment without delay to an individual who is entitled to compensation in order to meet the immediate economic needs of such person. Now this is a very important provision of the law, Mr Deputy Speaker, Sir, because what happens in practice, there is an aircraft accident, a person gets injured, but the aircraft goes on and specially the insurers of the aircraft then undertake an enquiry to know the cause of the accident.

There is very often a big delay between the time of the accident and the time when the victims are actually able to bring proceedings in Court, let alone get a judgement against the aircraft. Now, what this Article allows the victims is to claim advance payment from the aircraft and this is very important if, for example, the victim is in a dire financial state. He does not have money to pay his medical treatment. He does not have money to pay doctors and lawyers to pursue his suit, then, in this case he can make a claim for advance payment to the carrier.

Unfortunately, Mr Deputy Speaker, Sir, our text has reproduced verbatim the provisions of the Convention and the Convention provides that this advance payment is only payable if the carrier is required to do so under its national law. And, I think, this defeats the whole purpose.

Let us take Air Mauritius, our national airline, if tomorrow, God forbids, there is an accident and someone has to claim damages for injury or death, does our national law today provide for advance payment? Fair enough, if the insurers, on a voluntary basis, want to do it, fine!

But, there is no provision of the law which can compel someone to make an advance payment of compensation in Mauritius. And, maybe the hon. Attorney General may consider

proposing an amendment to facilitate the making of advance payment where the carrier is Mauritius-based.

Mr Deputy Speaker, Sir, the other interesting provision of this Convention is damages in case of delay. Now, we may not have accidents in Mauritius but delays are very frequent and we all have at one time or the other been affected by delays. When you have delay very often you miss your connecting flight and when you miss your connecting flight you miss your meetings and you can incur prejudice. So, it was very important that you are able to sue the aircraft if there is a delay caused by his mistake. And, the Convention provides for a maximum liability which is 4694 drawing rights, approximately Rs226,000.

But, unfortunately, what the Convention does not do is to tell you the criteria, under what circumstances you can claim damages in case of delay and for what amount you can raise. It only says the maximum amount is around Rs225,000 but it does not tell you when and how much you can claim.

For example, in the European Union they have enacted the Flight Compensation Regulation 2004 which establishes common rules on compensation and assistance to passengers in the event of being denied boarding, flights cancellations, or long delay flights.

In the European Union compensation is based on the length of your flight and the duration of the delay. For example, if you are delayed by more than three hours you can claim compensation. The compensation ranges between 250 Euros to 600 Euros. But, unfortunately, in Mauritius we do not have this provision.

And, it is interesting, Mr Deputy Speaker, Sir, to note that under a recent report published by Consumer Watchdog Which, it is called Which, according to that report, airlines are refusing to compensate passengers for delays and flight cancellations. According to the same source, airlines are even refusing to enforce decision of the Civil Aviation Authority following arbitration because the Civil Aviation Authority only has the power to give a determination but not to enforce it.

This is where I think we are missing an opportunity. I mean, the hon. Attorney General could come by way of an amendment and give the power to the Minister, for example, by way of regulation to come up with sets of objective criteria as to when you are entitled to compensation, how much compensation, according to how much delay occurred on the flight otherwise, you are entirely at the whims and fancies of your airlines. They can



contractually tell you that compensation is only payable if there is delay exceeding five, six, seven or eight hours.

Mr Deputy Speaker, Sir, the other very welcome provision of the Montreal Convention is that it allows a victim in certain circumstances to bring legal proceedings in his place of permanent residence. Previously, under the Warsaw Convention, you could only sue the aircraft in the place where it is registered, in the place where it carries out its business and that, obviously, creates a lot of problems and it is financially difficult for a victim in Mauritius to go to a different country to bring proceedings, to pay the legal costs and eventually get an outcome after many years. So, now with the Montreal Convention Mauritius, if you have a Mauritian passenger, he will be able to bring proceedings before the Mauritian Courts against any aircraft whether it is Air Mauritius or any international aircraft which has caused the injury.

Mr Deputy Speaker, Sir, as the hon. Attorney General stated, part of this Bill was to implement the Montreal Convention, but the other part of the Bill was to update our laws in terms of the creations of *hypothèques* and *privilèges*. These are welcome decisions as has been referred to by the hon. Attorney General. These provisions are taken almost verbatim from *Code du Transport* of France which came into force in December 2010.

This is part of the law which is very technical but which is very important because I myself, Mr Deputy Speaker, Sir, have acted in a number of aircraft transactions, aircraft leasing, aircraft financing and I have to say that there was always a doubt as to what law to use when it comes to creating charges, to creating security interests over an aircraft. For example, should the aircraft be registered in Mauritius in order for you to create a charge of it? Does the aircraft have to be physically in Mauritius at the time that you create the security interest?

Unfortunately, the provision in the proposed *Code de Commerce* does not clarify this. It just tells you that you can create an *hypothèque* but it does not say that whether you need to have the plane physically in Mauritius or not at the time you create the charge. But, anyway, it is welcome that at least now we have a specific legislation which deals with the creation of *hypothèque*.

Then the proposed Article 528 creates privileged creditors. And, this is where I start having difficulty with this Bill. When we look at section 528 it sets out three privileged creditors –

- (i) the legal fees in case there is a sale of the aircraft;
- (ii) fees and expenses relating to preserving the aircraft, and
- (iii) fees and expenses which are necessary to preserve the aircraft.

Then the law says at 531 –

*« Les privilèges autres que ceux mentionnés à l'article 528 ne prennent rang qu'après les hypothèques dont l'inscription est antérieure à la naissance de ces privilèges. »*

Which means basically that you have these three privileged claims, then you have the *hypothèque* and that's it! Now, how do we reconcile this with the provisions of the Insolvency Act? The provisions of the Insolvency Act which gives privileged rights to claims by the State, amount due in terms of taxes, amount due to the Government who is a privileged creditor. How can we reconcile this with the fees that are paid to a receiver, to a liquidator?

Now, it would appear that the claim of these privileged creditors, under the Insolvency Act, will now rank after these three privileged creditors and even after the secured creditor who has an *hypothèque*. Is that intentional? Is it intentional that the claims of the Government will now rank after the privileged creditors under section 528 and after the *hypothèque* which is being duly registered in favour of a creditor?

Another shortcoming, Mr Deputy Speaker, Sir, is that there is absolutely no provision as regards the enforcement of the security created by the *hypothèque*. The technical provisions talk about how we create the *hypothèque*, how we register it, what is it ranked. But does it say what happens if there is a default, what happens if the borrower does not repay? How can the creditor enforce his right? Can the secured creditor just go and seize the aircraft? Can he take possession of the aircraft? Does he have to sell the aircraft? How does it sell the aircraft? Public auction? Private sale? And for what price does it sell the aircraft? Is the secured creditor on the *hypothèque* entitled to appoint a receiver? These are very important

issues, Mr Deputy Speaker, Sir. And what is the relationship between this provision of the *Code de Commerce* and the articles in the Civil Code relating to enforcement of charges?

Mr Deputy Speaker, Sir, this is the danger when you copy and paste from foreign law. You cannot just take something out of context and seek to apply it to us. France has its own legal ecosystem. Whatever is missing in the French Code of Transport is covered elsewhere in other code. But this is not the case in Mauritius. We have the Insolvency Act, we have the Civil Code, we already have criteria, a hierarchy of claims. We cannot just superimpose what is applicable in France and disrupt all the existing ranking hierarchy of secured creditors, privileged creditors.

Another problem with cut and paste. The French Civil Code provides that the *hypothèque* is valid for 10 years from the date of creation. In the proposed Bill, we are doing the same thing; we are saying take if you take an *hypothèque*, it is valid for 10 years. But the law in Mauritius was changed as far back as 2011 in case of fixed charge. Previously, even fixed charge also had a lifespan of only 10 years, but in 2011, it was amended to make a fixed charge valid for 40 years. Now, what is the logic of having a fixed charge valid for 40 years, but an *hypothèque* only valid for 10 years? Why did we change the law for fixed charge to make it to 40 years and now we are taking a giant leap backwards back to 10 years? Is it just cut and paste from France?

