



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 12 DECEMBER 2017

CONTENTS

PAPERS LAID

QUESTIONS (*Oral*)

MOTION

STATEMENT BY MINISTER

BILLS (*Public*)

ADJOURNMENT

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. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands
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
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. 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 Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance
Hon. Mrs Roubina Jadoo-Jaunbocus	Minister of Gender Equality, Child Development and Family Welfare

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Teeluckdharry, Hon. Kalidass
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
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Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 30 of 2017

Sitting of Tuesday 12 December 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 Ag. Prime Minister (Mr I. Collendavelloo): Madam Speaker, the Papers have been laid on the Table.

A. Prime Minister's Office

- (a) Certificate of Urgency in respect of the following Bills (In Original) –
 - (i) The National Flag (Amendment) Bill; and
 - (ii) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects Bill.
- (b) The Excise (Amendment of Schedule) Regulations 2017. (Government Notice No. 236 of 2017)

B. Ministry of Industry, Commerce and Consumer Protection

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 46) Regulations 2017. (Government Notice No. 235 of 2017)

ORAL ANSWERS TO QUESTIONS**POLICE OFFICERS - GRIEVANCES**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Right hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, he will state if, following complaints made by the Police Officers Solidarity Union and ors, he has met the Commissioner of Police to discuss same with a view to addressing the issues raised relating to the living and working conditions of the Police Officers, the equipment put at their disposal, the training given thereto, the harassment to which they are subjected and to other matters which affect the morale, the efficiency and the effectiveness of the Mauritius Police Force.

Sir Anerood Jugnauth: Madam Speaker, as the House is aware, Police Officers play a central role in the law enforcement system. They monitor criminal activity, respond to emergency calls, arrest offenders, investigate crimes and testify in Court. Their first and foremost duty is to serve and protect the public.

Government believes that a Police Trade Union can influence positively policing trends and this is why precisely this Government enacted the Police (Membership of Trade Union) Act 2016 on 30 November 2016 in order to allow members of the Police Force to unionise to safeguard their interests. The Act came into force on 09 January 2017.

Lest it be forgotten, it is this Government which championed the creation of Trade Unions within the Mauritius Police Force to provide to Police Officers a recognized forum to ventilate and voice their genuine representations and concerns, without in any way clogging the machinery of such a disciplined Force as the Mauritius Police Force.

Madam Speaker, in Mauritius, regulations were made under the Police Act since 1974 for the setting up of a Police Federation as a platform through which Police Officers could express their views on matters pertaining to their welfare and efficiency. The Police Federation Regulations 1974 were replaced in 2004 by new Regulations in order to broaden the scope of the Police Federation. The aim was to create an appropriate forum where Police Officers could meet and discuss issues relevant to their welfare and working conditions and, at the same time, giving officers of lower ranks the opportunity to apprise the top management of problems that they are facing at their workplace. Today with the Police (Membership of Trade Union) Act, we have a legal framework which enables every Police

Officer to express his grievances and make proposals for improving the working conditions and also addressing other Police related issues.

Madam Speaker, in my capacity as Minister responsible for Police affairs, I make it a point to meet the Commissioner of Police, as far as possible on a daily basis. However, whilst I may give general directions of policy with respect to the maintenance of public safety and public order, the Commissioner of Police pursuant to section 71(4) of the Constitution is not subject to the direction and control of any person or authority in the exercise of his responsibilities with respect to the use and operational control of the Force.

Over the years, the role and functions of Police in society have evolved into a complex and dynamic one. In the same breath, the organisational structures, systems and processes as well as the work conditions and environment have been subject to continuous changes. These have put additional pressure on Police Officers. Let me assure the House that this Government is fully committed to ensure that the Police Force is provided with all necessary tools and facilities, and above all a conducive working environment where all Police Officers can perform their duties with diligence and serenity.

Madam Speaker, I was informed by the Commissioner of Police that on 18 November 2017, the President of the Police Officers Solidarity Union addressed a letter to him highlighting a number of issues relating, among others, to the rights, conditions of work and welfare of Police Officers.

In the same breath, the Union notified the Commissioner of Police that it intended to hold a pacific march on 29 November 2017 in Port Louis. This request was acceded to.

Notwithstanding the fact that the Union does not meet the requirements set out in section 37 of the Employment Relations Act and has not applied for recognition as a bargaining agent, Police management met members of the Union on Friday 24 November 2017 at the Police Headquarters to take cognizance of their grievances and issues.

In the course of the meeting, 18 issues were raised and discussed. These included, among others -

- (i) Implementation of Police Bank Scheme;
- (ii) Allowances payable under PRB Report 2016;
- (iii) Promotion in the Police Force;
- (iv) Performance Bonus, and

(v) Other conditions of service.

On the same day, the Union was officially informed by way of a letter that some of the issues raised during the meeting of 24 November 2017 had already been addressed and that the remaining ones were being looked into.

Madam Speaker, with your permission, I am tabling a document listing all the issues raised by the Union indicating the actions taken.

Madam Speaker, in regard to equipment put at the disposal of the Police department, Government has provided a total of Rs304.5 m. for the purchase of vehicles and equipment for the financial year 2017-2018. I am informed by the Commissioner of Police that front line Police Officers will soon be provided with up to date personal security equipment such as expandable batons, handcuffs, federal streamers and torch lights fitted on a tactical belt, with a view to better enabling them to deal with criminal and other anti-social behaviour in a more effective and efficient manner. In addition, procurement procedures have been initiated for the acquisition of a wide array of security equipment.

I am further informed that Police have increased its operational capability to respond to emergency situations with a view to combatting murder, theft and larceny through the acquisition of 46 new double cab vehicles and 26 motorcycles of 650cc.

Madam Speaker, as regards training in the Mauritius Police Force, it is an ongoing process. Besides the basic training which is provided to all Police Officers on joining the service, they are also provided with refresher and development courses in a bid to keep them abreast with contemporary issues in policing. As a matter of information, from January 2017 to date (12 December 2017), a total number of 6649 Police Officers have attended refresher and development courses on a wide range of topics such as domestic violence, gender strategies, combating trafficking in persons, implementation of the Arms Trade Treaty, examination of travel documents, amongst others. With the setting up of the Police Academy, tailor-made training will be dispensed to all Police Officers on a regular basis.

Madam Speaker, as regards the issue of alleged harassment, I am informed by the Commissioner of Police that such is not the case either for members of the Police Officers Solidarity Union or for members of the other Trade Unions of Police.

However, I wish to highlight that there is an enquiry in an alleged case of false and malicious denunciation in writing in breach of section 297 of the Criminal Code, involving one Inspector of Police who is also the President of the Police Officers Solidarity Union. The

case file has been referred to the Office of the Director of Public Prosecutions on 30 November 2017.

Madam Speaker, admittedly, the morale of a few Police Officers might be low, affecting their own efficiency and effectiveness, such low morale is likely to be due to personal reasons beyond the control of the Police Force. As responsible Minister, I am satisfied that we have a very efficient and effective Police Force, carrying out all its duties and shouldering all its responsibilities conscientiously in the fight against crimes of all sorts, in the maintenance of law and order, and in the protection of the citizens. Sure it is that nowhere in the world, not even in the most advanced countries, is there a Police Force which achieves 100% results, but like the Police Force in these countries, the Mauritius Police Force never stops targeting 100% results. In fact, all the different sections of the Mauritius Police Force are working and operating full throttle, achieving, for example, spectacular results in the fight against drugs and drug trafficking, in the expedient detection of crimes and criminals, in catching wrong-doers, to mention but these achievements.

Madam Speaker, I am amazed that, after so many years of Parliamentary service during which he was in and out of Government, it is only now that the hon. Leader of the Opposition shows an interest in this August Assembly in the welfare of the Mauritius Police Force. While thanking him for this belated interest, I reassert my entire confidence in the Commissioner of Police and in the Mauritius Police Force as a whole, while also bearing in mind the views and opinions of the Police Officers Solidarity Union which I respect though I may not always agree with them.

Mr X. L. Duval: Madam Speaker, whilst I thank the Rt hon. Minister Mentor for his answer, I also pay tribute to the hard work and dedication of the great majority of Police Officers. However, the Rt hon. Minister Mentor may remember that I chaired the Committee on Police equipment, training and morale and that my Committee submitted, back in 2016, a list of recommendations, which I am tabling, here, in this House, Madam Speaker, to show that this is not new for me.

Now, I would like to ask the Rt hon. Minister Mentor, also when I was Minister, I had the Quarters of the Policemen at Coromandel cleaned completely. He may or may not remember that. I am tabling, this morning, Madam Speaker, photographs of the appalling state of the Quarters of Coromandel, and I would ask the Rt hon. Minister Mentor whether, in his daily meetings with the Commissioner of Police or his DCP or whoever he meets, he has

raised these appalling conditions of the Police Officers there. They have no water during the day, the grounds for themselves and their families are in utter shambles. Can I ask the Rt hon. Minister Mentor for a reply?

Sir Anerood Jugnauth: What the hon. Leader of the Opposition did when he was in Government is only when he was asked and appointed to do that.

(Interruptions)

Yes, that is how it was!

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition!

Sir Anerood Jugnauth: Now, insofar as water is concerned, we know that it is not only a problem in some Police Quarters, but over the whole island. The population...

(Interruptions)

What is it?

Madam Speaker: Please, do not interrupt! Please proceed, Rt hon. Minister Mentor!

Sir Anerood Jugnauth: Many people complained about water.

(Interruptions)

Madam Speaker: Calm down!

Sir Anerood Jugnauth: And some people even come and say Government had promised water seven days, 24 hours permanently and all that. But they forget what work has got to be done before this can be achieved. People believe that this could be done overnight! The previous Government was there for almost 10 years! What did they do about water?

(Interruptions)

Madam Speaker: Hon. Jhugroo!

Sir Anerood Jugnauth: Nothing was done! But this Government has a programme which will take time to be executed fully, and works are on.

Mr X. L. Duval: Madam Speaker, it is about water, it is about cleanliness! The public will see for themselves, Madam Speaker. I want to ask the Rt hon. Minister Mentor whether he is aware that sentries at VVIP houses are being made to sit outside - I have

pictures also - on a chair, come rain or shine, all day, with no toilet facilities. Is he aware of that and, if he is aware of that, has he raised it with the Commissioner of Police?

Sir Anerood Jugnauth: Since when this is there? Is it since we have come to power in 2015? Well, anyway, this complaint was not directed to me. I am not aware and have not discussed it with the Commissioner of Police.

Mr X. L. Duval: I hope that since it is with his own Ministers and it is an issue of human rights, he will look into it, Madam Speaker. Now, is the Rt hon. Minister Mentor aware that some Ministers ask only for women Police Constables to attend as armed sentries in their houses? Is that something normal? I am not worried about what the women Police Constables are doing in the house but, we all know, Madam Speaker, as we know that because of the issue of the necessity of having one woman in each shift, this is causing particular problems, for instance, at Pointe aux Canonniers Police Station.

Sir Anerood Jugnauth: All these complaints which have been made to the Commissioner of Police are being looked into, and it will certainly take time. Insofar as equipment is concerned, orders have been placed. Some have arrived and, in certain cases, we must go through the procurement system.

Mr X. L. Duval: I think we have got the wrong end of the stick here. We are talking about women Police Officers being specifically requested to serve as baby sitters in some of the Ministers' houses. This is the question! Perhaps the Rt hon. Minister Mentor will look into it. Nothing to do with what he is answering!

Madam Speaker, I would like to ask the Rt. hon. Minister Mentor...

(Interruptions)

Madam Speaker: Order!

Mr X. L. Duval: I have got more if they want!

I would like to ask the Rt hon. Minister Mentor whether he is aware that in the U.K, a survey was recently made of 17,000 Police Officers, and 40% of them - in the U.K - had reported that they were suffering from mental health issues. With four suicides in the last two years, Madam Speaker, will the Rt hon. Minister Mentor ensure that the two psychiatrists who are presently employed at the Police Force are clearly insufficient and he would have this increased? Because obviously it is an issue which is worldwide; the mental health of Police Officers. They attend to accidents, they see death, they see suicides, all sorts of things.

Sir Anerood Jugnauth: Mental health is a matter that concerns every citizen. Every citizen is treated alike. This complaint must be made to the Commissioner of Police. I will pass it on to him, and he will certainly look into it.

Mr X. L. Duval: Madam Speaker, that is a better reply. I would like to ask the Rt hon. Minister Mentor whether he is aware...

(Interruptions)

At least this is a decent reply, I must agree! These are very serious issues! We are talking about 12,000 Police Officers, Madam Speaker.

Now, the state of some of these Police Stations, the Curepipe CID, the Abercrombie Police Station, Black River, NCG Post are unfit for human occupation. In the same vein, will he arrange for temporary offices to be made available to these poor officers? They are not meant to work in places which are unfit for human occupation.

Sir Anerood Jugnauth: Again, I will communicate it to the Commissioner of Police and it will be up to him to see whether this is practical or not.

Mr X. L. Duval: Madam Speaker, in the same vein, - now we getting forward - I am told - I have not had the personal experience yet - that there are *punaises*, *cancrelats*, rats in Police cells, that the same thing...

Madam Speaker: No, hon. Leader of the Opposition, you said that you have been told. You should not ask questions which are hypothetical.

Mr X. L. Duval: It is not hypothetical, Madam Speaker, you may find out one day. These animals, these beasts in these Police cells, the same beasts exist, the same *punaises* apparently exist in the SSU Barracks, etc. Police vehicles abound with *punaises* apparently. I would like to ask the Rt hon. Minister Mentor whether, in the same vein, he will look after the well-being of our Police Officers, that he will request the Commissioner of Police to do the necessary pest control, if possible, to get rid of all this in our Police Stations.

Sir Anerood Jugnauth: I am not going to make any request. I will just communicate.

Mr X. L. Duval: Madam Speaker, in the *Lepep* manifesto, pride of place was given to restructuring of the Police Force. Is the Rt hon. Minister Mentor aware that still there is no internet connection in the great majority of our Police Stations? How is it that in 2017, going to 2018, there are no internet connections in the Police Stations? Is the Rt hon. Minister Mentor aware of this very, very shocking state of affairs?

Sir Anerood Jugnauth: Were there internet before? Well, now Government is doing the utmost...

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, please!

Sir Anerood Jugnauth: ...for internet to be provided, and I am sure that some people must have some patience and do not become impatient very fast.

Well, I have got a note here that pest control is being done. All Stations are provided with internet.

Mr X. L. Duval: Madam Speaker, internet did not exist before. But, in 2001, as Chairman of the Public Accounts Committee, I requested - and he was Prime Minister - that internet be supplied. It was not supplied.

With regard to this issue of the Police Bank Scheme, which was provided for in the 2016 PRB Report, can I ask the Rt hon. Minister Mentor whether he can give a date as to when this Police Bank Scheme will become operational?

Sir Anerood Jugnauth: I have no date at all! I am sure the people responsible will do their utmost. Well, I got a note and it is already implemented!

(Interruptions)

Mr X. L. Duval: Well, Madam Speaker, it must be a well-kept secret. That is the only thing that I can say! Madam Speaker, as far as training is concerned it is a real issue now that we see policemen with firearms everywhere, in front of banks etc. Why is it that there is hardly any training on firing of firearms for Police Officers? I am told that they go only once every year or once every two years and they fire six bullets and that's it!

(Interruptions)

Sir Anerood Jugnauth: I have already answered in my answer. They go through training when they are recruited. Then there have been more than 6,000 Police Officers who have followed other courses and, to answer the question of the hon. Leader of the Opposition, the training is done twice yearly for each officer.

Mr X. L. Duval: I think for some of these replies the Rt hon. Minister Mentor will at leisure check whether he is being told exactly because I don't think that he is being given the right information.

Now, coming to something very serious, Madam Speaker, Brinks...

(Interruptions)

...the ERS is providing assistance only to Brinks in responding to alarms at financial institutions. I would like to ask the Rt hon. Minister Mentor why is it that assistance is being provided by ERS only to Brinks and not to the other private agencies providing security at financial institutions. Can he reply to that?

Sir Anerood Jugnauth: This is not my concern!

Mr X. L. Duval: It is, Madam Speaker, very worrying if ever it can be proven that special privileges are being given to Brinks and I will table a copy of that instruction that is the Police is doing, Madam Speaker.

Now, I would like to come to exams, Madam Speaker. In the Government Programme, in *Lepep* manifesto, we had said we would come to an independent body to do exams for the Police Force. Three years have gone by and we don't see the independent body yet, and the exams are as opaque as ever and even the marks are not given to the Police Officers. When the Rt hon. Minister Mentor is going to ensure that we come up with our promise of having an independent body for Police exams?

Sir Anerood Jugnauth: I need a specific question on that.

Mr X. L. Duval: Has the Rt hon. Minister Mentor got a specific paper on that? Perhaps he can give it to us in some time!

Madam Speaker: No comment, please!