Now, it is very unfortunate, Mr Deputy Speaker, Sir. The danger with cutting and pasting from other legislation is we have to go and examine the whole of that other legislation. In France, for example, when the *Code de transport* was enacted, it replaced most of the provisions of the *Code de l'aviation française*, but not all of the provisions of the *Code de l'aviation française*. So, we still had other provisions of the *Code de l'aviation*, in particular we have article R122 and R123 under *Chapitre II: Hypothèque et privilèges sur les aéronefs; Chapitre III: Saisis et ventes forcées des aéronefs*.

So, in France, they did not put it in the *Code de transport*, they left it in the *Code de l'aviation civile*. So, you will see detail rule as to what happened if there is a default; what is the step which the creditor has to make; how does he do the publication; what is the reaction of the borrower, whether he can stop the sale, under what circumstances. I am not saying that we should go back and copy and paste *règlement 123 du Code de l'aviation civile* of France! But, at least, we have to have laws, our own laws, to come and explain how do you enforce an *hypothèque* in the event of default.

So, Mr Deputy Speaker, Sir, unfortunately, we are left with a half-baked cake, as it were, and it would urge the Attorney General to propose an amendment to the Bill so that provision is made for the appropriate Minister, by way of regulations, to fill in the gap and provide for these shortcomings that I have just mentioned.

Thank you Mr Deputy Speaker, Sir.

**The Deputy Speaker:** The sitting is suspended for one hour.

*At 8:02 p.m., the sitting was suspended.*

*On resuming at 9.11 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Please be seated! Hon. Mrs Jeewa-Daureeawoo!

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Thank you, Madam Speaker. Madam Speaker, allow me at the very outset to thank hon. Maneesh Gobin, Attorney General for bringing to Parliament today the Code De Commerce (Amendment) Bill (No. XIV of 2017) which was long overdue. It is good also to note that there is consensus for the introduction of this important piece of legislation.

This new amendment is certainly a centrepiece in the modernisation of our aviation legislation. The provisions on taking security on aircrafts come at an opportune time to bridge certain gaps in our statute book. I welcome and support the introduction of the Code De Commerce (Amendment) Bill which is going to bring a complete overall of our existing legislation on private international aviation law, which is presently found in *Livre Troisième* of our Code De Commerce in its Article 437 to Article 493. These articles have been in our Statute Book since 1988 when Mauritius incorporated in its national law the Warsaw Convention of 1929, as amended subsequently by The Hague protocol of 1955.

The Code De Commerce (Amendment) Bill is repealing and replacing the existing outdated set of legislation of the Code De Commerce based on the Warsaw Convention 1929 by giving effect to and incorporating into our domestic laws the Convention for the unification of certain rules for international carriage by air commonly known as the Montreal Convention of 1999. The introduction at national level of the provisions of the Montreal Convention 1999 is to cater mainly for commercial airline, civil liability in cases of death or injury to passengers of delay, and also of damage or loss of baggage and cargo.

This new Bill is in line with the present Government aim and objective of boosting the Mauritian aviation industry by making our national airline keep pace and operate within the actual framework of the international aviation community promoting the development of international air transport operation in Mauritius. Sure, this will have a direct positive effect on our booming tourism industry as the aim of the present Government is to increase the number of tourists arrival in Mauritius and providing better and adequate protection to Mauritian and foreign airlines passengers, in terms, of composition and indemnity to be paid by air carriers in cases of loss.

The primary objective of the new Bill is threefold –

- (i) to bring a long overdue modernisation of our laws governing airlines liability to passengers during international flights by removing and replacing the actual grossly inadequate compensation limits provided by the law;
- (ii) to cater for the protection of international passenger by providing for more strict and extensive liability of airline carriers by imposing more adequate fairer and equitable compensation in relation to the death or injury of passengers, damage to baggage and cargo that occur in international air carriage, and
- (iii) to facilitate the efficient operation of international carriage by air passengers, baggage and cargo.

The most significant and major change being brought by this Bill is with regard to the liability of air carriers and the quantum of compensation to be paid by them to victim passengers.

The actual state of the law in the existing Articles 454 and 459 of the *Code de Commerce* is that air carrier's liability and compensation quantum is arbitrarily limited in cases of damage and loss sustained to passengers in case of death or bodily injury.

The existing law provides that the air carrier is liable once damages occur to a passenger either through bodily injury or death. However, the air carrier can avoid liability by proving it had taken all necessary measures to avoid the loss or that it was impossible to do so. The air carrier passenger liability and compensation limit is grossly inadequate as it is certainly restricted to the quantum of 250,000 gold French francs per passenger as indemnity.

There is a ceiling provided on the liability of the airline carrier which is capped and limited at the sum of 250,000 gold French francs per passenger in case of death or bodily

injury of a passenger. It is to be noted that the gold French franc as provided under our existing law copying the Warsaw Convention 1929 is now an obsolete currency and there will be much uncertainty with regard to conversion rate and value of the currency at the time of payment by the airline carrier.

This present Bill, in its Articles 464 and 468, is bringing important improvements to the law by entirely eliminating all existing and fair and mere artificial limits and caps on the liability of the air carrier and all monetary limits and ceiling in terms of compensation and indemnity from the airline for proven damages with respect to the death or injury of a passenger during an international flight. Article 468 establishes the new concept of strict liability on the part of the air carrier for proven damages up to 113,100 special drawing rights per passenger, approximately the sum of Rs5,451,000 as per the current conversion rate of the International Monetary Fund.

The first year of liability for claims up to Rs5,451,000 is based on strict or no fault liability and cannot be reduced or excluded except in the case of contributory negligence of the passenger. This means that in any accident in an international flight, any Mauritian passenger is entitled to automatic recovery of proven damages up to the sum of Rs5,451,000 regardless of whether the airline was actually at fault.

Secondly, this new Article 468 of the Bill also provides for the recovery by passenger victims of additional proven damages above 113,100 special drawing rights without any limit whatsoever from the air carrier unless the airline proves that it was not responsible for any damage done or that the damage was solely due to the responsibility of a third party. This second tier of liability is for claims in excess of Rs5,451,000.

It is unlimited in amount but is fault based. However, the victim passenger is not required to prove fault, the air carrier is liable unless it proves that the damage was not due to negligence or any other wrongful act or omission of the carrier. These specific amendments to the strict liability of air carriers and the abolition of any compensation limit will definitely protect the interest of Mauritian and foreign passengers flying to and from Mauritius on local and international airlines.

It will improve the fairness and adequacy of the rules governing how passengers on international flights are compensated for losses during air travel. These losses include both

tragic cases involving the death or serious injury of passengers. But the new Bill, in its Articles 466 and 469 also caters for more routine cases like –

- (i) the loss or damage suffered by passengers in cases of delays to flights where the liability of the care carrier is limited to the sum of 4,694, special drawing rights or approximately Rs226,200 per passenger as per the current conversion rate of the International Monetary Fund;
- (ii) the loss, damage or delay to luggage of passengers where the liability of the air carrier is limited to the sum of 1,131 special drawing rights or approximately Rs54,511 per passenger as per the current conversion rate of the International Monetary Fund, and
- (iii) the loss, damage or delay to cargo where the liability of the air carrier is limited to the sum of 19 special drawing rights per kg of cargo approximately Rs17,399 per kg of cargo as per the current conversion rate of the International Monetary Fund.

Another innovative change being brought by this Bill, in its Articles 468, 469 and 470, is the introduction and use of the International Monetary Fund special drawing rights as the new International Monetary Unit to calculate the limit and quantum of compensation and indemnity to be paid to victim passengers by air carriers instead of the old French gold franc, which is now an obsolete currency with no certain conversion rate and value, but which is still found on our statute books and being referred to in the actual Article 459 of the *Code de Commerce* as it is a remnant and vertices of the Warsaw Convention of 1929.