Mr X. L. Duval: Madam Speaker, I would like to ask the Rt hon. Minister Mentor again as far as the appointment of Police Corporals is concerned and the confirmation of Police Officers, there is a great delay. Police Corporals should be appointed after 15 years. Some poor Police Constables have stayed 25 years without any promotion and the batches of Trainee Police Officers recruited 30 months ago are still on a temporary basis and not yet confirmed. Will he use his good offices to ensure that such hardship is not caused to these poor officers and that the needful be done as quickly as possible?

Sir Anerood Jugnauth: I cannot assure anything. I can only ask the Commissioner of Police to see about the complaint that is being made here. I just got a note that 50 Police Officers will soon be promoted to Corporals next week.

(Interruptions)

Mr X. L. Duval: I think we are talking about many more than 50! We are talking probably of thousands! Madam Speaker, I would like to ask the Rt hon. Minister Mentor ...

Madam Speaker: Hon. Leader of the Opposition, just to draw your attention that you have got two more minutes!

Mr X. L. Duval: Two more minutes, sure! These new Police uniforms appeared suddenly on 01 August, nice Police uniforms, stripes etc. and they disappeared the next day. Can the Rt hon. Minister Mentor tell us what happened to these Police uniforms that were on display on 01 August? Did he not see them?

(Interruptions)

Madam Speaker: Police uniforms on display.

Sir Anerood Jugnauth: As if I am responsible to provide uniforms to the officers! It is just silly!

Mr X. L. Duval: I will ask a last question. We had some replies and, obviously, the Rt hon. Minister Mentor has been abdicating in front of his responsibility towards the nation and the Police Force...

(Interruptions)

... so, I would like to ask the Rt hon. Minister Mentor to take his responsibility as well as take his salary and deal with these issues forthwith, if possible. That is it!

Sir Anerood Jugnauth: I don't accept such orders! And I got a note here just now which says that the Police uniform is on procurement process.

Madam Speaker: Okay, we had one more minute to go, but time is over! Hon. Ameer Meea!

FINANCIAL CRIME COMMISSION - SETTING UP

(No. B/938) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) 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 proposed setting up of a Financial Crime Commission to operate as an apex body to serve the Independent Commission against Corruption and amendments to be brought to the Prevention of Corruption Act, he will state where matters stand.

The Ag. Prime Minister (Mr I. Collendavelloo): Madam Speaker, a Technical Working Group comprising various regulatory and enforcement agencies has been set up to make proposals for the establishment of the Financial Crime Commission.

The Technical Working Group has asked the Director-General of the ICAC to carry out an analysis of strengths and weaknesses of the present system and to make proposals for the way forward.

In carrying out his assignment, I am informed that the Director-General has also had discussions with representatives of the UK National Crime Agency, the Serious Fraud Office and the Crown Prosecution Service.

The Technical Working Group is expected to submit its report and recommendations to the Government by the beginning of next year.

Mr Ameer Meea: Madam Speaker, this is yet another electoral promise which has not been materialised and it appears in good place in the Government Programme 2015-2019. And answering to a PNQ by the former Leader of the Opposition on 24 February 2015, the then hon. Prime Minister gave the same answer that the assistance of the Serious Fraud Office and the National Crime Agency is being sought. So, my question is: after almost three years why this is taking so long to be implemented? This has been debated in the House, as I said, in 2015 by myself in a Parliamentary Question No. B/508 in 2016 and now in 2017, three years, nothing has been done and meanwhile Mauritius has lost five places in terms of ranking.

Madam Speaker: Please, no statement! No statement, hon. Member! Please, don't be long in your questions!

The Ag. Prime Minister: Can the hon. Member remind me of the date of the PNQ to which he referred?

Mr Ameer Meea: 24 February 2015.

The Ag. Prime Minister: February 2015! It appears to be strange! I have a PNQ of 18 April, but it does not matter. The work is ongoing. I have reports from the Technical Working Group. It is, of course, a complicated matter. There are, at least, one dozen officials from various departments who are working on it and we have to be just a little bit patient. Yes, it is true, in 24 February 2015 the then Leader of the Opposition did ask a question and it is true that the matter is being taken seriously by all parties concerned.

Mr Ameer Meea: Madam Speaker, as I have said, meanwhile Mauritius has lost five places in terms of ranking in corruption rank. Can I ask the hon. Ag. Prime Minister this new body will be under the aegis of which Ministry? Will it be under the PMO? Will it be under the Ministry of Good Governance or the Attorney-General's Office?

The Ag. Prime Minister: It is premature for me to provide an answer to this.

Madam Speaker: Hon. Uteem!

Mr Uteem: Following from where my hon. friend has just left, in the Budget, we have voted an amount for this Financial Crime Commission and that appeared under the Ministry of Good Governance. So, today, the answer is being given by the Ag. Prime Minister. So, I think, we ought to know whether the policy of the Government, as a general matter, is that fraud, corruption will fall under the Prime Minister's Office or will it go under the Ministry of Good Governance?

The Ag. Prime Minister: I can only refer the hon. Member to the reply I have just made to the preceding question.

Madam Speaker: Next question, hon. Uteem!

EMPLOYEES REAL ESTATE INVESTMENT TRUST – LAND TRANSFER

(No. B/939) Mr R. Uteem (First 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, in regard to the Employees Real Estate Investment Trust, he will, for the benefit of the House, obtain therefrom, information as to –

(a) the name and annual fees paid or payable to the –

- (i) trustees, and
- (ii) manager thereof, and

(b) all acquisitions and disposal of land by the Trust for each of the year 2014, 2015, 2016 and 2017, indicating in each case, the value thereof.

The Ag. Prime Minister: Madam Speaker, the Employees Real Estate Investment Trust (EREIT) was set up in March 2005 under the Unit Trust Act 1989.

With regard to part (a) of the question, I am informed that the State Insurance Company of Mauritius Ltd (SICOM) is the Trustee of the Trust since its setting up. The fee payable to SICOM is Rs75,000 monthly.

The Manager of the Trust is EREIT Management Ltd, a wholly owned subsidiary of the State Investment Corporation Ltd (SIC). The fee payable to EREIT Management Ltd is Rs367,500 monthly.

Concerning part (b) of the question, I am informed that the Trust has not acquired any plot of land over the period 2014 to date.

During the period 2014 to date, the Trust transferred two plots of land.

Firstly, a plot of land of an extent of 1,600m² at Rose Belle, which was compulsorily acquired by Government in January 2014 for the setting up of a gas/ electricity incinerator. A compensation of Rs570,000 was offered to the Trust. However, the Trust is claiming compensation of Rs5,335,000 as assessed by its Chartered Valuation Surveyor. The case has been referred to the Board of Assessment for determination.

Second, in July 2017, the Trust sold 169.74 *arpents* of land at Côte D'Or to SIC for an amount of Rs590 m. The disposal value was based on valuation carried out by an independent Chartered Valuation Surveyor. SICOM, as Trustee, agreed to the disposal.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Regarding the disposal of land to Côte D'Or, does the hon. Ag. Prime Minister find it normal that the Manager is a subsidiary of SIC? The buyer is SIC. Does not he think that there is a conflict of interest and, at least, for the sale of this land, there should have been an open tender so that the Trust gets value for money?

The Ag. Prime Minister: Well, the Surveyor was independent and that is independent valuation. So, I do not think that there is anything untoward personally in that venture. Of course, I have not read the whole file.

Mr Uteem: Madam Speaker, according to the latest audited financial statement as at June 30, 2017, the value of land under management is more than Rs1 billion. The rental income is only Rs1 m. and the fees payable to the Manager is Rs4 m., 4 times the rent. So, does not the Ag. Prime Minister think that it is reasonable to pay for the past 12 years, SIC management Rs4 m. for land which has not been developed?

The Ag. Prime Minister: Well, the matter is a Unit Trust. There are provisions in the Unit Trust Act, as the hon. Member is fully aware, as to the manner in which unit holders can complain. There is a procedure for this; any person aggrieved could use this procedure. I personally cannot see what a Minister can do if he feels there has been a breach of trust.

Mr Uteem: Madam Speaker, there are close to 350 members, unit holders according to official website. What I am asking the hon. Ag. Prime Minister to do is to look up the matter with the trustee and ensure whether the trustee is properly carrying out its duty by paying such exorbitant amounts of management fees to a Manager who is not performing, who is charged four times the amount of income of that Trust.

The Ag. Prime Minister: Well, I am sure that everyone has taken note of the comments made by the hon. Member.

Madam Speaker: Next question, hon. Shakeel Mohamed!

BRAMER BANKING CORPORATION LTD. – BANK ACCOUNTS - DISCLOSURE

(No. B/940) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) 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 Bramer Banking Corporation Ltd., he will, for the benefit of the House, obtain from the relevant authorities, information as to the names of the public officials who closed their account in the said bank by making use of insider information just before the revocation of the licence thereof.

The Ag. Prime Minister: Madam Speaker, disclosure of information on bank accounts of clients is prohibited unless it has been authorised by Courts of Law or under a

specific provision contained in a specific enactment. Consequently, I am not in a position to obtain this type of information to disclosure here.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you. I thank the Ag. Prime Minister for his answer.

In fact, you will realise, Madam Speaker, that there is a declaration that has been given at the Central CID following the statement which the Rt hon. Minister Mentor is reported to have made in a Press conference on 15 June 2015, where he is reported to have said, and I quote –

“Abe ki mo rann mwa kouyon? Mo less mo kass laba mem? Premie zafer, mo tir mo kass. Enn bato pe koule, mo sov mo lapo.”

Madam Speaker: Okay. Ask your question!

(Interruptions)

Mr Mohamed: Now, this is...

Madam Speaker: Put your question!

Mr Mohamed: I am just trying to get to the gist.

(Interruptions)

Madam Speaker: Ask your question!

Mr Mohamed: Now, following that, there was a declaration that was made at the Central CID OB1090/16 and I table a copy of the document that was put in for the declaration.

Madam Speaker: Ask your question!

Mr Mohamed: It is reported therefore. Could the hon. Ag. Prime Minister confirm that this declaration after it was made, the Commissioner of Police could, under Section 66 of the Banking Act, simply have asked the Judge in Chambers to give information pertaining to this?

Madam Speaker: No, hon. Shakeel Mohamed! I am not subjecting you, but ask your question! Please! Ask your question because at Question Time, Members are not supposed to make statements. Ask your question!

Mr Mohamed: Could he find out from the Commissioner of Police why is it that the Commissioner of Police has not enquired into this matter and has not made an application before the hon. Judge in Chambers under Section 66 in order to enquire whether Members of Government and public officials from the Central Bank are not guilty of insider dealing by making use of information they were privy to and using it to their own personal advantage instead of not doing so?

Madam Speaker: Okay.

The Ag. Prime Minister: Madam Speaker, I am not sure I get things right from the hon. Member. Neither the Prime Minister nor the Ag. Prime Minister nor the Rt hon. Minister Mentor runs the Police Force. We are not Commissioners of Police. The Commissioner of Police takes his decisions. Government can only give, the Prime Minister can only give directives of general policy. There is nothing much we can do in order to go into the operations of the Commissioner of Police.

Madam Speaker: Yes, hon. Shakeel Mohamed!

Mr Mohamed: Is he aware that not only it is reported, according to my information, that this declaration OB1090/16, not only has it been made, but it has disappeared, the file has disappeared, from the Office of the Police. Is he aware of that, as Ag. Prime Minister that does not give instructions to the Police and does not meet with the Police and is not even bothered since the names of active Members of Government, of the Cabinet that he is in, form part of that list that has been reported to the Police, including the name of the Rt hon. Minister Mentor, the Prime Minister...

Madam Speaker: Okay, we understand your question! Please!

Mr Mohamed: ... and Minister ...

Madam Speaker: Hon. Shakeel Mohamed! Yes!

The Ag. Prime Minister: I do not think theatricals help in these matters. If there is a problem, the hon. Member will raise it with the Police. I am not going to enquire into the Police Force.

Mr Mohamed: Madam Speaker, the Ag. Prime Minister is replacing the Prime Minister who is responsible for law and order, and the information I am giving him is that a declaration was given involving Members of Cabinet of this Government, involving the

Prime Minister, the Minister Mentor and the former Minister Bhadain *entre autres* and a Deputy Governor of the Bank of Mauritius for insider dealing.

Now, as Minister responsible for law and order, could he please, at least, undertake to speak to the Commissioner of Police to find out why is it that a file has disappeared and, secondly, why it is that bizarrely because it concerns a Member of Government, no inquiry has been carried out? Why?

Madam Speaker: Okay!

The Ag. Prime Minister: Would the hon. Member, himself, concede, he is providing information? That is not the forum to provide information!

(Interruptions)

Let me finish! Secondly, whatever the tantrums we might wish to make in the House, this does not impress me. So, what I am going to say only is that if the hon. Member has information, he can raise it in all quarters, but not in Question Time.

Madam Speaker: Hon. Rutnah! Last question!

Mr Rutnah: Thank you, Madam Speaker, is the hon. Ag. Prime Minister aware of any law prohibiting an individual from withdrawing his money from any banks?

(Interruptions)

Madam Speaker: Order!

The Ag. Prime Minister: I have ...

(Interruptions)

Madam Speaker: Order!

The Ag. Prime Minister: I have just said ...

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order!

(Interruptions)

Hon. Baloomoody!

(Interruptions)

Hon. Baloomoody! Let me draw the attention of the House...

(Interruptions)

Hon. Members, please, silent!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Can I draw the attention of Members of the House to the fact that each hon. Member has a right to ask questions!

(Interruptions)

Yes!

The Ag. Prime Minister: I am sorry, can this question be repeated? I have forgotten what it is.

(Interruptions)

Mr Rutnah: I am enjoying this. The hon. Ag. Prime Minister is a very experienced lawyer. Can I ask him whether he is aware of any law prohibiting an individual from withdrawing his deposit from any banks?

(Interruptions)

Madam Speaker: Please!

The Ag. Prime Minister: The question of the hon. Member...

(Interruptions)

Please, if I can answer it; it would be better because there are other questions. The initial question of the hon. Member relates to the use of insider information before doing an act. This, the law prohibits, of course, and the hon. Member there may, of course, have legitimate apprehensions on an act, but, I am afraid, my answer remains the same. So, whatever the stage of the law be, I have said what I have to say.

Madam Speaker: Hon. Members, I have in front of me a document which has been tabled by hon. Shakeel Mohamed. I am sorry to say that this document is not acceptable to the Chair given that it is only a document and it has not been authenticated.

(Interruptions)

Next question, hon. Bhagwan!

MBC - RECRUITMENT

(No. B/941) 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 the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain therefrom, information as to the number of new recruits thereat since 01 January 2017 to date, indicating the –

- (a) respective names, addresses, qualifications and conditions of employment thereof ;
- (b) recruitment procedures followed therefor ;
- (c) whether the posts are held in a temporary or permanent basis, and
- (d) departments in which they are posted.

The Ag. Prime Minister: Madam Speaker, the information ...

(Interruptions)

Mr Mohamed: On a point of order, where is it...

Madam Speaker: No, please sit down; the hon. Member will raise his point of order after Question Time. I have already asked hon. Bhagwan to come up with his question. Please! Yes.

The Ag. Prime Minister: Madam Speaker, the information called for by the hon. Member is being compiled and will be placed in the Library.

PMO - MR KEN ARIAN - APPOINTMENT

(No. B/942) 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

one Mr K. A., he will state the capacity in which he is attached to the Prime Minister's Office, indicating –

- (a) since when;
- (b) the qualifications held;
- (c) the terms and conditions of appointment thereof, and
- (d) if he serves on any Board or Authority and, if so, in which capacity and the terms and conditions thereof.

The Ag. Prime Minister: Madam Speaker, in regard to part (a) of the question, I am informed that the services of Mr Ken Arian were, in the first instance, enlisted by Metro Express Ltd from 01 September 2017 for a period of two months to assist in the communication with stakeholders relating to the relocation issues in the implementation of the Metro Express Project. The contract expired on 31 October 2017.

Since 07 December 2017, he has been appointed as Senior Adviser on Information, Communication and Technology Matters on a contractual part-time basis at the Prime Minister's Office.

Concerning, part (b) of the question, Mr Ken Arian holds a BA (Hons) French and a *Maîtrise de Sciences de Gestion*.

In regard to part (c) of the question, Mr Ken Arian, at his request, is providing his services free of any salary or benefit.

Concerning, part (d) of the question, I am informed that Mr Arian was appointed on 09 June 2017 as Chairperson of the ICT Sectoral Committee of the Human Resource Development Council for a period of two years. He is entitled to a fee of Rs1195 per sitting, as prescribed in the 2016 Pay Research Bureau Report.

Mr Bhagwan: Can I know from the hon. Ag. Prime Minister whether, according to his files, Mr Ken Arian is a shareholder in a private company actually, even after he has been appointed, having dealings with Government?