The current conversion rate of the International Monetary Fund, special drawing rights into Mauritian rupees is at the rate of 48.198. The Bill in its Article 473 also makes provisions for the air carriers liability limits and compensation and indemnity limits in term of the special drawing rights to be reviewed every five years to take account of inflation.

Another interesting point found in Article 479 of the Bill which will facilitate and simplify the task of Mauritian passengers who are victims and litigants to enforce their rights to any possible claims under this new law is the addition of a new forum of legislation.

This Bill is adding a fifth jurisdiction in which a compensation claim can be heard in addition to the four existing ones, but this fifth jurisdiction is the most beneficial one to

Mauritian victims during international flights. It provides that a claim for damages for the death or injury of a passenger may be brought in the state where the passenger has his principal and permanent residents at the time of the accident.

If it is a country to or from which the air carrier operates and where it has premises, this provision will ensure that an injured Mauritian passenger or the heir of a deceased Mauritian passenger will have a home forum and will be able to bring action in a Mauritian Court for compensation. This new home forum is more convenient than pursuing action in a faraway country due to the cost involved.

The Bill, in its Article 497, also contains a good measure for passenger victims by imposing that air carriers must maintain adequate insurance to cover their liability and that the law and that State parties to the Montreal Convention 1999 have the right to require a foreign air carrier operating into their territory to furnish evidence that they maintain such adequate insurance. The requirement of compulsory insurance ensure that passenger victims claimant will receive full compensation that they will be awarded.

Another measure to the benefit of victim passengers is provided under Article 474 of the Bill when it makes provision for air carriers to make advanced payments following aircraft accidents to assist victims or their relatives to meet their immediate economic needs.

These advance payments do not constitute recognition of liability.

The new Bill also provides in its Article 480 for arbitration as an alternative dispute resolution mechanism in the carriage of goods by air by including arbitration clauses in cargo airway bill. Thus, the parties to a carriage contract for cargo and goods may provide that any dispute relating to the liability of the air carrier shall be settled by way of arbitration and the arbitration clause must be in writing. This Article 480, providing for arbitration, is in line with Government's aim of making Mauritius becoming an international arbitration centre where Mauritius can be used as a juridical seat for such arbitration under the Mauritian International Arbitration Act 2008.

Articles 450 and 451 of the Bill provide for simplified documentation and electronic ticketing. This eliminates the need for cargo consignors to complete detailed paper based airway bills, and so allows simplified electronic records to be used as long as the passenger or consignee has adequate evidence of the contract and, provided it is in a form that meets the requirement of border control agencies, there is no reason why documentation should not be



electronic. It permits the use of electronic airway bills and other documents of cargo carriage. Eliminating paper from the air cargo supply chain will deliver cost saving benefits while, at the same time, improving accuracy, shipment time and security.

Madam Speaker, allow me to commend the Bill which will no doubt bring change in the landscape of the Mauritian Aviation Industry by doing away with the Warsaw Convention 1929 which was more concerned with the protection of international air carriers and replacing it by the Montreal Convention 1999 which is more concerned with the protection of passengers of the international aviation industry.

Mauritius, being an international tourist destination and having as objective to increase its yearly tourist arrival, we will certainly benefit from this change in the aviation industry which aims towards a better protection of international passengers. I also anticipate that there will be further developments in our law to keep pace our law abreast with international norms.

Thank you.

**Madam Speaker:** Hon. Dayal!

(9.29 p.m.)

**Mr R. Dayal (First Member for Flacq & Bon Accueil):** Madam Speaker, I must commend hon. Maneesh Gobin, the Attorney General, Minister of Justice, Human Rights and Institutional Reforms for bringing the Code de Commerce (Amendment) Bill (No. XIV of 2017) in a timely manner.

This Bill aims at standardising procedures, enhances ease of doing business and facilitates trade in the highest interest of the nation. It also provides for a simplified liability regime for baggage and air cargo whilst bringing in the use of electronic document of carriage instead of paper.

The Code lays special emphasis on dematerialisation of trade and passengers' documents which is a much desired amendment to the existing Act as it goes in line with the paperless initiative which is environment friendly and responds to the urgency imposed by climate change to remedy environmental disturbances. It must be highlighted that the International Air Transport Association (IATA) has already, in its pipeline, the implementation of electronic system, and this Code is in harmony with what IATA is opting

for. It is also in tune with the Advance Passenger Information System (APIS) which will allow enforcement by authorities to better profile suspected criminals and terrorist organisations...

*(Interruptions)*

to protect life and property in the interest of the global population. This Code is also in conformity with the Trade Facilitation Agreement (TFA) which Mauritius signed and ratified in 2015. Mauritius is the fourth country in world to ratify the TFA of the World Trade Organisation which came in force in February 2017, and therefore, this Bill empowers all stakeholders in a timely manner. This Bill is also in conformity with the World Customs Organisation instrument namely the revised Kyoto Convention on the simplification and harmonisation of customs procedures which makes provision amongst others for the facilitation of air cargo and passenger clearance which Mauritius signed in 2008. And I must add that the then Government did not have the political will and the foresight to come with such a Bill. The process of globalisation has led to an increase, an expansion in the forms of transnational offending due to what is termed as criminogenic asymmetries. Studies have approved these asymmetries are criminogenic in that –

- (i) they generate or strengthen the demand for illegal goods and services;
- (ii) they generate incentives for particular actors to participate in illegal transactions, and
- (iii) they reduce the ability of authorities to control illegal activities.

The Bill comes at a time when the Republic of Mauritius is highly vulnerable with the climate of insecurity prevailing in the world; exacerbated with cross border crimes; smuggling of arms and ammunitions and explosive devices; trafficking in persons; drug trafficking; money-laundering; organised crime with terrorism; illegal transport of dangerous and hazardous goods.

The African Union has developed an Action Plan for boosting intra-African trade and fast tracking the establishment of the continental free trade area. This will generate an increase in the volume of trade, and the demand and supply of illegal goods and services. There is a risk for organised criminal enterprises to exploit inherent weaknesses in legislation

which is omnipresent; change in *modus operandi* like drugs being ferried in gas cylinders and the smuggling of cigarettes....

*(Interruptions)*

in imported doors among others; demand amendments in the customs law and greater powers for profiling suspected criminals to ensure tighter border control. In the national interest, we are duty bound to strike the right balance between trade facilitation and the effective border control. It is most rational and pragmatic to revisit the Customs and Police Act and other relevant legislations for sanitising our frontiers to prevent the repeat of the MV Benita saga.

The very fact that, as a Member State of the African Union (AU) where greater emphasis should be laid in law enforcement capabilities to prevent and deter cross border crime, proposals should be made through the Minister of Foreign Affairs for harmonisation of relevant legislation with the African Union with a view to preventing organised criminal enterprise exploiting inherent weak links and legislations.

I strongly believe that a crucial amendment....

**Madam Speaker:** Hon. Dayal, I have given you some leeway to expand on the Bill, but I think you are expanding too much now...

*(Interruptions)*

You are expanding so much that you are not within the parameters of the Bill.

**Mr Dayal:** Madam Speaker, I strongly believe that the crucial amendment as proposed is essential to empower law enforcement agencies to deliver the goods in the highest interest of our nation. The amendment pertains to -

« SECTION DEUXIÈME

TRANSPORT DE MARCHANDISES

PARAGRAPHE PREMIER

LETTRE DE TRANSPORT ET RÉCÉPISSÉ DE MARCHANDISES »

At paragraph 453, after the word '*nature*' to include the word '*spécifique*'. The rationale pertains to security reasons inasmuch as specific description rather than general description should be mentioned in the document. This will allow focus targeting in profiling by

enforcement agencies. In addition, the true identity of the sender as well as that of the addressee and consignee should also be mentioned. The proposed amendment at paragraph 453 should read, I quote –

‘453. L'expéditeur peut être tenu, pour accomplir les formalités nécessaires de douane, de police et d'autres autorités publiques, d'émettre un document indiquant la nature spécifique de la marchandise indiquant l'identité de l'expéditeur aussi bien que l'identité du destinataire ou l'importateur.’