The Ag. Prime Minister: I know that he is the Chief Executive of Key Edge Consultants Ltd. Now, whether he is a shareholder in that company probably, let me just check. I don't have information as shareholder, but I know he is the Chief Executive Officer.

Mr Bhagwan: Two other questions, Madam Speaker. Can the hon. Ag. Prime Minister state if this Mr Ken Arian, who is supposed not to take any money from Government, is a consultant actually in communication matters of the famous PMU Moris of Mr Lee Shim and which is very close to Government? Is it not a conflict of interest, being Senior Adviser at the Prime Minister's Office and at the same time working for Mr Lee Shim and PMU Moris?

The Ag. Prime Minister: The hon. Member may say "ah", but that is not the information that I hold.

Madam Speaker: Next question, yes!

Mr Bhagwan: Can I know from the hon. Ag. Prime Minister whether Mr Ken Arian is actually on mission with the Prime Minister during his trip abroad?

The Ag. Prime Minister: This, I don't think so, I didn't see him at the airport, but I will check.

REMOTELY PILOTED AIRCRAFTS – OPERATION

(No. B/943) **Mr V. Baloomoody (Third 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 Remotely Piloted Aircrafts, he will –

- (a) for the benefit of the House, obtain from the Civil Aviation Department, information as to the number of contraventions booked in relation thereto, since the publication of Government Notice No. 139 of 2016, and
- (b) state if consideration will be given for the introduction in the Assembly of a Bill with a view to regulating the activities thereof and, if so, when.

The Ag. Prime Minister: Madam Speaker, according to Civil Aviation (Amendment) Regulations 2016, any operator that has the requirement to operate remotely pilot aircraft and remotely piloted surveillance aircraft commonly known as drones for commercial activities must apply to the Department of Civil Aviation for an authorisation. The Department of Civil Aviation will assess the application to ensure that the operators comply with the technical and operational requirements for a safe operation of the drone. However, enforcement of the Regulation is under the responsibility of the Police.

Madam Speaker, I am informed by the Commissioner of Police that, following publication of Government Notice 139 of 2016, no contravention has so far been booked in relation to the operation of RPAS. There is, however, a case of suspected illegal commercial operation of drone which was reported to the Department of Civil Aviation by a member of the public through an e-mail.

The case has been reported to the Police and is under investigation.

Madam Speaker, regarding part (b) of the question, the Mauritius Civil Aviation Regulations (Amendment 2016) provides for the regulation of drones below 20kg and the activities of flying of drones. The existing legislation being comprehensive, it is not envisaged at this stage to introduce a Bill in the National Assembly.

Madam Speaker: Yes, hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Ag. Prime Minister, these regulations deal with commercial purposes, what about the use for recreational purposes which, in fact, is on the increase now due to advance in technology and the cheap price to acquire a drone?

The Ag. Prime Minister: From my understanding, the regulations are for commercial activities, but then there are leisure activities, that is, the drones which kids use in their yard, in their backyard. For the moment, it has not been considered. I remember very well when it was raised; there was a discussion on this issue. It was not considered urgent at that time to deal with this sort of drone.

Madam Speaker: Yes, hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Ag. Prime Minister whether there is a database where all owners of drones are registered, be it for recreational or commercial purposes?

The Ag. Prime Minister: In a Cabinet Communiqué - I don't know if that will answer the hon. Member's question - regulation decided to regulate these drones. Well, the answer to the question is in the affirmative. It is on the website of the DCA. Apparently, the use for both commercial and leisure is covered in the legislation. But for less than 7 kgs, no authorisation is required.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Ag. Prime Minister has just stated that the law is comprehensive and he does not intend to make any amendment. The law is comprehensive, that is what he just said. Is the hon. Ag. Prime Minister aware that as at to

date, there is no provision in the law which caters for cases of abuse by drone users who put a camera under the drone, and then it can go and breach privacy of neighbours and other people? So, doesn't the Ag. Prime Minister think that it is necessary that the law be amended specifically to prevent any abuse by any owners of drones?

The Ag. Prime Minister: First of all, I never said that the law did not require amendment. I said it was not necessary to pass a Bill with regard to amendments of the regulation, of course. But I seem to remember - I need to have my regulations, I don't think they are here - at the time I was discussing this, that we have provisions in the law.

(Interruptions)

Of course, I remember this! The legislation covers the use of camera in these drones to prevent people from going to film what is happening and invasion of privacy. Well, that is my understanding. If the regulations require amendment, they will be done.

Madam Speaker: Last question, hon. Adrien Duval!

Mr A. Duval: With regard to the implementation of the law, can the hon. Ag. Prime Minister tell us whether the Department of Civil Aviation has specialised equipment to take down the drones? Because we have one drone in nearly every household and it is a danger for aircrafts landing. As it is in Europe, in America, in modernised countries where there are special equipment now to take them down, do we have those kinds of equipment?

The Ag. Prime Minister: To answer to the hon. Member from Curepipe and Midlands as well as the hon. Member from Constituency No. 1, my attention has been drawn to Regulation 91 which was proposed. I don't know whether it has been passed. It is in the law, Regulation 91, this is what I am told. There are series of requirements: the operation must not endanger anyone; cannot drop things from a drone; should be within the visual line of sight of the operator; flying height; the mission of the DCA in certain matters and the distance from inhabitations, etc. Now, about taking down a drone, if the hon. Member means having a rocket-propelled grenade to put them down, I am not too sure what are the operational requirements.

(Interruptions)

I am not, I am sorry! The hon. Member is more learned in technical matters concerning drones than I am.

Madam Speaker: Time is over! Hon. Jahangeer!

**PONT FER/JUMBO/DOWLUT ROUNDABOUTS & A1 M1 LINK ROAD - GRADE
SEPARATED JUNCTION**

(No. B/947) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the tender for the Grade Separated Junction at Pont Fer/Jumbo/Dowlut Roundabouts and A1 M1 Link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the –

- (a) name of the consultant therefor
- (b) list of prequalified bidders thereof, and
- (c) opening results of the bidding exercise thereof.

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority (RDA) that the Consultant for the Construction of the Grade Separated Junctions at Pont Fer/Jumbo/Dowlut Roundabouts and the A1-M1 Link Road is the Korea Expressway Corporation.

As regards part (b) of the question, the prequalified bidders are -

- (i) Hunan Road & Bridge Construction Group Co. Ltd;
- (ii) China Railway Major Bridge Engineering Group Co. Ltd;
- (iii) Liaoning Jindi Road & Bridge Construction Co. Ltd;
- (iv) China Road and Bridge Corporation or China Road and Bridge Corporation - Gamma Joint Venture;
- (v) Daewoo-Larsen & Toubro Limited Joint Venture, and
- (vi) Transinvest – GCC- Bouygues TP-VSLI Junction Pont Fer & A1-M1 Link Road Joint Venture.

As far as part (c) of the question is concerned, I am informed that by the closing date of 09 November 2017, three (3) bids were received at the Central Procurement Board as follows -

- (i) Hunan Road & Bridge Construction Group Co. Ltd;
- (ii) China Road and Bridge Corporation - Gamma Joint Venture, and

- (iii) Transinvest – GCC- Bouygues TP-VSLI Junction Pont Fer & A1-M1 Link Road Joint Venture.

Evaluation is presently ongoing and once completed, it is expected that the successful bidder will be notified by the end of this month.

Madam Speaker: Yes, hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Is the hon. Minister aware that the consultant Korean Expressway used the help of one Korean contractor, namely Daewoo to set up the bid before the issuing of the bid itself, and then after the prequalification exercise, Daewoo was one of the prequalified bidder?

(Interruptions)

Mr Bodha: Madam Speaker, at all given point in time we have sought guidance of the Public Procurement Office and all that has been done, has been done with the approval of the Central Procurement Board.

(Interruptions)

Mr Jahangeer: Out of six prequalified bidders only three put forward their bid. Now, is the hon. Minister aware that two weeks before the closing date, there was an addendum sent to each of these prequalified bidder which is a major change in design...

(Interruptions)

...so nobody can have the time to react, only two companies reacted?

(Interruptions)

Mr Bodha: Madam Speaker, this is not true. There was...

(Interruptions)

Madam Speaker: Please!

Mr Bodha: At the time of the bid when it was launched, there was a concept design which was given to all the prequalified bidders. They had agreed to it. Later, they said that they wanted to have the detailed design because of the complexity and did not want to run any risk when they were presenting their bid. And this sought for an extension which the PPO and the Central Procurement Board provided.

Madam Speaker: Next question, hon. Jahangeer!

PUBLIC SECTOR - VACANCIES

(No. B/948) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Civil Service and Administrative Reforms whether, in regard to the public sector, he will state the number of existing vacancies thereat as at to date.

Mr Boissézon: Madam Speaker, according to data compiled as at 16 November 2017, based on information obtained from Ministries and Departments, the number of vacancies which have yet to be filled during the financial year stands at 6,987, that is, 3,555 at entry level and 3,432 at promotional level.

I wish to inform the House that for these vacancies, action has already been initiated by Ministries/Departments for the filling of 2,679 and 1,299 vacancies at entry level and promotional level respectively. The situation is constantly being monitored to make sure that vacancies are reported to the different Service Commissions in a timely manner.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Three years have elapsed and still we have 6,000 vacancies to be filled. Will the hon. Minister inform the House if he has investigated where the bottleneck for recruitment is?

Mr Boissézon: Madam Speaker, in the 2017-2018 Budget, funds have been provided for the filling of 11,239 vacancies, and today we are left with only 6,987 vacancies.

Mr Baloomoody: We are talking about the public sector. Recently, there was a latest circular regarding recruitment of Police Officers. It would seem that there has been a change. Now, there is no need to have any knowledge in French language. May I know why this decision was taken; to become a Police Officer, there is no need to have any qualifications in French language?

Madam Speaker: No, the question relates to the number of existing vacancies. I do not think we can accept your question. Yes, hon. Uteem!

Mr Uteem: Madam Speaker, may I know, out of these 6,987 vacancies, how much will be filled in by the PSC and how much will be filled by delegated powers to Ministries?

Mr Boissézon: Regarding entry level, 1,183 will be by delegated powers and at promotional level, 958.

Madam Speaker: Next question, hon. Ameer Meea!

HOSPITALS - MEDICAL AND HEALTH OFFICERS - VACANCIES

(No. B/949) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Medical and Health Officers/Senior Medical and Health Officers, he will state -

- (a) the number thereof who are presently working under the shift system;
- (b) if they are paid overtime for excess hours worked and, if so, indicate the quantum/rate thereof, and
- (c) the number of existing vacancies in the grade thereof, indicating if same will be filled and, if so, when and, if not, why not.

Dr. Husnoo: Madam Speaker, I am informed that presently there are 1,088 Medical Health Officer/Senior Medical Officers working in the shift system.

As regards part (b) of the question, I am further informed that, as per the Pay Research Bureau recommendations, only Medical Health Officers and Senior Medical Officers drawing a monthly salary of up to Rs56,450 were being paid overtime for extra hours worked. Following representations made by the MHOA, my Ministry has taken up the matter with the Ministry of Civil Service and Administrative Reforms and approval has been obtained for all Medical Officers/Senior Medical Officers drawing salary above Rs56,450 to be paid overtime at hourly rate as well.

Madam Speaker, regarding part (c) of the question, I am further informed that there were 26 vacancies in the grade of Medical Health Officer/Senior Medical Health Officers. However, same has already been filled on 05 December 2017. As such, presently, there is no vacancy in the grade of Medical Health Officers or Senior Medical Officers.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Can I ask the hon. Minister if his Ministry has prepared a report on the outcome of the shift system and also on its incidence on the quality of services offered by the hospital?

Dr. Husnoo: From the reports that we have had from the different hospitals, it is fairly accepted by patients and by the Management as well.

Madam Speaker: Next question, hon. Rughoobur!

GRAND BAIE SEWERAGE PROJECT - IMPLEMENTATION

(No. B/950) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the implementation of Phase 1B of the Sewerage Project at Grand Bay, financed by the Japan International Cooperation Agency, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to where matters stand.

The Ag. Prime Minister: Madam Speaker, the Grand Baie Sewerage Project started with Phase 1A, covering the central region of Grand’Baie. It consisted of –

- the construction of a treatment plant of 3,500 cubic metre a day;
- 33 kilometres of sewer lines;
- 13 pumping stations, and
- 2,000 house connections.

The project was initiated in 1998 and was completed in 2003. It was financed by a loan of 75 million French francs from the *Agence française de développement* and a funding from Government. The sewer works were carried out by a French contractor, SADE, and the treatment plant by OTV Veolia.

There remained Phase 1B, which covers the regions of Pereybere and Cap Malheureux. It consists of the construction of –

- 80 kilometres of sewers;
- 4,000 house connections;
- replacement of 6 kilometres of water pipes, and
- upgrading of the existing wastewater treatment plant through Grand Baie.

On 08 July 2010, financing of Phase 1B was finalised with the signing of a loan agreement between the Government and Japan International Cooperation Agency (JICA) in an amount of Rs2.2 billion. Under this agreement, the approval of JICA should be obtained on the bidding documents and all critical steps of the bidding exercise.

Madam Speaker, I am informed by the Wastewater Management Authority that -

- (i) the consultancy service for the survey, detailed design and preparation of bidding document is ongoing. The consultants are GIBB (Mauritius) Ltd in association with Nihon Suido Consultants Japan Company and Jacobs Engineering UK Ltd. The detailed geological topographic and household

surveys have been completed. Way leaves are being obtained. Land acquisition for three sites is completed. Others are in progress.

- (ii) the Central Procurement Board started prequalification proceedings in January 2016;
- (iii) CPB gave its report in June 2016 and, in November 2016, JICA signified its agreement to the list of the prequalified bidders;
- (iv) in the meantime, in October 2016, the Central Procurement Board made a number of comments on the bid documents. In November 2016, WMA sent these comments to the consultants.
- (v) in December 2016, the consultants amended the bid documents and forwarded same to WMA;
- (vi) in March 2017, after having examined the amended documents, the authority sent them to my Ministry. My Ministry forwarded same to the Ministry of Finance;
- (vii) these documents were subsequently forwarded to JICA in April 2017;
- (viii) on 18 July 2017, JICA submitted its comments on 13 issues relating to the bid documents. At that stage, JICA informed the WMA that it did not agree to the replacement of water pipes and the upgrading of the treatment plant being included in the project;
- (ix) exchanges of correspondence took place. My Ministry and WMA explained that these works were necessary;
- (x) in August 2017, JICA sent a team to Mauritius and, at a meeting chaired by the Senior Chief Executive of my Ministry on 24 August 2017, in the presence of officers of the Ministry of Finance, JICA was informed that the Government of Mauritius would finance those two components, that is, water pipes and the other aspect. The JICA team could not take a decision and stated that it should consult its Head Office.
- (xi) On 21 November 2017, JICA sent an e-mail, giving its no objection to including the replacement of water pipes and the upgrading of the treatment plant in the project, subject to these two components being financed by the Government of Mauritius and being inserted in the bid document as a separate plot.

A team from JICA came to Mauritius last week on 07 December 2017, and on 08 December at a meeting held in my Ministry, and attended by officers of the WMA and the Ministry of Finance, agreement was reached on the time frame for the implementation of the project, including the two components under a separate plot.

One expert from JICA will stay in Mauritius until 16 December 2017 to discuss all technical details with WMA regarding the bid document. JICA is expected to give a final approval by 22 December. That document will then be sent to the Central Procurement Board during the last week of this month. The bids are expected to be launched on 01 February 2018. The contract is expected to be awarded by August 2018.

I have to conclude by saying that the recent opening of the Japanese Embassy in Mauritius has helped to expedite matters on this project.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Madam Speaker, let me thank the Ag. Prime Minister for his reply. Based on the complexity of the project, may I know from the Ag. Prime Minister, there were two engineers who have been working till June on this project and who have been interdicted, will these interdictions cause further delays in the follow-up at the level of in-house Wastewater Management Authority? What are *les dispositions qui ont été prises par la* WMA to accelerate the project further?

The Ag. Prime Minister: According to my information, whatever internal disciplinary procedure may have been engaged, that has not affected the project at all.

Madam Speaker: Yes, hon. Rughoobur!

Mr Rughoobur: The Ag. Prime Minister has just stated that the bid will be awarded by 18 August. May I know from the Ag. Prime Minister if the Rs200 m. that have been earmarked for this project in the Budget wouldn't be utilised under this financial year?

The Ag. Prime Minister: Well, it all depends as to when the funds will have to be disbursed. The fact that the funds have been earmarked in this Budget does not mean anything.

Madam Speaker: Next question, hon. Rughoobur!

WASTEWATER MANAGEMENT AUTHORITY – EMPLOYEES - INTERDICTION

(No. B/951) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Wastewater Management Authority, he will, for the benefit of the House, obtain therefrom, information as to the number of members of the staff thereof on interdiction or dismissed, over the past thirty months, indicating the consequences thereof, on the operation of the Authority, if any.

The Ag. Prime Minister: Madam Speaker, the hon. Member may wish to refer to my reply to Parliamentary Questions B/372 and B/393 of 09 May 2017 when I tabled the list of employees who had been interdicted at the Wastewater Management Authority.

I am informed by the Wastewater Management Authority that over the past 30 months, 20 staff members have been interdicted, out of whom eight have been reinstated and one has resigned.

As at date, 11 officers are under interdiction, the employment of 11 general workers has been terminated after it was found that they did not have a clean police record. The employment of four employees has been terminated due to poor attendance, one for excessive and unauthorised leaves, and one driver following a road accident involving a vehicle of the Authority.

The Authority informs me that it has made satisfactory internal arrangements and the Operations and Maintenance Department and the Project Management Unit are running smoothly. The Authority is presently in the process of recruiting seven engineers and five technical officers. The posts were advertised on 30 October 2017.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: May I know from the Ag. Prime Minister if disciplinary committees have been set up to listen to all the eleven remaining staff that has been interdicted?

The Ag. Prime Minister: Yes.

Madam Speaker: Next question!

WASTEWATER MANAGEMENT AUTHORITY - CHIEF EXECUTIVE OFFICER - APPOINTMENT

(No. B/952) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Wastewater Management Authority, he will, for the benefit of the House, obtain

therefrom, information as to if a Chief Executive Officer thereat has been appointed and, if so, since when and, if not, why not.

The Ag. Prime Minister: Madam Speaker, Section 11 of the Wastewater Management Authority Act provides for the appointment of a Chief Executive Officer to be known as a General Manager, who shall be appointed by the Board with the approval of the Minister on such terms and conditions as it thinks fit.

The Board advertised a post of General Manager on 08 August 2016 and set up a panel chaired by the Senior Chief Executive of my Ministry and composed of Mr Gérard Hébrard, General Manager of CEB, Mr J. Neerunjun and Mrs N. Dantier - Mr J. Neerunjun being an ex. senior official of the Ministry of Labour and Mrs Dantier being a Board Member - to carry out the selection and make recommendations.

After taking note of the report of the panel on 03 March 2017, the Board appointed Mr Radhay, Divisional Manager at the Wastewater Management Authority to be the Acting General Manager for a period of one year, on salary and terms and conditions prescribed by the Pay Research Bureau. The Board will consider his appointment on a substantive basis, subject to satisfactory performance.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Which means that up to now there has been no appointment of a General Manager at the Wastewater Management Authority, there is an Acting General Manager of the Authority. May I know from the Ag. Prime Minister whether there has been an advertisement for the filling of this post, and if so, when that was advertised?

The Ag. Prime Minister: Madam Speaker, if I may take just a little time to explain simply how it works.

First of all, you must advertise a post of that nature. One must advertise and then people come and they say they want to be appointed. Then, the panel composed of serious people does its job and select the person.

Now, Mr Radhay was already in the service. He had some 15 years' experience as an engineer. He is qualified in Mauritius and in the Netherlands. I think, he is a Doctor or something very high grade and he was selected but, in the Public Service, at first your appointment is on an actingship basis because we never know what may happen in the course

of the first year. Afterwards he will be appointed, but for the moment he is the Chief Executive of the Authority.

I trust the Member has fully understood this.

Madam Speaker: Next question!

**WASTEWATER MANAGEMENT AUTHORITY - SCENE-RIES CONSULT LTD. -
CONTRACT**

(No. B/953) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the contract awarded to Scene-Ries Consult Ltd. in 2017, he will, for the benefit of House, obtain from the Wastewater Management Authority, information as to the value thereof.

The Ag. Prime Minister: Madam Speaker, I am informed by the Wastewater Management Authority, the value of the contract awarded to Scene-Ries Consult Ltd. Consultancy Services for feasibility study and detailed design of wastewater disposal system for residence EDC at Rivière du Rempart is Rs2,990,000, including VAT, and a provisional sum of Rs1,150,000, including VAT.

Madam Speaker: Next question!

Mr Rughoobur: Thank you, Madam Speaker. May I know from the hon. Ag. Prime Minister, if on this project there is a complaint file at the ICAC by a private company or one of the bidders?

The Ag. Prime Minister: Yes, there is an enquiry being conducted by ICAC, so the lease and the letter.

Mr Rughoobur: Madam Speaker, this is something extremely serious. I am going to table a document and I am going to quote part of a letter that had been sent to the ICAC, and after tabling this document I will have a request to the hon. Ag. Prime Minister. And I quote ...

Madam Speaker: Can I know from which document the hon. Member is quoting?

Mr Rughoobur: This is a document that has been filed at the ICAC.

(Interruptions)

So, let me quote.

The Ag. Prime Minister: Well, on a point of order. At least, the substratum of facts must be established, by whom and from whom and how the hon. Member got it! Because confidentiality of ICAC documents, this is a very serious matter!

Madam Speaker: I would request the hon. Member, as he said, to table the document and let us see at the Table whether this document is acceptable or not. Could the hon. Member please table the document?

(Interruptions)

If the hon. Member has got another supplementary, he can ask.

Mr Rughoobur: May I know from the Ag. Prime Minister, the fact that there has been a complaint filed against the Chairman of the Wastewater Management Authority, is it not in the interest, for the sake of transparency, to ask the Chairman to step down until this inquiry is over?

(Interruptions)

The Ag. Prime Minister: The hon. Member...

(Interruptions)

Madam Speaker: Please hon. Rutnah, stop talking!

The Ag. Prime Minister: I would urge the hon. Member to exercise caution. Lots of complaints have been made by especially the trade union. Only this morning, I received copy of a letter signed by the President of the trade union. I am going to read it just to make sure that we all exercise caution before making allegations. A letter addressed to the Ag. General Manager –

“Dear Sir,

Please find below the communiqué.”

The communiqué reads as follows –

“At a Press conference held on 20 February 2017 by the Union, certain declarations were made in all good faith which later proved to be not true as the Union was wrongly informed. The Wastewater Management Authority Employees Union tenders its unreserved apology to the Wastewater Management Authority, the Chairman, Mr Sulaiman Hansrod, Members of the Board, the Management and all Members of the

staff of the Wastewater Management Authority for any harm and prejudice caused to them by these declarations.”

Now, this comes from a responsible trade union. The Executive had listened to rumours and they had taken these rumours to be facts and these include sceneries, etc. So, let us not just send rumours all about and then we retract and make apologies. Why do I say that? It is because, as the hon. Member himself states, the matter is under inquiry at the ICAC! ICAC is an independent Authority and ICAC...

(Interruptions)

...will make its inquiry. We can laugh as much as we want!

(Interruptions)

We can laugh as much as we want! It is conducting an inquiry. Whatever we believe, we must at least respect our laws and the law says that the ICAC inquiries are confidential! We may scoff, we may laugh, we may do whatever we want, but we have to respect our laws!

Madam Speaker: Last question I will allow you!

Mr Rughoobur: Thank you, Madam Speaker. May I request, in absolute transparency, to the hon. Ag. Prime Minister, to table a copy of the evaluation report of this contract?

The Ag. Prime Minister: I am going to do nothing of the sort! This is a matter which is under investigation and I must add there is also a matter in Court. I am not going to do anything which is going to be an attempt to influence one way or another either the judicial proceedings or the ICAC inquiry!

Madam Speaker: Okay. I suspend the sitting for one and a half hours, but I have taken the document of the hon. Member, I will examine it and when we resume, I will give my ruling on this.

At 1.05 p.m. the sitting was suspended.

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

Madam Speaker: Hon. Members, this morning with regard to PQ B/953, the hon. Rughoobur was about to quote from a document in his possession which he said was from the ICAC. He also stated that he would be tabling, I quote – “A document from the ICAC”

The Ag. Prime Minister raised a point of order objecting that the document be tabled in view of confidentiality of ICAC documents. I then requested that the document be submitted to me for me to decide on its admissibility. After perusing the document and in the light of Section 48(1) of the Prevention of Corruption Act which provides that, I quote –

“(1) Where the Commission receives information in confidence to the effect that an act of corruption has occurred, that information and the identity of the informer shall be secret between the Commission and the informer, and all matters relating to such information shall be privileged and shall not be disclosed in any proceedings before any court, tribunal or other authority.”

In the circumstances, I rule that the document cannot be tabled in as much as it divulges the identity of the informer. So, the document should be returned to hon. Rughoobur.

Next question! Hon. Uteem!

MR H. A. R. - POLICE DECLARATIONS – INQUIRY

(No. B/954) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Right hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the declarations made by Mr H. A. R. to the Police, on or about September 2017, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and if so, indicate the outcome thereof, including if any arrest has been effected in connection therewith.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that H. A. R. has made three declarations to the Police as follows –

- (i) On 21 September 2017 at 19.20 hours to the Central CID for Conspiracy;
- (ii) On 27 September 2017 at 14.01 hours at the Central CID for breach of Computer Misuse and Cybercrime Act;
- (iii) On 17 October 2017 at 10.56 hours at the Baie du Tombeau Police Station for Embezzlement.

Madam Speaker, I am also informed that the Central CID is conducting an investigation in all the above three reported cases. Statements have been recorded from several persons and the inquiry is still ongoing. As at date, no person has been arrested in connection with the above cases.

Being given that investigation into the three above cases is still in progress at this point in time, disclosure of any information pertaining thereto would be highly prejudicial to the inquiry.

Mr Uteem: Thank you Madam Speaker. Following the declaration made by Mr H. A. R. the hon. former Attorney General had to resign. So, that was a very serious matter. May I know from the hon. Prime Minister whether he has enquired with the Commissioner of Police to see whether all statements have been taken from the hon. Attorney General and other people who have been mentioned in the declaration by Mr H. A. R?

Sir Anerood Jugnauth: As I said, the investigation is still ongoing. In due course, we will know what are the statements that have been taken.

Madam Speaker: Hon. Uteem!

Mr Uteem: Mr H. A. R swore an affidavit which was publicised and a copy has been given to the Police and then he went back to the Police Station and went back on what he has stated in his affidavit. This is a clear cut case of perjury. So may I know from the hon. Prime Minister whether he has...

Madam Speaker: The Rt hon. Minister Mentor!

Mr Uteem: ...the Rt hon. Minister Mentor whether he has discussed with Commissioner of Police why this gentleman has not been arrested for perjury?

Sir Anerood Jugnauth: Madam Speaker, I have not discussed anything with the CP.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I know from the Rt. hon. Minister Mentor whether this Mr H. A. R. still benefits from Police protection 24-hour service?

Sir Anerood Jugnauth: No.

Madam Speaker: Last question! Hon. Uteem!

Mr Uteem: Thank you Madam Speaker. May I know from the Rt. hon. Minister Mentor whether the services of foreign investigators, namely in Switzerland and elsewhere, under mutual assistance in criminal matters, have been sought by the Attorney General and the Commissioner of Police being given that the declaration has international ramifications?

Sir Anerood Jugnauth: I need a specific question for that.

Madam Speaker: Next question! Hon. Uteem!

**CHILD PROTECTION - EMERGENCY PROTECTION ORDERS &
COMMITTAL ORDERS**

(No. B/955) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to child protection, she will state, for each of the years 2014, 2015, 2016 and 2017, the number of –

- (a) Emergency Protection Orders and Committal Orders applied for and issued by court, and
- (b) children –
 - (i) placed in residential care institutions and foster care families and
 - (ii) reunited with their biological parents.

Mrs Jadoo-Jaunbocus: Madam Speaker, in regard to child protection, I am informed that the total number of Emergency Protection Orders (EPOs) and Committal Orders (COs) applied for and issued by Court between 2014 and 2017 is 484 and 375 respectively. I beg leave to table the figures.

Madam Speaker, as regards part (b) of the question, the number of children placed in RCIs between 2014 and 2017 is 455 and those placed in foster families is 37. The number of children reunited with their birth parents during the same period is 100 while children reunited with other relatives is 119, and again I am tabling the statistics, Madam Speaker.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Is the hon. Minister aware that in her Annual Report, the Ombudsperson for Children stated, and I quote –

“ (...)Initially, children victims of different forms of abuses are provided protection on an emergency and temporary basis, but they often seem to end up staying in RCIs until they turn eighteen. (...)”

Is the hon. Minister aware of this statement?

Mrs Jadoo-Jaunbocus: Indeed, there has been mention of that in the Report if that is the question.

Mr Uteem: Therefore, can the hon. Minister inform the House what has her Ministry done to answer the criticism of the Ombudsperson that there is no proper follow-up being carried out by her Ministry, by the CDU with the family? There is no effort that is being made to reunite families after the protection and emergency orders are given.

Mrs Jadoo-Jaunbocus: Madam Speaker, in fact, the work starts well before the children end up in the shelters, in the RCIs. The Ministry has this project of mentoring, which is more preventative, that is, to work with the children and their family to prevent children from ending up in RCIs. That is the starting point before even the children are admitted to the institutions, to the shelters. Now, once that is the case, what happens is: within the Ministry, the first step that is taken is capacity building, that is, empower and teach the parents how to welcome their children back, to reintegrate the children back in the family. Simultaneously, the same kind of work is being done with the children so that they can be capacitated to go back within and reintegrate the family unit or with the relative or with foster care depending on the individual situation.

Now, in light of the Vellien Report and what has been said in the Ombudsperson's Report, a number of statements have been made, a number of issues have been highlighted as such and the Report has reached the Ministry quite recently, some three to four weeks ago. What I have instructed to be done is to set up a working committee with the Ombudsperson Office to see how these criticisms can be put into recommendations and we can work on these. In parallel to that, what has been happening has been the setting up of the back-to-home project by the former Minister, the hon. Vice-Prime Minister. She set that up, that is, a rehabilitation whereby work is being done within the CDU team for parents, for relatives and for foster care to see if the children can reintegrate back into those respective families. Now, a third thing that is being done is that a technical committee has been set up, approved by the Cabinet, whereupon hardship cases are being considered and a number of recommendations are going to be made on how to improve the service and, indeed, how to address these very points raised. Once the report will be completed, the committee will complete its work and my Ministry will work on it forthwith to find solutions.

Lastly, as regards foster care, what the Government has done, Madam Speaker, is that in the Budget 2015/2016, there has been an increase in allowance from Rs1500 per foster parent to Rs5250 precisely to encourage fostering of children so that we remove them from such environment.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. With regard to the protection orders, following the last PNQ on domestic violence, it was said that in less than 10% of the reported cases, the accused were being arrested. Has she, - her new Ministry – since that talked to the Police to have these arrestable offences, to have the Police implement the law as it should and undertake more arrests in order to discourage domestic violence?

Mrs Jadoo-Jaunbocus: Indeed, a number of work is being done and the former Minister, when she was here, she had already initiated certain action and the work is ongoing. It is an ongoing process whereby we work in close collaboration with the Commissioner of Police precisely to that end to reduce domestic violence. There are other ways as well, but that is one of the works that is being done.

Madam Speaker: Last question, hon. Uteem!

Mr Uteem: Yes. The hon. Minister, herself, said that there have been around 400 of these emergency orders, but only 100 reunifications. Isn't it the case that the real problem is, as stated by the Ombudsperson? I quote –

“(...) there are no regular follow up and systematic review of placements by competent bodies.”

This is the problem. The problem is with her Ministry, they are doing nothing to reunite the children with their family and this has nothing to do with the family. It is a problem at the level of her Ministry and the CDU.

Mrs Jadoo-Jaunbocus: As I have said, we are taking cognizance of the report of the Ombudsperson and we are going to work on it in collaboration precisely with the team of the OCO. However, I have, indeed, paid attention to what has been said as regards the follow-up from officers of the Ministry and that is, indeed, not the case as I am told.

I am informed that there is regular follow-up indeed out of the shelters and a lot of the NGO shelters, they themselves - not just the officers - actively encourage reintegration with the family, with visits and follow-up. There are - and it is being documented - a number of integration programs being run whereby the child protection officer actually goes to see the children and get the parent to see the children. But, of course, as we do not have recommendations in the report, we only have highlights of issues, we are going to be working on that.

Madam Speaker: Next question, hon. Uteem!

SUPREME COURT - COMMERCIAL DIVISION - E-FILING SYSTEM

(No. B/956) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the e-filing system at the Commercial Division of the Supreme Court, he will, for the benefit of the House, obtain information as to the –

- (a) name of the entity responsible for the maintenance thereof and fees paid or payable therefor, and
- (b) impact of the crash thereof in November 2017, particularly on the pending cases before the Commercial Division of the Supreme Court.

Mr Gobin: Madam Speaker, as regards paragraph (a), I am informed by the Master and Registrar that the entity responsible for the development and maintenance of the e-filing system is Mauritius Network Services Ltd.

With regard to the fees payable, I am tabling the figures for the years 2015, 2016 and 2017.

As regards part (b) of the question, I am informed by the Master and Registrar that on 06 November 2017, at around 13.20 hours, while the maintenance of the high precision cooling system at MNS was being effected, the contractor accidentally released refrigerant gas which in turn released MNS fire suppression inert gas, resulting in damages caused to the system hosted at MNS. The e-judiciary server was, therefore, affected.