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Gobin!

(9.37 p.m.)

**Mr Gobin:** Madam Speaker, I, first of all, wish to thank all hon. Members - well, not many tonight - for the quality, *la qualité, pas la quantité*, of the submissions they have made.

First of all, let me start with the proposal of my colleague, hon. Dayal, as to the proposal to include the word ‘*spécifique*’ in *Article 453*. Madam Speaker, I do not propose to come with this amendment for the reason that *la nature spécifique de la marchandise* is well catered for in other Articles, namely *Article 457* –

«L'expéditeur est responsable de l'exactitude des indications et déclarations concernant la marchandise inscrites par lui ou en son nom dans la lettre de transport aérien, ainsi que de celles fournies et faites par lui ou en son nom au transporteur en vue d'être insérées dans le récépissé de marchandises ou pour insertion dans les données enregistrées par un autre moyen prévu à l'alinéa 2 de l'article 451.»

So that the concern as to *l'exactitude des indications et déclarations* is already covered.

I seize this opportunity to mention the point that we are incorporating, the provisions of the Montreal Convention 1999 in its entirety. I just want to add that I know the Montreal Convention 1999, it is not possible for a State to include any ‘reservations’. There is one Article in that Convention which is Article 57 concerning reservations, that no reservation may be made to this Convention by a State Party except for non-commercial travels and military travels. So, we are incorporating the provisions of the Montreal Convention in its entirety without any reservations, as I said, during my speech, so that we do away with the

patchwork of complicated compensatory regime and we come in line with international best practice as most, if not all, our trading partners have done.

Concerning the points raised by hon. Uteem as to the proposal to have a regime for regulations, I welcome the suggestions and I will be moving at Committee Stage for a short amendment to empower the making of regulations under the '*Livre 'Troisième'*' of the *Code de Commerce*. However, concerning now the questions of the '*Hypothèques*' and the '*Privilèges*', the provisions of this Bill are intentional. It has not been a mere cut and paste exercise from the updated French '*Code de l'Aviation Civile*'.

With respect to the enforcement of '*Hypothèques*', it is not specifically provided in the *Code de Commerce*, it is provided under our general law, namely the *Code Civil* so that it will be in addition and not in derogation. With respect now to the other issues as to the '*Privilèges*' and '*Hypothèques*', once again, I must state that the new provisions on the taking of security which we are including on aircrafts are well overdue and we need to bring them now.

However, at this stage, we are plugging a gap given the international instruments that we have signed, but not yet domesticated. I am referring specifically to one Convention which will be domesticated after we have carefully examined all the legal consequences thereto. I am referring to the Cape Town Convention. Members of the House will no doubt be aware of the Cape Town Convention on the taking of security interests on aircrafts, which provide better security to lenders and establishes an International Registry. Now, pending the domestication of this *avant-gardiste* Convention, which is being worked upon, the current provisions which are being brought to the House now provide an adequate transition into this era.

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

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

## **THE CODE DE COMMERCE (AMENDMENT) BILL**

(No. XIV of 2017)

*Clause 1 ordered to stand part of the Bill.*

*Clause 2 (Code de Commerce amended)*

*Motion made and question proposed: ‘that the clause stand part of the Bill’.*

**Mr Gobin:** Madam Chairperson, I move for the following amendment –

« In clause 2, in the proposed “Livre Troisième”, by adding the following new “Titre”

–

## **TITRE QUATRIÈME**

### **RÈGLEMENT**

536. Les modalités d’application des articles du Livre Troisième peuvent faire l’objet d’un règlement de l’Attorney-General. »

*Amendment agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3 ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

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

### *Third Reading*

*On motion made and seconded, the Code de Commerce (Amendment) Bill (No. XIV of 2017) was read the third time and passed.*

## **ADJOURNMENT**

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 21 November 2017 at 11.30 a.m.

**Mr M. Seeruttun rose and seconded.**

**Madam Speaker:** The House stands adjourned.

(9:45 p.m.)

**MATTER RAISED****LAW REFORM COMMISSION & GAMING REGULATORY AUTHORITY –  
CHAIRPERSON - INVESTIGATION**

**Mr R. Bhagwan (First Member of Beau Bassin & Petite Rivière):** Madam Speaker, I stand with great trepidation - I use the word trepidation - to raise an issue of public interest that could have grave consequences in the way our governance system operates. I have asked on many occasions, here in the House and outside, my party also has asked through hon. Bérenger, that Mr Raouf Gulbul, Chairman of the Gaming Regulatory Authority and Chairman of the Law Reform Commission, steps down pending the conclusion of an investigation of the Commission of Inquiry on drugs.

We have been told, Madam Speaker, that the principle of ‘innocent until proved guilty’ should apply in his case - in the last reply I obtained. Madam Speaker, the fundamental legal concept is applicable to criminal offences and not on the moral probity of someone accused to be involved in activities verging on the destruction of our social and family norms.

Madam Speaker, the public hearings of the Commission of Inquiry and the questioning of Mr Gulbul, which is appearing every day in the local Press - this is one example of *Le Mauricien*; every day in other Press also and in the public who is allowed to attend these sittings - has stirred the stench of lies, allegations of corruption and cheat. And the more so, Madam Speaker, arrogance was oozing from his contemptuous answers to the Commission’s valid questions. I want to read what we have also listened there. His selective memory lapses on many occasions on the person he met at St Pierre during the last General Election campaign, which I consider is an affront to the Commission appointed by the President of the Republic.

Madam Speaker, the public accusations made against him are very, very serious. This is why the purpose for me raising it tonight. First, he has been accused of attempting to influence the testimony of two of his colleagues from the legal profession, which is most repugnant. He has been accused of links with the local drug mafia and of international contact with the heartland of drug dealers of Colombia of Medellin, fame. Madam Speaker, what is more so, and which is now to the public knowledge, the use of SIM cards, making calls to Columbia, the capital of drugs, and even through that SIM Card, he apparently received messages from the *balance*.

Clearly, Madam Speaker, the behaviour of Mr Gulbul, Chairman of the Law Reform Commission, Chairperson of the Gaming Regulatory Authority, has fallen well below the standard of transparency, openness and honesty expected from someone occupying such a high office of the State. And the Prime Minister must ask him to step down as Chairperson of the GRA and the Law Reform Commission, pending the findings of the Commission of Inquiry. He should be removed forthrightly.

Madam Speaker, I know what the Prime Minister will say. He will use his usual excuses; that we should have to wait for the report of the Commission, that there is no criminal finding against Mr Gulbul. But the Prime Minister should not couch his reply in rhetoric.

Madam Speaker, bluff and blusters are fine for the hustings and they evaporate in the face of reality. I am sure the Prime Minister has taken cognizance of what has been written only recently: “where there is a case of *dévir lanket*, you are always around!” This is what the president, Mr Lam Shang Leen, said to Mr Gulbul, and the Chairperson of the Commission even made a statement, which I consider most disturbing, when he questioned Mr Gulbul, in the Commission of Inquiry, of his attempt to influence one famous drug baron, Mr Veeren, to frame the Prime Minister. I leave to hon. Members to use their own judgement.

The reality is this, Madam Speaker. We have all heard of how the tentacles of the drug mafia have spread to institutions. The GRA is not an insignificant institution. Its credibility depends on the reputation and character of those running it. Can this country afford to wait, Madam Speaker, when the Chairman of GRA is being accused of having disturbing and close ties with convicted drug traffickers, and then we will ask him to step down? No, Madam Speaker! And above all, how many questions I have asked here. We have obtained replies; it has been said at the hearings of the Commission of Inquiry. At one point in time, I even tabled a document, that he was the legal advisor of the SMS Pariaz, and now he wants us to believe he did not know the owner of SMS Pariaz, Mr Lee Shim! This is to the public knowledge! I am not saying anything new.

Madam Speaker, with what is being projected everyday as the image of our institutions, our country is being seriously undermined because this Government does not have the guts to order Mr Gulbul to step down. I am asking myself, the question: is it because he is a member of the MSM? Is it because he was a candidate at the last General Election under the MSM banner? Ministers have been asked to step down! Ministers! Recently, the Vice-Prime Minister; the Minister of Environment, and the Attorney General!



So, how special is that person, Mr Gulbul, that we cannot ask him to step down? I am again asking the Prime Minister when he will find it the right time to ask this Mr Gulbul to pack his bags and go! And when his departure from this very important organisation, the GRA, which demands credibility, and the credibility has been smashed to pieces. This morning, there was a question. Even the Attorney General mentioned about the Law Reform Commission. In the past, the Chairperson of Law Reform Commission, *feu* Sir Guy Ollivry, well respected, and others - I do not know many others. Those in the legal profession know that this very important institution, as the Law Reform Commission, having somebody like that as Chairperson still today! I am asking my friends! Not a day, we buy papers like this, we see, and I can read one again, Madam Speaker. I will not mention name - "*Une SIM card, l'axe Veeren-Colombie au menu*". And the other case, I will not mention the list. So, I think enough is enough. This is the purpose; I am not making it personal. I do not know the guy.

I ask this question to the Prime Minister. When will the situation be serious enough for him, as has been the case when he has acted against the Ministers, to take Mr Gulbul to task as Chairman of the institution, which is simply unacceptable and untenable?

As long as Mr Gulbul will be the Chairman of these two institutions, they will be marred with controversy. And they have lost all credibility! I again say, Madam Speaker, the guy must go in the interest of one and all, in the interest of the country, the nation, the institution, in the interest of this Parliament which has voted the legislation to create these two institutions. And I again end on that note.

Somebody who is the president of an institution, of a Commission of Inquiry, ex-Judge Lam Shang Leen has stated that when he was questioning that guy about attempt to frame the Prime Minister of the Republic, and he is still there, Madam? So, I leave it to the hon. Prime Minister who owes an explanation to the nation. This is why at this very late hour I am giving facts and the whole nation, through this live coverage, is listening to what I am saying. I am not making it something personal; we have raised this issue so many times and, I think, it is in the interest of one and all that Mr Gulbul be sacked from these two institutions in the interest of the Republic of Mauritius.

Thank you, Madam Speaker.

(9.58 p.m)

**The Prime Minister:** Madam Speaker, the hon. Member has said in his intervention that he knows what I am going to say. Because he knows, that is the answer: we are in a country where there is the Constitution, the law that prevails. I remind the hon. Member again that section 10(2) of our Constitution states that everybody enjoys the presumption of innocence. The Chairperson, whom he has referred to, of the GRA and the Law Reform Commission, has not been found guilty for any criminal offence.

Further, pursuant to sections 12(2) (a) and 12(2) (b) of the Commissions of Inquiry Act, even if there is – I say even, because I will just say something later on – a specific finding against the Chairperson of the GRA or the Law Reform Commission or any other person for that matter, that finding will still require a criminal inquiry and prosecution and the decision as to whether or not to prosecute will rest with the Director of Public Prosecutions pursuant to section 72 of the Constitution.

If I follow the reasoning of the hon. Member, I will just take one example, I myself have been accused by a notorious drug trafficker who has been sentenced to jail for, I don't know, 30 years. Do you know what the accusation is? It is that the Prime Minister is the one who is behind the most important financing of drugs in Mauritius! Now, if we follow that reasoning - and I am not here to defend anybody, but I am just saying - whatever is being said before the Commission, it is for the Commission at the end of the day to conclude, to make recommendations and there will be findings.

But, right now, if people are giving evidence and I, as Prime Minister, have to act on those evidence, then logically I should be challenging myself, I should be saying, well, because Mr Veeren Peroomal has been making a cinema, I must say, before the Commission! And I am the one, Madam Speaker, when I hear somebody making an accusation or an allegation against me, I have written to the Commission. I have said that I want to come and give evidence and to reply and to rebut to this kind of allegation.

The hon. Member, amongst others - because he has mentioned a number of things against the Chairperson of the GRA that has been said before the Commission. I don't want to say more; he has mentioned, and I have seen and also read in the newspapers that there is a Colombian connection. Do you know how serious it is when you are talking about a SIM card in the name of a Judge of the Supreme Court?

We will see! I have some information which I will not, obviously, state in the House right now, even though if I can, I could have answered the hon. Member. I will not. It is up to the Commission to hear that evidence. We will see because it is verifiable. You think you have a SIM card, there is the server of the service provider. Everything is verifiable with regard to what I have also read in the Press. Let us see! The Commission will call for evidence, if not, the Chairperson of the GRA himself, I am sure, will have to answer and, then, we will see.

That is why I say, for me, I will respect and I will observe the process. You know, accusations have been levelled against my friend, hon. Mrs Roubina Jadoo-Jaunbocus, if I can take another example, that her joint account with her former husband was being credited with the amount of money regularly, each month from a supposed drug trafficker. Who was the drug trafficker? Dr. Jeetoo! And we found out who was Dr. Jeetoo: Dr. Jeetoo Hospital.

Now, if I had to just rely on such kind of evidence and sanction hon. Mrs Jadoo-Jaunbocus, what would happen? That is why I say we have to be careful. I do agree that those allegations are serious - that I agree with the hon. Member - levelled not only against that person, against me, they are serious, and that is why I want to be able to have the opportunity to go there. And I will expose myself to cross examination, Madam Speaker! I am ready for that because I have a clear conscience and I know that these are false and they need to be rebutted. The case is not about me, but I am just drawing a parallel. That is why I think that issue as at now, so far, does not arise. Let us see.

I hope that it will not take long before we have a conclusion, we will find a finding and then we will see from there onwards whatever decision has to be taken will be taken. As the hon. Member is saying, how important is this person. I have just replied this morning to a PNQ and the hon. Member has mentioned if the Vice-Prime Minister and others have had to step down. I said no one is going to be spared if ever we find out that they are involved in one way or another in either illicit activities or for me the interest of the country is at stake and it should be taken into consideration rather than the interest of either my friendship or any other relationship with others. So, the hon. Member can rest assured. Let us see how everything unfolds and when the time will come, he can rest assured that whatever decision has to be taken will be taken.

Thank you.

*At 10.05 p.m., the Assembly was, on its rising, adjourned to Tuesday 21 November 2017 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### CHAGOS ARCHIPELAGO - COMMITTEE OF PARLIAMENTARIANS - MEETINGS

**(No. B/727) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Committee of Parliamentarians on Chagos Archipelago, he will state the –

- (a) number of meetings thereof convened since his assumption of office as Prime Minister, and
- (b) latest stand thereof on the efforts to retrieve our sovereignty on the Chagos Archipelago.

**Reply (Minister Mentor, Minister of Defence, Minister for Rodrigues):** I would like to reiterate that the Chagos Archipelago, including Diego Garcia, has always formed and continues to form an integral part of the territory of the Republic of Mauritius.

Mauritius does not recognise the so-called “British Indian Ocean Territory” which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence, in breach of international law and of United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

In view of the illegal excision of the Chagos Archipelago from the territory of Mauritius, the decolonisation process of Mauritius remains incomplete.

Government is sparing no effort for the completion of the decolonisation process of Mauritius, thereby enabling Mauritius to effectively exercise its sovereignty over the Chagos Archipelago.

In reply to part (a) of the question, one meeting of the Committee of Parliamentarians on the Chagos Archipelago has been convened since hon. Pravind Kumar Jugnauth has

assumed office as Prime Minister. The Prime Minister has asked me to continue chairing this Committee as I am responsible for matters relating to the Chagos Archipelago.

The purpose of the meeting of the Committee held on 31 May 2017 was to take stock of latest developments relating to the Chagos Archipelago, prior to the consideration by the UN General Assembly on 22 June 2017 of agenda item 87 relating to the request for an Advisory Opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

As the House is aware, the UN General Assembly adopted on 22 June 2017 by an overwhelming majority – 94 votes for and 15 votes against – Resolution 71/292 entitled “Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965”.