On the same day, local and overseas data recovery companies were contacted by MNS and the hardware supplier was asked to replace the damaged disks. The damaged disks were shipped to CrimsonLogic Private Ltd which is the overseas sub-contractor of MNS on 08 November 2017 for data recovery. Restoration of data was made from tapes to new disks installed and this process was started on 19 November. The system was backed up and running with effect from Saturday 25 November.

Madam Speaker, with regard to pending cases, all cases fixed for trial when the e-judiciary system was down had to be postponed for unavailability of brief which had to be printed from the e-filing system. No action could be taken in pending cases lodged electronically during the time that the system was down. Thirdly, I am also informed that all pending cases were updated on the system with the assistance of users.

Madam Speaker, I am also further informed that during a meeting held with MNS, it came to light that MNS failed to carry out the backup for period 18 October 2017 to 06

November 2017, meaning that all transactions done electronically between those days were not recorded and had to be uploaded anew. Prompt action was taken to manually register new cases brought to the Court when the e-filing system was down.

All payments made in relation to lodging and processing of cases made between 18 October and 06 November were not accounted in the system and as such there is no risk of double payment when the transactions are being uploaded anew.

I am also informed, Madam Speaker, that following the said incident, the Judiciary has taken the decision to relocate the server which was up to now hosted at MNS, it is now relocated at the Government Online Centre. This relocation exercise was completed on 10 December last.

Mr Uteem: Thank you, Madam Speaker. May I ask the hon. Attorney-General how many cases have been affected as a result of the failure of MNS to keep backup?

Mr Gobin: Unfortunately, Madam Speaker, I do not have the exact figure.

Mr Uteem: Has the hon. Attorney-General sought information from the Master and Registrar whether they intend to take any legal action against the MNS for the breach of contract for failing to do the backup and for damaging the servers?

Mr Gobin: Yes, I do understand that legal action is being contemplated.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Can the hon. Attorney-General tell us who will bear the cost of relocation, whether it is the MNS service provider or the Judiciary, and in that case how much will be paid?

Mr Gobin: Unfortunately, I do not have that exact figure. I will have to look into it.

(Interruptions)

I will also have to look into it.

Madam Speaker: Not from a sitting position! Yes, hon. Uteem!

Mr Uteem: Madam Speaker, the hon. Attorney General mentioned the relocation of the server. Will there be a relocation of the backup outside Government Office, outside the MNS, so that if the server crashes, they will, at least, have the backup?

Mr Gobin: I can only take note of the comment made by the hon. Member. I do not have the information as to whether there is a backup, but I will certainly look into it.

Madam Speaker: Next question, hon. Shakeel Mohamed!

TERRE ROUGE/VERDUN LINK ROAD - ENGINEERS – REINSTATEMENT

(No. B/957) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the two engineers of the Road Development Authority who were accused of wrongdoings and negligence in relation to the implementation of Phase I of the Ring Road Project and who were cleared on appeal, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the present status thereof at the Road Development Authority.

Mr Bodha: Madam Speaker, I wish to refer the hon. Member to the reply I made to PQ Nos B/444 and B/137 at the sitting of the National Assembly on 08 September 2015 and 04 April 2017 respectively.

I informed the House that following the embankment failure at the Terre Rouge/Verdun link road - and not the Ring Road Project as the hon. Member has referred to in his question – and after investigations which were carried out, disciplinary proceedings were instituted against 2 engineers of the Road Development Authority, who were subsequently dismissed from their post with effect from 16 July 2015. Both officers made an appeal against the decision of the Road Development Authority Board and an Appeal Committee was accordingly set up to hear the case. The Appeal Committee has, in its report submitted on 11 October 2017, allowed the appeal. Following the conclusion of the Appeal Committee and the advice of the State Law Office, the RDA Board has decided to reinstate both officers in their substantive posts. I am informed also that the two officers have already been reinstated and the RDA has undertaken to pay them all dues from the date of termination of their employment to the date of their reinstatement.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Madam Speaker, I thank the hon. Minister for his answer. Is he aware that, as at to date, both the officers who have been reinstated have not been paid their dues ever since the contract was terminated until reinstatement now, and both officers have, in the meantime, as we speak today, their juniors who have been put in acting positions ahead of them as far as seneriority goes? Could the...

Madam Speaker: Hon. Shakeel Mohamed, one question at a time! You have put two elements in it. One question at a time, please!

Mr Mohamed: Could the hon. Minister look into ways and means of ensuring that their seniority is respected, as soon as possible, and that their dues are paid?

Mr Bodha: I will certainly raise the matter with the Board. As regards the dues, I have been told this morning that they have been completed and they will be paid accordingly.

Mr Mohamed: The hon. Minister will recall that in this Assembly, he, himself, had been quite harsh, most probably based on information that he had received, and I am not blaming the hon. Minister for that. He had been quite harsh, most probably unknowingly, unwittingly. Could he consider...

Madam Speaker: Hon. Shakeel Mohamed, please do not make a statement! Ask your question, please!

Mr Mohamed: The question is there, but it has to have some sort of basis, Madam Speaker.

Madam Speaker: You are making comments! Ask your question! Put it in question form!

Mr Mohamed: As I have said, the hon. Minister was quite harsh in his comments, unwittingly. Could he consider, therefore, meeting with those two officers in order to clear the air and to ensure that there is no bad blood and there was no wrong intention in regard to that?

Mr Bodha: I am going to do that, Madam Speaker.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. The onus for the failure of the embankment must ultimately fall on someone. The engineers have been cleared. So, we are left with either the contractor or the consultant. Are they being taken to task, and if so, are they being claimed for all the dues that they have to pay to the Government of Mauritius?

Mr Bodha: I think, Madam Speaker, that there was a collective responsibility from the RDA, from those who produced the tests and those who built it. As regards the RDA, there was awareness, there was information, there was also negligence. Well, we had the proceedings and we will not discuss the merits of it. As regards the claim of damages, we are working on it, because I think we have a claim for damages against Egis, which did all the tests, and against the constructor because we have, what we call, *la garantie décennale*, that is, whenever you have an infrastructural project, this should at least be valid for the next 10 years.

Madam Speaker: Next question, hon. Lepoigneur!

DANGEROUS DRUGS - SEIZURE - DESTRUCTION

(No. B/958) **Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Right hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to seized drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the established procedure for the destruction thereof.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that dangerous drugs that are seized by the Police are destroyed by way of incineration at the Line Barracks as follows -

- (a) In accordance with section 58 (3) (b) of the Dangerous Drugs Act 2000 and according to Police Standing Orders 86, when accused is unknown or as advised by the Director of Public Prosecutions. The dangerous drugs are destroyed by the Police in the presence of officers not below the rank of Assistant Superintendent of Police, the Officer who has secured the drugs and an officer from the Forensic Science Laboratory. After destruction, an entry is made in the Drugs Destruction Register, certifying the destruction of the drugs, and
- (b) in cases where the accused is known, the case file is referred to the Director of Public Prosecutions for advice. Upon the advice for prosecution, the case is lodged before the Court for trial. The Court keeps the exhibits produced during the trial. Following judgement, the Court decides on the disposal of the exhibits at Line Barracks in the presence of the Magistrate of the relevant Court and other Court officials.

Additionally, with a view to ensuring accountability and transparency, whenever such illicit drugs are destroyed, and where required, representatives of the Police Helicopter Squadron and the Mauritius Revenue Authority (Customs Department) are also called upon to attend the exercise. Members of the Press are also invited to witness the destruction exercise.

Madam Speaker: Next question, hon. Lepoigneur!

RESIDENCE BARKLY - SPORTS COMPLEX

(No. B/959) **Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the sports complex of Residence Barkly which was pulled down in the wake of the

implementation of the Metro Express Project, she will state if a site has been identified for the putting up of another one in replacement thereof and, if so, indicate the -

- (a) location thereof, and
- (b) time frame for the coming into operation thereof.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I am informed that the existing sports complex has not yet been pulled down. The site has only been handed over to the MPI by the Municipal Council of Beau Bassin-Rose Hill in July this year. Residents are still allowed to use the complex until the contractor Larsen and Toubro pulls it down.

With regard to part (a) of the question, I am informed that a plot of State land of the extent of 4,400 m² at Barkly along Mandela Street has been vested on 07 October 2017 in my Ministry for the relocation of the sports complex at Residence Barkly by the Municipal Council of Beau Bassin-Rose Hill. This new site, Madam Speaker, is a far better site compared to the existing one, which is only 1,651 m². The existing site was narrow and restricted. On the other hand, the new site is larger in area and will allow a development of sports infrastructure of a total 3,510 m² consisting of a basketball pitch, a *pétanque* pitch, a mini soccer pitch, a children playground and a green space, and also a parking of 1,200 m². In addition, the Municipality has contacted the sports federation and association for the minimum standard dimension of the infrastructure, and the infrastructure to be set up will exceed the minimum requirements.

As regards part (b) of the question, I am informed that the scope of works for the new sports complex is being prepared by the Municipal Council of Beau Bassin-Rose Hill and the bids are expected to be launched by end January 2018. The duration of work is about six months and is planned to start in April 2018. The new sports complex is expected to be operational in September 2018.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Donc, la foire de Barkly va devenir le nouveau complexe sportif de Barkly. Le terrain de volleyball est déjà tracé ; j'ai été voir.

Mrs Jeewa-Daureeawoo: Non, ce n'est pas la foire ; c'est un terrain vague. C'est à côté d'un *ex-mini market*, mais ce n'est pas la foire.

Mr Lepoigneur: Je sais qu'il y a l'école Marcel Cabon qui est juste à côté de Barkly. Il y a un gymnase, où il y a toutes les infrastructures voulues concernant le handball, le basketball et le volleyball, et un amphithéâtre, comme il y a des artistes à Barkly. Est-ce que ce ne serait pas souhaitable que les habitants de Barkly puissent s'en servir pour s'adonner à leurs activités sportives ?

Mrs Jeewa-Daureeawoo: The school will resume. Then, how will the inhabitants use this infrastructure?

Mr Lepoigneur: Il a déjà été annoncé que les infrastructures du ministère de l'Éducation allaient être mises à la disposition des athlètes du quartier.

Mrs Jeewa-Daureeawoo: Well, I will look at it and then ...

(Interruptions)

C'est peut-être pendant les périodes de vacances, mais après, qu'est-ce qu'on...

(Interruptions)

Well, Madam Speaker, I will look at it and inform the House.

Madam Speaker: Next question, hon. Lepoigneur!

NHDC LTD. - SOCIAL HOUSING UNIT - APPLICATIONS

(No. B/960) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Housing and Lands whether, in regard to the social housing units, he will, for the benefit of the House, obtain from the NHDC Ltd. and table the list of applicants therefor and respective date of application, indicating the ones who have been delivered therewith, since January 2015 to date.

Mr Jhugroo: Madam Speaker, I am informed by the NHDC Ltd that since January 2015 up to 15 November 2017, 11,781 applications for an NHDC housing unit have been received. The list of applicants indicating the date of application, those eligible applicants and the ones who have been delivered a housing unit is being compiled, and once available, will be placed in the Library of the National Assembly.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Donc, je suppose que cette liste concerne aussi les 90 maisons de Chebel. Dans une *PQ* de la semaine dernière, B/917, j'avais posé une question pour demander quels sont les critères qui ont été adoptés par rapport aux 10% qui vont être alloués

à l'Intégration sociale. Le ministre m'avait répondu sur ce qui va être alloué par rapport au Metro Express. Je reviens avec cette question-là pour savoir : est-ce qu'une liste a déjà été établie par rapport à ces 10% qui représentent 9 maisons sur 92 à peu près et quels sont les critères - c'était dans le *catchment area*?

Mr Jhugroo: Madam Speaker, I have been informed by the NHDC Ltd. that not only 9, but some 112 out of the 11,781 units have been allocated on hardship grounds, which include cases being recommended under the Social Register of Mauritius, those who have been subject to Eviction Orders and those who suffer from severe medical conditions or from any disability.

Furthermore, for some sites, due to a reduced number of applicants within the catchment area, the allocation of the houses was extended to other interested applicants residing in other localities.

Mr Lepoigneur: Si cette liste-là aussi peut être *tabled*, s'il vous plaît. Dans une réponse du ministre de la semaine dernière, le ministre avait dit qu'il y a 12 maisons de Chebel qui vont être allouées aux gens qui sont affectés par le projet de Métro léger. Est-ce que pour cela aussi une liste a été établie ? Est-ce que cela concerne les gens de la circonscription par rapport aux 12 maisons ?

Mr Jhugroo: Bien sûr!

Madam Speaker: The Table has been advised that PQ B/968 and PQ B/969 have been withdrawn!

Next question, hon. Lepoigneur!

MAURITIUS VOLLEYBALL ASSOCIATION - AFRICAN DREAM PROGRAMME

(No. B/961) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the African Dream Programme for the implementation of which the *Confederation Africaine de Volleyball* allocated a grant to the Mauritius Volleyball Federation in 2014, he will, for the benefit of the House, obtain from the Federation, information as to if same has been implemented.

Mr Toussaint: Madam Speaker, as a rule, my Ministry does not interfere in the internal matters of the Sports Federations and I strictly adhere to that rule.

However, in this present case, the Mauritius Volleyball Association has itself volunteered to give the facts and I oblige by tabling the required information.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Est-ce que l'honorable ministre est au courant qu'il y a eu un *agreement* entre le ministère de l'Éducation et le ministère de la Jeunesse et des sports que la FVB et la CAVB ont accepté de déboursier cet argent si le ministère de l'Éducation et le ministère de la Jeunesse et des sports soutiennent le projet ?

Mr Toussaint: Oui, Madame la présidente, je suis au courant.

Mr Lepoigneur: D'après le contrat qui existe entre la FVB et la CAVB, il y a eu un accord qu'un contrat trimestriel soit envoyé à la fédération pour chaque déboursement. Est-ce que cela a été fait ?

Mr Toussaint: Madame la présidente, je dois m'enquérir auprès de la fédération. De par les renseignements que j'ai eus dans le *mail*, je n'ai pas ce renseignement.

Madam Speaker: Last question!

Mr Lepoigneur: Est-ce que le ministère a fait un rapport concernant le *Project African Dream* qui doit être reparti aux quatre coins de l'île Maurice et un Centre de Formation Nationale ? Est-ce que cela a été fait, surtout que 200 ballons ont été offerts ? Est-ce que ces 200 ballons ont été distribués dans les quatre centres des quatre coins de l'île ? Il y a aussi plusieurs filets de volleyball qui ont été offerts par la FVB. Est-ce que cela a été fait ? Est-ce qu'il y a eu un rapport là-dessus ?

Mr Toussaint: Madame la présidente, je suis un peu perdu parce que cela fait mille et une questions dans une question. Je viens de dire dans ma réponse que c'est la Fédération de Volleyball qui gère ce projet. J'ai reçu un *mail* de la Fédération et il y a ce qu'il y a dedans.

Madam Speaker: Next question, hon. Bhagwan!

CANE SUSTAINABILITY FUND - BIOMASS ENERGY FRAMEWORK - SETTING UP

(No. B/962) **Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière)** asked the Minister of Agro-Industry and Food Security whether, in regard to cane trash based electricity, as announced in the 2016/2017 Budget Speech, he will state –

- (a) when a biomass energy framework will be set up and introduced in the Sugar Industry Efficiency Act to finance the Cane Sustainability Fund, and

- (b) why no development has taken place as at to date in relation thereto, the more so, when the Central Electricity Board will cease to contribute to the said Fund.

Mr Seeruttun: Madam Speaker, in view of the various challenges facing the sugar industry in the past, the Government intervened and has taken appropriate policy measures to safeguard the interest of planters, and one of these measures, as announced in the Budget Speech of 2017/2018, is the elaboration of a biomass framework.

For decades, the only biomass being commercially exploited for electricity generation has remained solely bagasse in the Mauritian context. However, other biomass such as high fibre cane, cane trash and other related biomass have remained commercially unexploited as there are still technical and financial constraints that need to be dealt with in order to allow the commercial use of biomass.

In order to address the concerns of all stakeholders at the sugar sector in December 2016, the Government has amended the Sugar Industry Efficiency Act to introduce two provisions, among others, namely –

- (i) the Sugar Cane Sustainability Fund for the purpose of fostering the production of sugar cane and bagasse, and
- (ii) the Renewable Sugar Cane Industry based Biomass Framework in order to promote the production of energy from biomass, including sugar cane, cane trash, high fibre cane, fuel cane, gramineae and other related biomass, generated by the sugar cane industry. It was provided in the framework to look into any incentives that it may entail.

Madam Speaker, in regard to part (a) of the question, the provision of Biomass Framework has already been introduced in the Sugar Industry Efficiency (Amendment) Act 2016 to promote the use of biomass.

The biomass energy framework comprises two main components and these include –

- (a) production and use of biomass for the production of energy, and
- (b) formulation of a price mechanism to motivate the use of biomass for energy production.

I am informed that for the first component there are no technical issues. One Independent Power Producer has shown its firm intention to collect cane trash and use along with bagasse for the production of electricity.

I am further informed that relevant field trials have already been undertaken by the corporate sector to collect cane leaves and tops known as cane trash, bale it, carry it to the power plant, unbale it and subsequently mix it with bagasse to burn in the power plant to produce energy.

With regard to the second component, I am informed that proposal on the pricing mechanism has already been made and is being reviewed by all the stakeholders at the level of the Ministry of Energy and Public Utilities.

Madam Speaker, as regards part (b) of the question, I am informed that the remuneration to planters is made from two funds, namely the Bagasse Transfer Price Fund and the Sugar Cane Sustainability Fund. Whilst the Bagasse Transfer Price Fund is contributed by the CEB, the Sugar Cane Sustainability Fund is contributed by Government. The Central Electricity Board is disbursing a sum of Rs137 m. yearly to Government, representing repayment of a debt that it contracted from Government. Government has agreed to use this sum for the Sugar Cane Sustainability Fund for a period of three years from 2015 to 2017 inclusive.

With regard to further contribution in the Sugar Cane Sustainability Fund beyond 2017, I am being informed that discussions are held by the concerned stakeholders at the Ministry of Energy and Public Utilities to look into the modalities and sources of funding for the Sugar Cane Sustainability Fund for 2018 onwards. The pricing system for bagasse and other biomass will take care of contribution in the Sugar Cane Sustainability Fund.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Three supplementary questions, Madam. Could I have from the hon. Minister the composition of the Committee of Biomass Energy Framework and the number of times that Committee has deliberated?

Mr Seeruttun: Well, as far as I can recall there are members representing the Mauritius Cane Industry Authority (MCIA), officers from my Ministry and also officers from the Ministry of Finance and the Ministry of Public Utilities.

Mr Bhagwan: The hon. Minister has not said how many times they have met and deliberated. Can the hon. Minister, at least, give us an idea?

Mr Seeruttun: Unfortunately, I do not have that information with me to be able to communicate it to the hon. Member.

Mr Bhagwan: From what I gather there has not even been any record. So, can the hon. Minister look into it and, at least, circulate if there is any record which has been produced by that Committee. In view of the urgency of the matter and with no fund remaining to finance the Sugar Cane Sustainability Fund, is the Government, the Ministry envisaging to have international expert advice on sugar cane by-products, and people like Dr. Deepchand who set up the Bagasse Energy Development Programme in the 80s and 90s, at least, to help? Are we expecting any help from any international agency, whether the Minister is contacting – we have Mauritian brains, I have said one person who everybody knows, even other persons from the World Bank.

Mr Seeruttun: Madam Speaker, I can reassure the hon. Member that lots of research works have been carried out with regard to the use of biomass for the production of energy. What I can also reassure the hon. Member is that discussions and negotiations have gone a long way and we will shortly be coming with certain proposals with regard to the use and also the remuneration of the biomass.

Madam Speaker: Can I ask hon. Osman Mahomed, I'll come back to you.

Mr Osman Mahomed: Thank you, Madam Speaker. In his original reply, the hon. Minister has mentioned that cane trash will be combined with bagasse to enhance the production of renewable energy from bagasse. Can I ask the hon. Minister what were the limitations for which cane trash could not be used before, because cane trash was all the time around? How have they been overcome, because the target is quite high, the long-term energy strategy makes mention that in 2015, we are at 13%....

Madam Speaker: You have asked your question, hon. Osman Mahomed. The object of a question is to seek further clarification. Do not provide information!

Mr Osman Mahomed: And the target is 17% in 2025.

Mr Seeruttun: In fact, in my reply, Madam Speaker, I mentioned about one independent power producer who has already carried out some pilot tests with regard to the use of the cane trash and the question is: why we did not use it long before? Well, I am not in

a position to answer to that, because there have been some research works that have been carried that show that this can be used and that is the reason why they have embarked into the use of cane trash for blending with bagasse for the production of energy.

Madam Speaker: Yes, hon. Bhagwan, last question.

Mr Bhagwan: Being given the problem facing the sugar sector, can the hon. Minister inform the House, whether in the whole process of this biomass issue, the small planters, the planting committee as a whole, be it the big planters or the small planters, we are all on board in the initiatives which are being taken by the Ministry, even in the committees, sub-committees, that is, the whole planting committee is on board in the process?

Mr Seeruttun: Madam Speaker, I must reassure the Member that the different authorities that are involved in those discussions, represent the stakeholders of that industry, be it small growers, be it millers, be it other partners of that industry. So, they are all, one way or another, being represented in those discussions.

Madam Speaker: Next question, hon. Bhagwan!

OVERSEAS MISSIONS - POSTING

(No. B/963) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to officers of the diplomatic cadre, he will state –

- (a) the criteria used for the posting thereof, indicating if –
 - (i) they are eligible to special posting and, if so, give the list thereof accordingly;
 - (ii) the practice of cross posting has been introduced or reintroduced and, if so, indicate why and give the list thereof since 2005 to date, and
- (b) if those posted in less developed/difficult countries are eligible to the payment of any special/hardship allowance and, if so, indicate the quantum thereof.

Mr Lutchmeenaraidoo: Madam Speaker, with regard to part (a) of the question, there are formally no established criteria for the posting of officers in our overseas missions.

However, in May 2013, it was agreed to lay down certain parameters to guide the posting of officers. These parameters were –

- (i) to give the opportunity to all officers to serve in different geographical regions (Europe, America, Australasia and Africa);
- (ii) to review the timing of postings so that they coincide as far as possible with the academic year of the country of posting, and
- (iii) that the posts in Islamabad, Addis Ababa, Maputo and Antananarivo, which are deemed to be hardship postings should be of shorter duration and would be followed by a cross posting of officers to a softer capital if they so wish.

Furthermore, in the course of this year, I have requested the Ministry to work again the criteria for postings and to finalise in fact and fine-tune the list of criteria.

As regards part (a) (i) of the question, the Ministry is not aware of any “special posting”.

In respect of part (a) (ii), cross postings were undertaken even prior to the parameters established in 2013 according to situations arising. The list of cross postings since 2005 is being compiled and will be laid in the Library.

Madam Speaker, the motivation behind the hardship allowance was to ensure that officers being posted to capitals where conditions of work and living were already challenging were not unduly penalised.

Bearing in mind that most of those countries are situated in Africa, and bearing in mind that importance of the African strategy which demands a significant diplomatic presence, it was felt important to seek a hardship allowance for the officers. The allowance is based on the UN Classification of duty stations, which are classified in order of difficulty of conditions of life and work.

Consequently, the Ministry made a case for the payment of a monthly hardship allowance of USD1000 to all officers posted in our Missions in Antananarivo(B), Addis Ababa(C), Islamabad (C) and Maputo(B). Same was approved by the High-Powered Committee at its meeting on 29 August 2013 and is being paid from 01 September 2013.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I know from the hon. Minister whether the one blue-eyed boy, First Secretary, Mr Y. R. has benefited from a cross posting without the need to return to Port Louis, which is contrary to what is normally the case after a tour of service in a capital abroad? Can the hon. Minister inform the House how can somebody benefit from so many

privileges when there is frustration within the Ministry itself among the personnel? The hon. Minister must be aware that there is a *climat de frustration* among the First Secretaries.

Madam Speaker: We have understood your question.

Mr Bhagwan: Will the Minister at least inform us whether the criteria are to be close to the politician? Are these the criteria? Can we know whether the hon. Minister is looking into this aspect of *situation malsaine* at the Ministry?

Mr Lutchmeenaraidoo: Yes, the question number one, on Mr Y. R., I don't know of the case itself.

As to the second section of frustration, I think, the House is aware that since independence, most of the Ambassadors are being nominated politically after election. At the same time, the structure of the Ministry is such that the top, those reaching the top, Minister Counsels who are expected to become Ambassadors, wait and retire not being Ambassadors. This, undoubtedly, has created a level of huge frustration in the Ministry. This is why probably it is a question of policy decision, whether we should try to find a balancing approach whereby after elections we have some nominations which are political, but we still need to have in those major cities specially, professionals and career diplomats.

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: I have two questions. I think the hon. Minister is aware. All of us who have been here for so many years, are aware that there are very many competent officers, other than politicians among the foreign affairs services. So, is the hon. Minister aware that actually *il y a un climat de méfiance*, because professionals in the diplomatic service, are being taken to task by political advisors and they are being given instructions by political advisors...

Madam Speaker: Yes, what is your question?

Mr Bhagwan: Is the hon. Minister aware, at least - this is a diplomatic service, we cannot treat people, qualified personnel in the way they are being treated by people who are appointed politically or even otherwise?

Mr Lutchmeenaraidoo: Well, I would not agree with this. You know since the past elections, we have abolished all the posts of Commercial and Trade Advisors. They were real politicians nominated in Embassies being paid for doing nothing. This has been stopped. We have stopped all those nominations of advisors who were, in fact, *récompensés*, who

were thanked after elections for the good work they have done politically. This, we have stopped. Now, the only issue which remains is the one of Ambassadors who were being nominated after elections.

Number two, on the question of giving each one his due, we all agree to it. I am the first to say that when someone deserves, he should be given what he deserves. This explains why we are completely transforming the Ministry of Foreign Affairs presently. Number one, we are restructuring with the Australians, the whole Ministry, to ensure that there is more potential for growth, for development, for capacity building and more chance also for officers to be able to move from department to department and get their fair chance.

So, we are very conscious that, number one, the Ministry of Foreign Affairs has got among probably the best technicians that we can have. I know them, brilliant, and it is our responsibility to ensure that they deliver in the best circumstances.

Madam Speaker: Last question!

Mr Bhagwan: Can the hon. Minister inform the House whether his Ministry intends to approach the Government of India to review the protocol service of his Ministry? We all know at what *niveau c'est arrivé leur système de protocole au niveau du gouvernement*. Is it contemplated by Government to approach the Government of India which has expertise in terms of protocol at least to review the whole setup of the Ministry so that we have a good protocol service because all the Members of Parliament know how the protocol service of the Ministry is being run.

Madam Speaker: Okay, yes.

Mr Lutchmeenaraidoo: It is a good question because finally it is a good time to say what we are doing. The protocol service is one which needs to be naturally adapted with time. Not only this, the Ministry itself, we have had a four-day seminar starting this morning on diplomacy just to train our officers and other departments also in the need now for the Ministry to be more proactive in terms of development and economy.

We are also moving on the e-diplomacy platform which is huge. In fact, the hon. Prime Minister was in Abidjan last week and signed with Government of Estonia a MoU whereby we are going to join hand with Estonia and Government to ensure that, therefore, we have the best e-diplomacy platform which can be interactive where the Ministry can work with Ambassadors, Embassies and with Consular representatives.

Therefore, there is a global move within the Ministry now to upgrade, to improve in terms of capacity building and to improve also in terms of manpower training and development. So, this is in the agenda of the Ministry.

Madam Speaker: Next question, hon. Abbas Mamode!

L'ESPÉRANCE TRÉBUCHET - MR D. - ALLEGED DECLARATION

(No. B/964) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Right hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the alleged declaration of communal nature made by one Mr D. at a function in the North of the island, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and, if so, indicate the outcome thereof.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that, during the course of the cyber patrol conducted on 31 October 2017 by the Police IT Unit, they came across a video containing an incriminating speech. In the video, a male person, Mr D., was addressing a religious gathering at l'Espérance Trébuchet and he made use of words of communal nature. The Police IT Unit downloaded the clip and submitted it to the CCID for inquiry.

Madam Speaker, I am also informed that, during the course of Police investigation, eight persons were interviewed and their statements recorded. So far, no person has been arrested in connection with this matter.

Given that the inquiry is still ongoing, disclose of any information in connection with the case would be prejudicial to the investigation process.

Mr Abbas Mamode: Is the Rt. hon. Minister Mentor aware that a declaration has been made by people of the religious body on 31 October and what is the outcome of this inquiry?

Sir Anerood Jugnauth: I have already answered!

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: There is a Police inquiry although very light disciplinary actions have been taken, I understand he has been transferred merely and not suspended or interdicted. Can the Rt. hon. Minister Mentor say whether there has been any disciplinary action in terms

of disciplinary committee of the Police Force, whether a disciplinary committee has been set up to suspend or terminate the employment of Mr D.?

Sir Anerood Jugnauth: So far I do not think such step has been taken.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. When it comes to racial tension, incitation to racial hatred made by a public official who, on top of that, is a policeman and this is diffused over the Internet, does not the Rt. hon. Minister Mentor agree that, in such cases, the Commissioner of Police should give full attention to prevent any case of *dérapiage*?

Sir Anerood Jugnauth: I think the Commissioner has taken steps so that peace remains in the country and that there is no threat to peace.

Madam Speaker: Last question, hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. Could the Rt. hon. Minister Mentor explain to the House why is it that the Commissioner of Police is so quick in arresting people who have allegedly made certain *commentaires désobligeants* about Ministers of Government to which he belongs on simple little differences or insults whereas when it comes to an insult to a whole community and incitement to hatred of a racial nature why is it that the Commissioner of Police has not taken any action whatsoever of a disciplinary nature and why is it that he continues to add insult to injury to a whole community?

Madam Speaker: I have said one question at a time, please! Don't lump two or three questions together!

(Interruptions)

Yes.

(Interruptions)

Mr Mohamed: Would the Rt. hon. Minister Mentor want me to repeat it? Maybe he did not hear?

Madam Speaker: No, please!

Mr Mohamed: I don't mind!

(Interruptions)

What is the answer?

(Interruptions)

Sir Anerood Jugnauth: Well, the hon. Member has come and made certain insinuations, not to say allegations, against the Commissioner of Police of which I am not aware!

Madam Speaker: Next question, hon. Tarolah!

Mr Abbas Mamode: May I have a last one?

(Interruptions)

This was my...

(Interruptions)

Madam Speaker: Hon. Tarolah, next question!

(Interruptions)

Please, sit down!

(Interruptions)

I have said several times and I have even ...

(Interruptions)

I have even quoted the Standing Orders!

(Interruptions)

Hon Thierry Henry, please!

(Interruptions)

You can't argue with me! No, I will not allow you to argue with me!

(Interruptions)

No!

(Interruptions)

I will not allow you to argue with me!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

Hon. Thierry Henry, you can't argue with me! If you continue to argue with me I will order you out! I will have to order you out!

(Interruptions)

Right? You can't argue! Next question I have said, hon. Tarolah!

(Interruptions)

**MONTAGNE BLANCHE & GRAND RIVER SOUTH EAST - ROAD PROJECTS -
BUDGET ALLOCATION**

(No. B/965) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE) asked the Minister of Public Infrastructure and Land Transport whether, in regard to road projects in Constituency No. 10, Montagne Blanche and Grand River South East, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the budget allocated therefor for the financial year 2017-2018, giving the –

- (a) list thereof earmarked for the same period, and
- (b) number thereof completed.

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Yes!

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority that the budget allocated for road projects in Constituency No.10, Montagne Blanche and Grand River South East for financial year 2017-2018 is MUR 34 m.

In regard to part (a) of the question, the list of projects is as follows -

- (i) resurfacing works along the Flacq-Mahebourg Road from Ernest Florent towards roundabout to Beau Champ;

- (ii) resurfacing works along Moka-Camp de Masque-Flacq from Unite road near the Church to the end of Camp de Masque village;
- (iii) resurfacing works along the Flacq-Mahebourg from Sarcelle Bridge in Bramsthan....

(Interruptions)

Madam Speaker: No crosstalking, please! Hon. Rutnah, please!

Mr Bodha: Resurfacing works in Mt Blanche along B27...

Madam Speaker: Don't make provocative remarks! Yes!

Mr Bodha: Fifth, construction of footpath and drain in Clemencia; sixth, construction of drain and cross drain at Grand River South East; seventh, construction of absorption drain at Trou d'Eau Douce Village.

As regards part (b) of the question, I am informed that the first three (3) projects which I have mentioned have already been completed and works orders for the remaining projects would be issued very soon in January.

Madam Speaker: Yes, next question, hon. Osman Mahomed!

FORMER AMBASSADOR GUNESSEE – ALLEGATIONS AGAINST

(No. B/966) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the former career Ambassador Mr S. G., he will state if any adverse correspondence detailing disparaging remarks against him was addressed to the then Secretary of Foreign Affairs in 2011 and, if so, give details in relation thereto.

Mr Lutchmeenaraidoo: Madam Speaker, a letter dated 11 February 2011 from the then Economic and Trade Adviser, Mr Noël Lee Cheong Lem, was sent to the then Secretary for Foreign Affairs entitled 'Disparaging Remarks against Ambassador Gunessee.' The letter followed from a previous letter dated 27 December 2010, addressed to the then Secretary for Foreign Affairs by Ambassador Gunessee entitled "Mr N. Lee Cheong Lem - Misbehaviour.