It is clear from the voting results that a very large majority of the UN membership believes that the decolonisation of Mauritius has not been completed and that action should be undertaken to complete its decolonisation.

The United Nations has transmitted the resolution to the International Court of Justice which has set the following time-limits for written submissions on the questions in respect of which an Advisory Opinion has been requested -

- (a) 30 January 2018 for any State, including Mauritius, to present written statements on the questions, and
- (b) 16 April 2018 for States and organisations having, by 30 January 2018, presented written statements, to submit written comments on the written statements presented by other States and organisations.

In this context, the first written statement to be submitted by Mauritius to the International Court of Justice by the deadline of 30 January 2018 is currently being prepared, with the assistance of our team of external lawyers.

As regards part (b) of the question, since we are currently focusing on the preparation of the first written submission to be made by Mauritius, for which inputs of a legal nature are required, the need for holding further meetings of, and ascertaining the stand of, the Committee of Parliamentarians on the Advisory Opinion initiative before the International Court of Justice does not arise.

However, I can say that the Committee of Parliamentarians on the Chagos Archipelago has a common stand in favour of the completion of the decolonisation of Mauritius.

The completion of the decolonisation of Mauritius is a matter of national interest and national dignity. It is also a matter of serious concern in regard to the plight of our compatriots of Chagossian origin who have been uprooted from their birthplace in utter disregard of their basic human rights.

Once the decolonisation of Mauritius is completed, every Mauritian, including our brothers and sisters of the Chagossian community, will be free to resettle in the Chagos Archipelago in full dignity and respect of their human rights. Every single Mauritian should, therefore, be concerned with this issue.

I wish to seize this opportunity to express my appreciation for the patriotic momentum generated in the country in the run up to 22 June last when the vote was taken at the UN General Assembly. This encourages the Prime Minister and myself to pursue our endeavours to ensure the complete decolonisation of our country.

#### **ABERCROMBIE - POLICE DIVISIONAL HEADQUARTERS - CONSTRUCTION**

**(No. B/757) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the proposed construction of a new and modern Divisional Headquarters at Abercrombie, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand, indicating –

- (a) if all the quarters occupied by Police Officers or as offices have been vacated and, if not, why not, and
- (b) the expected start and completion dates thereof.

**Reply:** I am informed by the Commissioner of Police that the design of the project for the construction of a new and modern Divisional Headquarters at Abercrombie has already been completed by the Ministry of Public Infrastructure and Land Transport. The bidding document for the launching of tenders is currently at the level of the Central Procurement Board for vetting purposes.

I am informed that there are twelve quarters at Abercrombie. As per the construction plan for the project, eight of these quarters fall within the construction perimeter of the New Divisional Headquarters and will have to be demolished.

As regards part (a) of the question, I am informed that of the eight occupied quarters, four which were occupied by Police Officers have already been vacated. The four remaining quarters are currently being used to house the CID Metro North Division. However, provisions have already been made for the temporary shifting of the CID Metro North Division to the ex-Police Building at Roche Bois.

The four quarters falling outside the construction perimeter will not be vacated. Three of these quarters will continue to be used for the Divisional Supporting Unit and one for housing the Certificate of Character Office.

With regard to part (b) of the question, I am informed that the construction of the new Divisional Headquarters at Abercrombie is expected to start by May 2018 to be completed by the end of August 2019.

#### **MONT CHOISY & TROU AUX BICHES - NHDC HOUSES – MINORS**

**(No. B/759) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the allocation of NHDC houses to minors at Mont Choisy and Trou aux Biches, he will state if consideration is being given for the setting up of a Commission of Inquiry to look thereinto and, if so, indicate where matters stand.

**Reply (Minister of Agro-Industry and Food Security, Minister of Housing and Lands):** I wish to inform the House that the setting up of a Commission of Inquiry is not being proposed, in as much as the Ministry of Housing and Lands has already set up an internal Committee of Inquiry. I am also given to understand that ICAC is also enquiring on the matter.

#### **MORCELLEMENT RAFFRAY, ALBION – CONSTRUCTION – BUILDING PERMIT**

**(No. B/762) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government and Outer Islands whether, in regard to a complaint dated 29 August 2017 to the District Council of Black River regarding the illegal construction

of a residential building in Morcellement Raffray, in Albion, wherein a stop order was served but disregarded by the promoter thereof, he will state the action that will be taken in relation thereto

**Reply:** I am informed by the District Council of Black River that a complaint dated 29 August 2017 was received from two inhabitants of Morcellement Raffray, Albion objecting to the construction of a ground + 2 floors building at Corner Astrolab and Victory Avenues, in the said Morcellement by Mrs Jennifer Joshi.

According to the records of the District Council, in the year 2000, a Development Permit was issued by the Council and a Building Permit by the Ministry of Public Infrastructure in the name of one Mr Bernard Perrier for the construction of a residential building at ground and first floor at Corner Astrolab and Victory Avenues, Morcellement Raffray, Albion.

The District Council has, in fact, during a site visit found out that the first floor of the building was still under construction and structures were being put up for an addition at second floor.

However, since there are no records showing that a permit had been issued in the name of Mrs Joshi, a notice to stop construction was issued to Mrs Joshi on 14 September 2017.

On 06 October 2017, the District Council received a letter from Mr Jean Bernard Louise who replied to the notice on behalf of Mrs Joshi and annexed the permit and the approved plan issued in the year 2000 for the existing building. He further stated that plans for the addition at the second floor would be submitted shortly.

The Permits and Business Monitoring Committee (PBMC) of the Council, at its meeting on 25 took note of the case of Mrs Joshi and has decided that legal action be initiated against the latter, for carrying out a development without a permit.

A Notice of Intended Prosecution has been served upon Mrs Joshi on 25 October 2017 and a case will be entered at the District Court shortly.

### **SHELTERS – MINORS - FAMILY CELLS**

**(No. B/763) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the shelters, she will state the number of children placed thereat over the period June to December 2016, indicating the actions, if any, taken as at to date for the reintegration thereof into family cells.



**Reply:** When I took office in January 2017, I enquired about the number of children placed in shelters. I was informed that there were about 550 children placed thereat and a significant number of them had stayed there for long. I then decided to inform Cabinet of the situation and made a proposal for the setting up of a Technical Committee to look into the possibilities of expediting the reintegration of minors into family cells. This Committee is being chaired by the Permanent Secretary of my Ministry. It will submit its recommendations to Cabinet by mid-December 2017.

I am informed that between the period June to December 2016, sixty-three minors have been placed in both Government owned and Non-Governmental Organisations run shelters for their safety and appropriate support. Their placement is done through Court Orders under the Child Protection Act 1994.

As at date, out of the sixty-three children, twenty have already been re-integrated into their families through a series of actions taken which are –

- (i) Counselling and mediation of existing families with respect to improving parental capacity amongst others;
- (ii) Counselling of minors to reduce trauma, build resilience and understanding of prevailing familial relationships with a view to rebonding and developing stronger family networks;
- (iii) Providing holistic psychosocial support to the family and the minor, and
- (iv) Providing assistance to avail of support systems inclusive of social aid, health care, transfer of schools, housing amongst others.

Moreover, two additional minors have been placed in foster families. As regards the remaining forty-one cases, support to both families and minors is ongoing for 9 more minors to be reintegrated in their family environment.

Thirty-two minors have no possibility of reintegration in their biological family cells on account of -

- Ill-treatment by parents;
- Abandonment;
- Gross Neglect;
- No place of abode;
- Physical Assault
- Sexual Abuse, and
- Child at risk.

### **CHILD DAY CARE CENTERS – LICENCE**

(No. B/764) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Child Day Care Centers, she will state the number thereof which operated without licence over the period 2013 to December 2016, indicating the actions taken, if any, for the regularisation thereof.