I am given to understand that on 21 January 2011, the Ministry requested Mr N. Lee Cheong Lem to submit his explanations/justifications on the accusations levelled against the Ambassador Gunessee. In a correspondence dated 11 February 2011 addressed to the then

Secretary for Foreign Affairs, Mr Lee Cheong Lem submitted his reply making a series of general accusations against the Ambassador.

Since the allegations made by Mr Lee Cheong Lem were of a general nature and were not supported by any documentary evidence, the matter could not be pursued and was set aside.

Mr Osman Mahomed: Thank you, Madam Speaker. In fact, Mr Noël Lee Cheong Lem met with me, given that the Ambassador has now been nominated as Chairperson of the Public Service Commission. Now, in that letter, the allegations made were of serious nature, maybe general to the appreciation of the hon. Minister, but serious insofar as they are racist in nature, they tantamount allegedly to favouritism and nepotism, fiscal fraud, cheating and fiddling of VAT whilst being Ambassador in Brussels. Now, was the hon. Minister consulted - because he is substantive Minister - before the nomination of Mr Gunessee three months ago?

Mr Lutchmeenaraidoo: Sorry, the question was what, please?

Mr Osman Mahomed: The hon. Minister of Foreign Affairs consulted on the character of the person prior to his nomination because this is normal practice to know whether a person is of integrity or not.

Mr Lutchmeenaraidoo: I must say my first reaction was one of confusion because both have served as political nominees of the former Government. Mr Lee Cheong Lem was nominated in 2005 as Trade and Economic Adviser and the other one was nominated as Trade and Economic Adviser in 2011. So, my first reaction was that it looks like a *règlement de comptes* between two coming from the same Government.

Madam Speaker: Yes, next question!

Mr Osman Mahomed: Now, being given the nature of the claims in the letter, I would like to quote one paragraph of the interview of Mr Gunessee. My question is as follows...

Madam Speaker: No, what is your question? Ask your question!

Mr Osman Mahomed: « *Ceux qui devaient passer entre les mains (...)* ». At the level of the Public Service Commission, « *Ceux qui devaient passer entre (...)* »

Madam Speaker: Hon. Osman Mahomed, can I just draw your attention? Please sit down!

(Interruptions)

Please sit down just for a minute! You can ask your question about the former Ambassador S.G in his capacity as former Ambassador, but you cannot ask any question in his actual capacity, please. I am drawing your attention, if your question relates to his capacity as former Ambassador.

Mr Osman Mahomed: Actually, my initial question had former Ambassador and current Chairman of the Public Service Commission in it.

Madam Speaker: As current Chairman of the Public Service Commission, you would not be allowed to ask any question. I am sorry.

Mr Osman Mahomed: With your permission, I am going to table the letter. I have the permission of Mr Noël Lee Cheong Lem and the interview whereby this is my source of concern today. Can I table it?

Madam Speaker: You can table, but the Chair and the Table will try to see whether we can accept your document.

Next question, hon. Osman Mahomed! You have another question!

CEB - LEGAL PROFESSIONALS

(No. B/967) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) 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, the list of the legal professionals whose services are presently retained thereat.

The Ag. Prime Minister: I am informed by the Central Electricity Board that it has retained the professional services of Mr Ravindra Chetty, Senior Counsel, as its legal adviser. The services of other legal professionals to appear for the CEB in cases before Court are retained by the CEB on a case to case basis. I am tabling a list of law practitioners currently retained in cases where the CEB is a party.

Madam Speaker: Hon. Ramful, next question!

CEB - LEGAL OFFICER - APPOINTMENT

(No. B/968) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) 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 a legal officer was recently recruited thereat on contractual basis and, if so, indicate the –

- (a) name, qualifications and terms and conditions of appointment thereof, including duties and responsibilities, remuneration and benefits drawn and table copy of his/her Curriculum Vitae;
- (b) overseas missions, conferences, seminars and workshops attended, indicating the countries visited, composition of delegation and cost of air tickets, *per diem* and other allowances, and
- (c) rationale for employing a legal officer when the Board is outsourcing its legal services.

(Withdrawn)

CEB - MRS L. P. P. - ALLEGED METER TAMPERING

(No. B/969) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the alleged case of tampering with meter by Mrs L. P. P., a high level officer of the Central Electricity Board, he will, for the benefit of the House, obtain from the CEB, information as to if an internal board of inquiry has been set up to look thereinto and, if not, why not and, if so, indicate if -

- (a) the composition of the board of inquiry was at any time revoked or changed on being challenged by Mrs L.P.P. and, if so, indicate the grounds thereof, and
- (b) decision was taken to cancel the internal board of inquiry and, if so, indicate the grounds thereof.

(Withdrawn)

TERRE ROUGE/VERDUN LINK ROAD - REPAIRS

(No. B/970) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the embankment failure along the Terre Rouge/Verdun Link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to -

- (a) if works for the reinstatement thereof have been completed and, if not, why not ;

- (b) the names of the contractors, consultants and experts whose services were retained therefor, and
- (c) the cost implications therefor.

Mr Bodha: Madam Speaker, I wish to refer the hon. Member to the reply I made to PQ No. B/429 at the sitting of the National Assembly on 13 June 2017 wherein I informed the House that the contract for the repairs to the collapsed part of the Terre Rouge-Verdun Link Road between Ripailles and Valton has been awarded to Transinvest Construction Co Ltd on 28 March 2017 for an amount of Rs283,556,663, exclusive of VAT and that the works started in May this year and are expected to be completed by March 2018.

I am informed by the Road Development Authority (RDA) that works are ongoing and are expected to be completed by the scheduled date.

With regard to consultancy services and other associated works, the following consultants and contractor had been appointed -

- (a) ARQ Consulting Engineers (Pvt. Ltd) for geotechnical investigations in September 2015 for an amount of Rs6.9 m. of which Rs1.8 m. was spent on consultancy and Rs5 m. to Water Research Co. Ltd for carrying out drilling of boreholes, and
- (b) Korean Expressway Corporation for the design of the repair works in April/May 2016 for an amount of USD 100, 000.

Mr Ramful: In one of the PNQ that was asked by the then Leader of the Opposition, the hon. Minister stated that there was a technical and financial audit that was being carried out to look into all the contracts that were awarded in relation to this road. May I know where matters stand with regard to this audit?

Mr Bodha: As regards the technical side of the audit, I believe, now, we understand what happened. In fact, what has happened is that the cracks did not occur only at one side, but that the whole slope has a movement, which means that it is a very complex engineering situation.

As regards the audit for the cost, we have the cost, and as I replied earlier, we are preparing the possibility of a claim in damages to those who did the test and those who built the road then.

Madam Speaker: Hon. Ramful!

Mr Ramful: The hon. Minister is surely aware that Colas and Transinvest are now the same company. They are merged. Is it not strange given that Colas is being blamed for has occurred and the contract has been awarded now to Transinvest?

Mr Bodha: I have been given the opportunity at the National Assembly to explain this. In fact, Colas (Mauritius) was wound up as a company and, in fact, they reincorporated Transinvest and there was a bidding exercise by the Central Procurement Board and it was Transinvest which was given the contract.

Madam Speaker: Last question!

Mr Ramful: Will the hon. Minister be willing to table the Technical and Audit Report before the Assembly?

Mr Bodha: I will refer the matter to the Board of the RDA and come back to the hon. Member.

Madam Speaker: Next question, hon. Quirin!

PAN AFRICAN PARLIAMENT - MALABO PROTOCOL

(No. B/971) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the ratification by Mauritius of the Malabo Protocol of the African Union purporting, *inter alia*, to grant legislative powers to the Pan African Parliament, he will state where matters stand.

Mr Lutchmeenaraidoo: Madam Speaker, a revised protocol relating to the Pan African Parliament was adopted in June 2014 during the 23rd Ordinary Session of the AU Assembly held in Malabo, Equatorial Guinea.

Under this revised protocol, the PAP will be transformed into a Parliamentary Organ of the African Union with distinct legislative responsibilities, in contrast with its current advisory and consultative role. For example, the new protocol will not allow for Parliamentarians to be concurrently members of the National Parliament and the Pan African Parliament.

I am informed that the new provisions of the Malabo Protocol are not yet in place in view of the wide-ranging political, legal and financial implications. As a matter of fact, three years after adoption of the Malabo Protocol, only 16 out of the 55 AU Member States have signed the protocol, and out of these 16 only 5 have ratified same. Mauritius has not signed

the 2014 Protocol though we are supportive of the initiatives of the Pan-African Parliament, as highlighted by our effective participation in its deliberations. For instance, in September 2017, Mauritius received a visit of the PAP Committee on Education, Tourism, Culture and Human Resources.

Mauritius will look further into the matter once the African Union Commission, in consultation with the Pan-African Parliament, comes forward with specific guidelines and the modalities for an effective transformation.

Madam Speaker: Yes, hon. Quirin!

Mr Quirin: Madame la présidente, du fait que seulement 16 Etats ont signé et 5 ont ratifié ce nouveau protocole du Parlement panafricain, il y a clairement une certaine réticence et résistance aussi, je dirais, de la part des différents gouvernements à approuver ce nouveau protocole, malgré, je dirais, un intense lobbying du président du Parlement panafricain lui-même. De ce fait, l'honorable ministre pourrait-il considérer la possibilité, au prochain sommet de l'Union africaine, de soulever toute la question, afin de revoir, si besoin est, ce protocole, ainsi que tout le fonctionnement du Parlement panafricain, dans le but de le rendre beaucoup plus pragmatique et réaliste aux besoins du moment ?

Mr Lutchmeenaraidoo: L'honorable membre a parfaitement raison. S'il y a seulement cinq pays qui ont ratifié, c'est qu'il y a des problèmes ; et des problèmes, parce qu'on nous demande de perdre une partie de notre souveraineté nationale, souveraineté dont on bénéficie, au profit d'une institution. Il est clair, donc, que beaucoup de pays sont entrés dans une phase de réflexion. Maintenant, est-ce que le PAP doit revoir sa stratégie pour ne plus être un organe qui décide, un organe consultatif, est une décision qui repose sur la Commission de l'Union africaine évidemment et sur le PAP.

Nous allons évidemment participer dans les discussions et apporter notre point de vue. Nous pensons personnellement qu'il est prématuré de vouloir, à ce stade, penser que le PAP puisse avoir des pouvoirs exécutifs et que, par exemple, un parlementaire élu dans ce Parlement ne doit pas être élu là-bas.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. I am glad for the clarification of the hon. Minister. May I know from the hon. Minister whether there is anyone within the Ministry that is looking into this file and will prepare a paper that can be presented at the next session? Because this matter is continuously raised at the level of the Pan-African Parliament and we,

as representatives of this Assembly, are having difficulties giving answers as to what is the position of Mauritius officially on this Malabo Convention.

Mr Lutchmeenaraidoo: We are not proactive, in the sense that most of the countries which are having strong reservations are huge countries, powerful countries and, in the process, we are allowing the dialogue to continue between the PAP and the African Commission, and we are going to intervene. My personal point of view, I think that we should not move too fast. I think that we are not in a position now to relegate, to give away part of our sovereignty to an institution which has not well been formed. So, this is my point of view. The Ministry is working on it also. So, I feel that we are a long way off from what PAP wants.

Madam Speaker: Next question, hon. Baboo!

ROAD ACCIDENTS - BUSES & MINIVANS

(No. B/972) **Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to accidents wherein buses and minivans are involved, he will state the number thereof since 2015 to date, indicating the seriousness thereof in each case.

Mr Bodha: Madam Speaker, I am informed by the Police that since 2015 to December 2017, that is, over a period of two years, 944 buses and 1,365 minivans were involved in road accidents. I am also informed by the Police that road accidents are classified in three categories, based on the nature of the injury caused to persons, namely -

- (i) killed;
- (ii) seriously injured, and
- (iii) injured.

Regarding the road accidents involving the 944 buses, there were a total of 34 persons who were killed; 41 seriously injured; in 355 cases, there was injury, and in 514 cases, there were no injury. It is to be pointed out that there has been a substantial decrease in the number of persons killed from 18 in 2015 to six as to date. And as for the 1,365 cases involving minivans, the statistics are as follows -

- a total of 33 people have been killed;
- 54 seriously injured;
- 448 injured, and

- 830, where there was no injury.

Here also, it is to be noted that the number of persons killed is 14 in 2015 and it has been reduced to seven as to date. With your permission, Madam Speaker, I am tabling details thereof.

Mr Baboo: Madam Speaker, can the hon. Minister advise if his Ministry is taking the necessary measures to earmark those deadly areas and if speed limit cameras and speed breakers are being placed at such places for the safety of passengers and pedestrians?

Mr Bodha: Madam Speaker, I have often mentioned the national strategy. In fact, as regards the NTC, we have done a lot, and the number of buses involved in accidents has been reduced dramatically. We are working on those three aspects, that is, the engineering aspect, the road infrastructure and, of course, on education, because I think, at the end of the day, the most important thing is to change the mindset and the culture of driving in Mauritius.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you. Can the hon. Minister consider putting in place a road safety and training and regulations, especially for the bus drivers and conductors, for the safety of bus occupants and pedestrians?

Mr Bodha: We are starting with the NTC. In fact, we have already trained about 200 drivers and we are going to have a National Academy, because today we do not have a system for training of drivers of the bus industry. In fact, what happens today is somebody who has about 10 years of experience takes with him an old bus and drives the bus, and then he goes to the Police and asks for a test and he becomes a driver. Elsewhere, it takes 300 hours to train somebody to be able to be what we call *un chauffeur de poids-lourd*. This is what we are trying to do.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Would the hon. Minister consider introducing legislation so that it becomes mandatory for buses and minibuses to be fixed with a device called speed limiter so that there is a set limit and they cannot speed more than that?

Mr Bodha: We have been using the NTC as a pilot project. All the new buses have a speed limiter. The private companies also have been advised, but I think it is a good idea also to see to it whether we cannot have legislation so that we have a speed limiter in each heavy vehicle.

Madam Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: I come back to one of the main problems I have raised so many times, Madam Speaker. The Minister has been talking and talking, informing us, Budget after Budget, about the state of our roads and the road markings. I think it is going to worst. The Minister will be surprised! He must stay a bit more in Mauritius these days! I am not making any, I would say, demagogy out of it, because I have read so many times - even the previous Government, when I was in the Opposition - that the quality of the road marking is at its worst. So, can the Minister at least have expert advice, to see the quality of paint for those who are putting these roads markings? Especially the interurban buses, the minivans, they are in service outside the limits of the town.

Madam Speaker: Okay, hon. Bhagwan!

Mr Bodha: I appreciate what the hon. Member has said. As I have always said, if we see, for example, the motorway which has been built to Plaisance and the road markings and the road signage, what we have done in Arsenal, and tomorrow I am going to open the Malakoff link road, we are taking care of that. But I totally agree that we have to do something in the intercity, in the areas where these markings have been maybe wiped out after some time.

Madam Speaker: Hon. Baboo!

UTILITY REGULATORY AUTHORITY - EMPLOYEES - RECRUITMENT

(No. B/973) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Utility Regulatory Authority, he will, for the benefit of the House, obtain therefrom, information as to the names of the employees currently working thereat, indicating the procedures followed for the recruitment thereof.

The Ag. Prime Minister: Madam Speaker, sections 14 and 15 of the Utility Regulatory Authority provide that the Director and staff of the Authority shall be appointed by the Board. I am informed by the Utility Regulatory Authority that presently it has five employees, namely -

- (i) Mr Alfred Byigero, a Rwandan citizen who was appointed as Director on 09 October 2017.

In a statement that I made in this House on 24 October 2017, I tabled the CV. The post was advertised internationally on 03 May 2017. It was also posted on LinkedIn and circulated to

several regional Utility Regulatory Associations in Africa. The selection was carried out by the Board of the Utility Regulatory Authority.

- (ii) Mr Suraj Naiko was appointed as the Administrative Officer on 10 May 2017. Mrs Bilkiss Jhingut was appointed as Finance Officer on 23 August 2017, Ms Fadeeah Ameer was appointed as Management Support Officer on 02 October 2017.

The three posts have been advertised on the local Press and posted on the website of my Ministry. The selection was carried by the URA Board. I am tabling a copy of each of the advertisements.

The fifth employee is Mr François Stephane Pather who was appointed as driver/office attendant on 09 October 2017. For this post the Ministry of Labour, Industrial Relations, Employment and Training provided a list of 10 persons who were interviewed by the Board of the Utility Regulatory Authority.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Since the priorities of the Authority are mainly to update the existing legislations and formulation of new regulations for electricity and water, can the hon. Minister ...

(Interruptions)

Madam Speaker: The Ag. Prime Minister!

Mr Baboo: Sorry! Can the hon. Ag. Prime Minister for the benefit of the House inform as to whether the service of any legal firm consultant has been retained so far, and if so, can he submit full details of the same?