**Reply:** I am informed that the number of Child Day Care Centres (CDCCs) which operated without a licence over the period 2013 to December 2016 is as follows –

<u>Year</u>	<u>Number of CDCCs which operated without a licence</u>
2013	227
2014	268
2015	260
2016	248

**Note:** The figures are compiled cumulatively on a yearly basis.

In accordance with the Institutions for Welfare and Protection of Children Regulations 2000, under the Child Protection Act 1994, for a CDCC to operate as per norms and standards, it has to be in compliance with the Second Schedule which prescribes the requirements in respect of such institutions. A Certificate of Registration issued by the Permanent Secretary of my Ministry under these regulations shall be valid for a period of two years and may be renewed for a further period of two years.

Since I took office at the Ministry of Gender Equality, Child Development and Family Welfare in January 2017, I was apprised of the significant number of CDCCs which were operating without Certificate of Registration.

To that effect, various concrete measures were taken at my end to sort out the matter.

- (a) The issue was raised in Cabinet which accordingly approved the setting up of a Technical Committee with relevant stakeholders to identify the challenges/constraints faced by CDCCs in their registration process. This Committee is being chaired by the Permanent Secretary of my Ministry. It will submit its recommendations to Cabinet by mid December 2017.
- (b) Discussions and negotiations on my part were initiated with the Ministry of Finance and Economic Development to remove a stringent criterion which required that 30% of children admitted in the CDCCs should come from families registered on the social register of Mauritius to be able to benefit from a one-off cash grant of up to Rs200,000. This amount is meant for upgrading of infrastructure and/or capacity building of carers working in those CDCCs. Out of 37 applications received at the level of the National Children's Council, 11 CDCCs were found eligible for the One off Cash Grant and funds to the tune of Rs1,248,000 will be disbursed in this financial year.
- (c) Posting of registered and unregistered CDCCs on my Ministry's web site so that parents are aware of the legal status of CDCCs in operation.
- (d) Setting up and consolidating of the Inspectorate system to monitor the CDCCs.
- (e) Fast track processing of applications at the level of my Ministry and clearance issuing authorities.
- (f) Conduct of Training and debriefing sessions with personnel of CDCCs.
- (g) An aggressive sensitisation campaign will shortly be carried out through media that is on TV and radio to sensitise parents of their responsibility to send their children to registered CDCCs.

#### **CHEMIN GRENIER - MARKET – CONSTRUCTION**

**(No. B/765) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the proposed construction of a market fair at Chemin Grenier, he will state where matters stand, including, if –

- (a) acquisition of land therefor has now been completed, and
- (b) the traffic impact assessment report in relation thereto has now been submitted.

**Reply:** The construction of a new modern market at Chemin Grenier, with a project value of Rs125 m., is one among the various projects earmarked in the Budget 2017/2018, which will be financed under the Indian line of credit.

Insofar as part (a) of the question is concerned, I am informed that three lots of private lands of a total extent of approximately 3 acres along Chamouny B89 Road at Chemin Grenier and belonging to two different families, have been identified for the implementation of this project.

The Ministry of Housing and Lands has already initiated procedures for the acquisition of these plots of lands.

As regards part (b) of the question, I wish to inform the House that concerns were raised by the elected members of the region regarding the possible traffic problems this proposed development could have on Chamouny Road and on other roads in the vicinity.

The TMRSU and the RDA which have, accordingly, been consulted on the matter, have indicated that they do not foresee any major traffic problems as a result of the implementation of this project. Necessary traffic management and road safety measures and conditions would be imposed as and when required.

### **CITÉ CASE NOYALE & CITÉ BEL OMBRE – LAND ACQUISITION**

**(No. B/766) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Minister Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Cité Case Noyale and Cité Bel Ombre, he will state why the residents thereof have not yet been able to acquire the land on which stand their respective dwelling.

**Reply (Minister of Agro-Industry and Food Security, Minister of Housing and Lands):** I am informed that the lands on which stand the Ex-CHA Bel Ombre Housing Estate and Ex-CHA Case Noyale Housing Estate are private properties belonging to the Compagnie Sucrière de Bel Ombre Limitée, and are not State land. As such, the residents have not been able to acquire the land on which stand their respective housing units.

Survey and searches with respect to both sites are being carried out by the Ministry of Housing and Lands prior to finalising the title deeds between Government and the *Compagnie Sucrière de Bel Ombre Limitée*. Once the title deeds are finalised, the residents will be able to purchase their respective plots of land.

**CARRÉ D'AS, RIVIÈRE NOIRE – HOUSING UNITS - CONSTRUCTION**

**(No. B/767) Mr G. Lesjongard (Second Member for Savanne & Black River)**

asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the people residing at Carré d'As, in Rivière Noire, he will state where matters stand as to the proposed relocation thereof, indicating –

- (a) the number of households concerned therewith;
  - (b) the agreement reached with the private land owners for the financing thereof,
- and
- (c) if his Ministry has now obtained the necessary clearances in relation to the proposed access to the site where the families will be relocated.

**Reply (Minister of Agro-Industry and Food Security, Minister of Housing and Lands):** With regard to part (a) of the question, I am informed that there are 46 families residing at Carré D'As in Rivière Noire.

With regard to part (b) of the question, the NGO, Le Pont Du Tamarinier, has submitted a project proposal for the construction of 46 housing units at an estimated cost of Rs90 m., to be implemented on two sites which are privately owned, and situated at Rivière Noire. The proposal comprises the construction of 16 housing units on land of an extent of 4,600 square metres, and 30 housing units on land of an extent of 5,600 square metres.

Modalities for the financing of the project are being worked out and finalised by the Ministry of Finance and Economic Development.

As regards part (c) of the question, there is no issue of access. However, the Planning Unit of the Ministry of Housing and Lands has advised that the plot of land identified for the construction of 30 housing units lies outside settlement boundary and that it would be appropriate for the NGO to identify another plot of land.

**LOW COST HOUSES - CONSTRUCTION**

**(No. B/769) Mr R. Uteem (First Member for Port Louis South and Port Louis Central)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the construction of low cost houses, he will state and/or, for the benefit of the House, obtain information as to if his Ministry and/or the National Housing Development Corporation Ltd., has received proposals therefor from Garware Infra Projects Ltd. and one Mr Kedar Chapekar or any entity related thereto, indicating in each case, the consideration given thereto, if any.

*(Withdrawn)*

**CHILDREN - RESIDENTIAL CARE INSTITUTIONS/SHELTERS –  
COMPLAINTS**

**(No. B/771) Mr R. Uteem (First Member for Port Louis South and Port Louis Central)** asked the Minister of Gender Equality, Child Development and Family Welfare Whether, in regard to Residential Care Institutions/Shelters for Children, she will state the number thereof, indicating (a) the number of (i) children residing thereat and (ii) employees thereof and (b) if her Ministry is in presence of complaints in relation to the living and working conditions thereat and, if so, indicate the remedial actions taken in relation thereto, if any.

*(Withdrawn)*

**PRISONS SERVICE – OFFICERS - TRAINING**

**(No. B/774) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Prisons Department, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to –

- (a) the measures taken to ensure that it is properly manned and equipped, and
- (b) where matters stand as to the proposed training of officers to guarantee a targeted and effective rehabilitation of offenders and reintegration thereof in the community.

**Reply:** I am informed by the Commissioner of Prisons that the Mauritius Prisons Service has at present a staff strength of 1128 officers serving in the different prisons.

Regarding part (a) of the question, I am informed that the following measures have been taken to ensure that the Prisons Service is properly manned and equipped -

- (i) procedures have been initiated for the filling-in of all existing vacancies;
- (ii) an ePrison System has been implemented to provide management information for rapid decision making;
- (iii) new control mechanisms have been introduced to better regulate Postal Money Orders and money transactions inside the prisons as well as the provision of canteen goods to prisoners. This has enabled the redeployment and optimum use of prisons staff;
- (iv) enlistment of a full-time Prison Psychologist to attend to both staff and detainees with behavioural problems;

- (v) setting up of a Drug Rehabilitation Centre at the Eastern High Security Prison, Melrose to cater for detainees with drug problems, and
- (vi) prison security has been enhanced through the following -
- installation of CCTV camera surveillance system in prisons for monitoring and supervision of detainees;
  - installation of Body Orifice Security Scanner (BOSS) chairs to detect prohibited articles hidden in body cavities;
  - procurement of mobile phone detectors and sniffer dogs;
  - escorting of detainees attending public hospitals and other places under the close supervision of the Correctional Emergency Response Team;
  - setting up of Bail and Remand Court in prisons to minimise movement of detainees to Court;
  - setting up of video conferencing facilities for communication between detainees and their close relatives detained in other penal institutions, thus reducing unnecessary movement of detainees, and
  - provision of a specialised training to the Prison Security Squad to maintain security inside prisons.

As regards part (b) of the question, I am informed that the Prison Training School, which dispenses courses to Prisons staff on general prison matters, also lays emphasis on the rehabilitation of offenders and reintegration of inmates in the community.

In this respect, various jobs and skills training opportunities are made available to the detainees. As such, some 110 Officers have been trained to provide training in the following fields –

- agriculture and vegetable production;
- gardening and landscaping;
- wood works;
- hair dressing and beauty-care;
- housekeeping;
- garment making;
- cooking and bakery;
- handicraft;
- animal husbandry;
- masonry;
- automotive body repairs and painting;

- automotive mechanics;
- gas welding and metal fabrication;
- print finishing/Book Binding;
- shoemaking;
- bee keeping;
- laundry, and
- tinsmith.

### **ROBERT EDWARD HART BOTANICAL GARDEN - RENOVATION**

(No. B/775) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Local Government and Outer Islands whether, in regard to the Robert Edward Hart Botanical Garden, he will state where matters stand as to the proposed upgrading thereof.

**Reply:** I am informed by the Municipal City Council of Port Louis that the following renovation works have been undertaken at the Robert Edward Hart Garden –

- 923m of the internal road network of the garden has been resurfaced with appropriate road marking by the Road Development Authority since August 2017.
- The construction of 350 to 400m of drain and footpath is being undertaken by the Ministry of Public Infrastructure and Land Transport starting from the entrance of the garden to the Nursery.
- 10 new additional metal bins have been fixed in the garden from Bibi Ameena Shrine to the entrance of the National Coast Guard post. Presently, there are 34 metal bins out of which 25 are in good conditions.
- The street lighting network has been reviewed. Cables have been replaced and floodlights are being provided instead of ‘*Boules de Neige*’.
- Four floodlights have already been fixed and another six will be fixed by next week.

### **HOSPITALS - CHILDREN WARDS - AMENITIES**

(No. B/777) Mr V. Oree (Second Member for Port Louis North & Montagne Longue) asked Dr the hon. Minister of Health and Quality of Life whether, in regard to the children wards of public hospitals, he will state if he is aware of the lack of



provisions made thereat to accommodate mothers attending young children and toddlers under treatment thereat and, if so, indicate if consideration will be given for the advisability of redesigning same accordingly.

*(Withdrawn)*

#### **PUBLIC PLACES - ALCOHOL CONSUMPTION - CONTRAVENTIONS**

**(No. B/779) Mrs D. Selvon (Second Member for GRNW & Port Louis West)**

asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the offence of consumption of alcohol in public places, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of contraventions booked and prosecuted, since 2015 to date.

**Reply:** I am informed by the Commissioner of Police that since 2015 to date, 1663 persons have been contravened for the offence of consumption of alcohol in public places and as at date 456 have already been prosecuted and fined.

#### **PAILLES - POLYVALENT CENTRE - UPGRADING**

**(No. B/780) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Local Government and Outer Islands whether, in regard to the recreational centre situated at Pailles, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the reasons for the present abandoned state thereof, indicating if remedial actions will be taken in relation thereto.

**Reply:** I am informed by the Municipal City Council of Port Louis that the Polyvalent Centre at Pailles comprises a basement, ground floor, three rooms upstairs and a kiosk.

The whole ground floor area has been put at the disposal of the Ministry of Health and Quality of Life for the setting up of a Health Centre.

The basement, the three rooms upstairs, and the kiosk are under the responsibility of the Municipal City Council of Port Louis. However, I am informed that the basement, the three rooms upstairs and the kiosk are presently closed to the public due to their bad state as a result of repeated acts of vandalism/thefts.

I am informed that as a short term measure, hoarding works have been carried out whereby all the doors and windows have been closed/sealed to prevent further acts of vandalism.

I am further informed that following a site visit, necessary repairs have already been undertaken to the kiosk and as soon as funds would be identified, necessary upgrading works would be carried out to the basement and the three rooms.

**MAURITIUS POLICE FORCE - 250<sup>TH</sup> ANNIVERSARY CELEBRATION -  
EXPENDITURE INCURRED**

**(No. B/782) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the celebration of the 250th anniversary of the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) total expenditure incurred in relation thereto, and
- (b) names of the contractors for the supply of goods and services therefor, indicating the respective procurement procedure followed thereof.

**Reply:** I am informed by the Commissioner of Police that the total expenditure incurred in the context of the celebration of the 250<sup>th</sup> anniversary of the Mauritius Police Force, amounted to Rs4,179,807.50.

The activities were spread over a period of 5 months and included among others -

- (a) Walk for Honour and Pride around the Island;
- (b) Security Week held at Line Barracks;
- (c) Ceremonial Parade, and
- (d) Theatre Show.

As regards part (b) of the question, I am tabling a list of contractors for the supply of goods and services for the event and the procurement procedures followed in each case.

**OUTER ISLANDS DEVELOPMENT CORPORATION - SEA TRAVEL  
TICKET - PRICE**

**(No. B/783) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West)** asked the Minister of Local Government and Outer Islands whether, in regard to the sea travel ticket, he will, for the benefit of the House, obtain from the Outer Islands Development Corporation, information as to the reasons why the price thereof is over Rs29 000 for Mauritians and only Rs8,000 for Agaleans.

*(Withdrawn)*

### **ST. BRANDON ISLAND - LEASE**

**(No. B/784) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether he will state if St Brandon Island has been leased out and, if so, indicate the –

- (a) name of the leaseholder;
- (b) terms and conditions of the lease, and
- (c) date of coming into operation of the said lease and reasons for the renewal thereof, if any.

*(Withdrawn)*

### **FISHERMAN REGISTRATION CARD - ISSUE**

**(No. B/785) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Fisherman Registration Card, he will state the number thereof which have been issued and retrieved, respectively, since January 2015 to date.

*(Withdrawn)*

### **STC - MOGAS & GASOIL - DUTIES**

**(No. B/786) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to Mogas and Gasoil, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the amount of money collected by Government in terms of Excise Duty, Value Added Tax, Road Development

Authority Contribution and subsidy for Liquefied Petroleum Gas, flour and rice for the year 2014 and since April 2017 to date, respectively.

**Reply:** I am informed by the State Trading Corporation that the amount of money collected on Mogas and Gasoil in respect of Excise Duty, Value Added Tax, Contribution to Road Development Authority and subsidy for Liquefied Petroleum Gas, flour and rice, for the year 2014 and for period from April 2017 to October 2017 are as follows –

<b>Product: Mogas</b>		
<b>Components</b>	<b>2014</b>	<b>April 2017 to October 2017</b>
	Amount (Rs)	Amount (Rs)
Excise Duty	1,954,239,739	1,620,828,631
Value Added Tax	1,106,780,669	676,367,957
Contribution to Road Development Authority	334,754,029	244,236,563
Subsidy for Liquefied Petroleum Gas, flour and rice	271,422,186	356,453,363
<b>Product: Gasoil</b>		
<b>Components</b>	<b>2014</b>	<b>April 2017 to October 2017</b>
	Amount (Rs)	Amount (Rs)
Excise Duty	747,596,450	682,887,593
Value Added Tax	1,146,682,243	541,438,562
Contribution to Road Development Authority	403,559,621	248,786,347
Subsidy for Liquefied Petroleum Gas, flour and rice	345,908,247	383,841,792