The Ag. Prime Minister: The new CEO is fully qualified to work on the regulatory aspects. Probably, the Board will need to contact a firm or even a single counsel to assist it and to give final approval.

Madam Speaker: Hon. Mrs Perraud is not here. Next question, hon. Baboo!

BASIC RETIREMENT PENSION – BENEFICIARIES – PAYMENT

(No. B/975) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Basic Retirement Pension, he will state if

consideration will be given for the use of an application software linking same with the Passport and Immigration Office to allow the computation of relevant information for the purpose of the payment thereof to persons, eligible thereto.

Mr Sinatambou: Madam Speaker, the Basic Retirement Pension is a universal non-contributory pension payable to all citizens of Mauritius who have attained the age of 60, subject to the beneficiary satisfying the following two conditions, namely –

- (i) The claimant should be residing in Mauritius , and
- (ii) The beneficiary should satisfy the appropriate residence qualifications, that is, for a citizen under 70 years of age, he must have resided in Mauritius for at least 12 years in aggregate since his 18th birthday. The second condition does not apply to citizens of Mauritius who are above 70 years of age.

However, a non-citizen is also entitled to the Basic Retirement Pension provided that he has resided in Mauritius for at least 15 years in aggregate since his 40th birthday, 3 of those 15 years being immediately before his claim.

In July 2013, my Ministry solicited the collaboration of the Passport and Immigration Office in order to access their system for a better follow-up of departures and arrivals of beneficiaries so as to curb any overpayment of benefits.

In a letter dated 12 November 2013, the Passport and Immigration Office informed my Ministry that it could not agree to our request to connect to its system. Furthermore, in a meeting held on 12 January 2016, the representative of the Passport and Immigration Office has confirmed that my Ministry's request to access its system cannot be acceded to due to confidentiality and security reasons.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Can the hon. Minister inform the House as to how many days it takes his Ministry to reply to a returning resident for the eligibility to obtain the Basic Retirement Pension?

Mr Sinatambou: I didn't catch the question. I am sorry, Madam.

Mr Baboo: I am asking how much time it takes for the Ministry to reply to a returning resident for the eligibility to obtain the Basic Retirement Pension?

Mr Sinatambou: I don't have the numbers. What I can say, however, is that a beneficiary who has travelled abroad up to a maximum of 6 months, I repeat, a beneficiary who has travelled abroad up to a maximum of 6 consecutive months remains entitled to the Basic Retirement Pension. For those who stay abroad for more than 6 consecutive months, their Basic Retirement Pension is suspended on the seventh month, but same is restored upon their return to Mauritius.

Madam Speaker: Hon. Baboo!

Mr Baboo: I am making a request, if the hon. Minister can help as it is taking a long time for these persons to get their pension. Can the hon. Minister, who was at a certain point of time the Minister of Information and Technology, consider of making use of an application software linking the PIO with the Social Security in order to enable the residents to obtain their Basic Retirement Pension fast?

Madam Speaker: The hon. Minister has just replied!

Mr Sinatambou: I have just replied, Madam Speaker, that the Passport and Immigration Office will not accept a direct linkage with their system.

Madam Speaker: Next question, hon. Baboo!

SOLAR WATER HEATER SCHEME - SUM DISBURSED

(No. B/976) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Solar Water Heater Panel Scheme, he will state the total sum disbursed thereunder, in the current financial year.

Mr Sinatambou: Madam Speaker, I wish to inform the hon. Member that my Ministry is implementing a Solar Water Heater Scheme and not a Solar Water Heater Panel Scheme.

An amount of Rs25 m. has been provided in the financial year 2017-2018, that is, the current financial year for the implementation of the Solar Water Heater Scheme. Specifications for the procurement of solar water heaters are currently being finalised and the tender will be launched for the supply and commissioning of the solar water heaters as soon as the specifications are finalised. The total amount of Rs25 m., Madam Speaker, will be disbursed prior to the closure of the financial year 2017-2018.

Madam Speaker: Yes, hon. Baboo!

Mr Baboo: Madam Speaker, can the hon. Minister inform the House as to how much was spent for this item in the last financial year?

Mr Sinatambou: Madam Speaker, I am afraid that since the hon. Member came up with a question for this current financial year, I don't have any figures for the last financial year. If the hon. Member comes with a substantive question, I will be most happy to inform the House accordingly.

Mr Baboo: Can the hon. Minister confirm that since nothing was spent under this vote at the end of the last financial year, an amount of Rs54 m. had been shifted to DBM?

Mr Sinatambou: As I said, I don't have this information here.

Madam Speaker: Next question, hon. Quirin!

TOUR DE RWANDA - NATIONAL TEAM

(No. B/977) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the cycling, he will state the performances of members of the National Team thereof who participated in the Tour de Rwanda held from 12 to 19 November last, indicating the financial assistance granted by his Ministry thereto, if any.

Mr Toussaint: Madam Speaker, I am informed by the Mauritius Cycling Federation that a team of five cyclists participated in the '*Tour de Rwanda*' from 12 to 19 November 2017 and although the team had a very good start, two cyclists namely, Christopher Lagane and Yannick Lincoln were forced to abandon on account of food poisoning and bike fall, respectively. In spite of this most unfortunate state of affairs the first Mauritian was ranked 25th.

As regards financial assistance, the Mauritius Cycling Federation fully funded participation in the '*Tour de Rwanda*' and did not seek any assistance from my Ministry.

Madam Speaker: Hon. Quirin!

Mr Quirin: Au niveau du ministère de la Jeunesse et des sports même pas un *out-of-the-pocket allowance* a été offert à ces cyclistes?

Mr Toussaint: Il n'y a pas eu de demande, Madame la présidente.

Mr Quirin: Madame la présidente, puisque c'était la sélection nationale qui a participé à ce Tour de Rwanda, l'honorable ministre peut-il nous dire pourquoi le nom **de**

Maurice n'était pas inscrit sur les maillots que les coureurs ont portés pour la compétition ? Je dois aussi préciser, Madame la présidente, cela a été aussi le cas pour le Tour de la Réunion et pour le Tour de Maurice.

Mr Toussaint: Madame la présidente, je n'ai pas ce renseignement puisque la question était par rapport à la performance et l'assistance financière.

Mr Quirin: Madame la présidente, c'est quand même une chose que je considère réellement importante, porter le nom du pays sur le maillot pour le sportif qui participe à l'étranger et, avec la désinvolture que le ministre répond à cette question, je considère que ce n'est pas sportif du tout.

Donc, Madame la présidente, peut-on savoir s'il existe au niveau du ministère de la Jeunesse et des sports une instance qui travaille avec les fédérations concernant les équipements techniques et habits officiels pour les sélections nationales, si tel n'est pas le cas, n'est-il pas temps de mettre sur pied une telle instance ?

Mr Toussaint: Madame la présidente, je prends note de la question et de la proposition de l'honorable membre. Donc, je vais m'en enquérir.

SAMU AMBULANCES - PROCUREMENT

(No. B/978) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to the purchase of five SAMU ambulances, as announced in the 2017-2018 Budget Speech, he will state where matters stand.

Dr. Husnoo: Madam Speaker, I am informed that tenders for the procurement of five new SAMU ambulances, namely the Advanced Cardiac and Resuscitation Life Support Ambulance were launched on 09 October 2017.

At the closing date of 29 November 2017, bids were received from five bidders. The Bid Evaluation Committee has been set up and is expected to submit its report within 15 days. The Letter of Award is expected to be issued by the end of December 2017 to the lowest responsive bidder. Thereafter, negotiation will be undertaken to have the delivery in less than 20 weeks, that is, within the shortest possible delay.

Madam Speaker: Hon. Quirin!

Mr Quirin: Peut-on connaître le nombre d'ambulances du SAMU dont dispose actuellement le service hospitalier et de bien vouloir nous dire où ces ambulances sont basées ?

Dr. Husnoo: Now, we have two types of SAMU ambulances. We have the cardiac ambulances which we are going to order and we have the SAMU ambulances as well. We have five cardiac ambulances now and there is one in each of the regional hospitals, that is, one in Jeetoo Hospital, one in SSRN Hospital, one in Flacq Hospital, one in Jawaharlal Nehru Hospital and one in Victoria. That is the cardiac ambulance, the ordinary SAMU ambulance; we have one in each of the general hospitals and a spare one at the Vagrant Depot which we use in case there is a problem in one of the district hospitals.

Mr Quirin: Est-ce que le ministre peut-il nous dire, Madame la présidente, s'il existe des statistiques sur le nombre de cas que les ambulances du SAMU n'ont pu atteindre ?

Dr. Husnoo: Sorry, that is a different question; I do not have this answer.

Madam Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Ag. 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.

Sir Anerood Jugnauth rose and seconded.

Question put and agreed to.

(4.12 p.m.)

STATEMENT BY MINISTER

PRIMARY SCHOOL ACHIEVEMENT CERTIFICATE – GRADE 7 - ADMISSION

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madam Speaker, with your permission, I propose to make a statement with regard to the new mode of assessment at the end of Grade 6 in 2017, that is, the Primary School Achievement Certificate (PSAC) assessment and admission to Grade 7 in 2018. As the House is aware, results for the first edition of the PSAC assessment have been proclaimed today, 12 December 2017.

Madam Speaker, the PSAC has now become a reality. It is to be recalled that the Nine Year Continuous Basic Education (NYCBE) reforms rest on six fundamental pillars, one of which is the Assessment of Learning. The reforms make space for a range of alternative modes of assessment compared to the high stake testing and examinations that characterised our education system and created undue stress on learners. To reduce the over-emphasis on examinations, while still allowing for the pupil's level of knowledge, skills and achievement to be gauged, a system of modular and school based assessment has been introduced to complement the end of year assessment.

All necessary amendments have been brought to the relevant legislations to provide for the implementation of this new mode of assessment.

Madam Speaker, stakeholders have, over the months, been continuously informed of the implementation of the reforms. Thus, consultations have been held, teachers have been trained and necessary documents/brochures have been published and issued to parents/pupils and teachers. Several workshops/briefing/sensitisation sessions have been conducted for the benefit of heads of schools to enable them to respond to the queries from parents.

The communication campaign has also been done using the media.

Madam Speaker, allow me now to briefly recall the few salient changes that have been brought to the mode of assessment at Grade 6 and the transition to Grade 7.

- (A) **The Primary School Achievement Certificate (PSAC) Assessment** has been introduced as a new mode of assessment at the end of the primary cycle this year. More specifically, the PSAC assessment comprises –
- (a) A **Modular Assessment** in two core subjects namely Science and History/Geography which were held on 29 and 30 August 2017, this with a view to reducing the excessive stress of taking all assessments at the end of Grade 6;
 - (b) A **written assessment** in the remaining core subjects namely Mathematics, English, French and the Optional Languages (Asian Languages, Arabic, Kreol Morisien (KM)) which was conducted from 24 to 27 October 2017. I wish to point out here that it is for the first time that pupils who have opted for Kreol Morisien, sat for the subject at the PSAC, and

- (c) **School-based assessment** in the non-Core Learning area of Communication Skills. Assessment of non-core subjects aims at giving greater recognition to the talents and aptitudes and hence achieving the holistic development of the child. This assessment has been moderated by the MES. Here, the level of competencies attained has been defined as either Basic, Intermediate or Proficient.

(B) Regional mode of admission after Grade 6

Madam Speaker, the NYCBE advocates that all learners move on to Grade 7 through a regional mode of admission based on the following criteria –

- Parental choice;
- Grade aggregate at the PSAC, and
- Proximity of residence to the secondary school.

The criteria for regional admission have remained the same.

No admission post PSAC on a national basis

As for the former 15 ‘National Colleges’, 12 of them have been designated as Academies and will admit students only as from Grade 10 as from year 2021. Admission to these Academies will be done on a national basis. There will be no admission in Grade 7 as from January 2018 in these designated Academies.

However, a notable element to highlight is that with the reforms, all students of the primary schools having sat for the PSAC will move on to Grade 7 in a regional secondary school.

Extended Programme

Pupils not having attained the required level of competencies at the PSAC will be offered the possibility to complete Grades 7 to 9 over four years instead of three. This Extended Programme provides an adapted and flexible curriculum to respond to the special learning needs of the students. Remediation will be in-built and forms an integral part of the Extended Programme.

Every regional school will have, at least, one special class for such learners with around 20 pupils for facilitation of learning.

The Extended Programme adopts a whole school approach with the entire school community offering a supportive school environment and facilitating the smooth adaptation, inclusion and well-being of the students.

Madam Speaker, I am tabling a copy of the Information Pack containing documents and brochures issued to schools, parents and pupils as part of the information and communication campaign.

Madam Speaker, as the House is aware, the results of the first edition of the PSAC Assessment have been proclaimed today. 15,994 school candidates from the Republic of Mauritius took part in the first edition of the PSAC assessment in 2017.

It is to be highlighted that the grading for the PSAC assessment is now based on a six-point numerical system, with Grade 1 being the highest and 6 being the lowest.

The level of competency in the non-core learning areas has been described along 3 point scale namely Proficient, Intermediate and Basic. The results slip indicates results of both core and non-core subjects.

Results of PSAC Assessment 2017

Madam Speaker, I have been informed by the MES that, with regard to the PSAC Assessment 2017, out of the 15,994 school candidates who took part in the PSAC Assessment for the first time in the Republic of Mauritius, 12,427 have met the requirements for the PSAC (that is, have attained the National Qualifications Framework Level 1 requirement), representing a percentage of 77.7%.

Mrs Dookun-Luchoomun: There were 15,199 candidates who took part in the PSAC Assessment 2017 in the Island of Mauritius, out of whom 11,814 have met the PSAC requirements, that is, 77.73%.

As for Rodrigues, 795 candidates sat for the PSAC Assessment and 613 candidates have attained the PSAC requirements, that is, 77.11%.

It is to be noted that all pupils who taken part in the PSAC Assessment 2017 and requested for admission have been allocated a seat in a Regional School in Grade 7. One noteworthy element is that there is no '*no school*' case this year.

With regard to the performance in the ZEP schools, out of 1085 candidates who sat for the PSAC in Mauritius and Rodrigues, 47.83%, that is, 519 candidates have attained the

PSAC requirements, that is, they attained the requirements of Natural Qualifications Framework Level 1.

I am further informed that 39.56% of school candidates have secured a grade aggregate of four units at PSAC Assessment 2017, that is, they have obtained the highest grade – that is, one in at least four core subjects. It is to be highlighted that candidates have generally performed well in the non-core subjects, that is, Communication Skills with competence level reaching as high as 43.41%.

Madam Speaker, the registration exercise in secondary schools has been scheduled for 19 December 2017. It is important for parents to register their wards on that day at the school allocated to them in order to secure their seat. Arrangements will be made for the Zone Directorates to receive protest cases and any requests for transfer. In this connection, a Communiqué will be issued by the Ministry by 19 December 2017 to inform parents of modalities and formalities for the exercise which will be carried out on 20 and 21 December 2017 in the respective zones. All requests will be processed by the MES in line with the criteria for admission elaborated earlier and on the basis of vacancies. Hardship cases will also be examined on a case to case basis.

Some 1150 candidates, around 1018 Mauritius and 70 in Rodrigues, will have the option of a re-assessment in one subject on Thursday 21 December 2017. A remedial programme will be organised from 13 to 20 December 2017 for such candidates opting for re-assessment and results are expected by Friday 29 December 2017.

Madam Speaker, a flagship measure of the reforms remains the introduction of 16 Regional Scholarships exclusively for students attending the regional secondary schools, which are in addition to the National Scholarships. Students of Regional Secondary Schools will thus be eligible for both the regional scholarships and the national scholarships.

Madam Speaker, I am confident that the new cohort of students, who would be transiting to Grade 7 in 2018, will be provided with all the necessary support and resources for enhanced learning experiences and for their holistic development.

I thank you, Madam Speaker.

PUBLIC BILLS

First Reading

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

- (a) *The National Flag (Amendment) Bill (No. XXII of 2017)*
- (b) *The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects Bill (No. XXIII of 2017)*

Deb. No. 30 of 12.12.17

Second Reading

The Higher Education Bill

(No. XX of 2017)

Order for Second Reading read.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madam Speaker, I beg to move that the Higher Education Bill (No. XX of 2017) be read a second time.

This Bill Madam Speaker, have to be seen in the context of one of the overarching enunciations of the Government Programme 2015-2019 which reads thus –

“...transform Mauritius into a truly forward looking, environmentally sustainable, economically vibrant and innovative country with modern infrastructure, global connectivity, high skills and technology.”

It is today universally recognised that higher education is a game changer, a cornerstone for the attainment of sustainable development goals as stated by Mrs Irina Bokova, former Director-General of UNESCO.

Madam Speaker, let me situate the higher education sector within the present day international context. The following evidence based statements tell the story to justify the heavy demand for higher education.

- (i) Individuals with higher levels of education earn more and are more likely than others to be employed;
- (ii) Higher education is an engine of socio economic mobility and is linked to healthier lifestyles.

But this is not the whole story. The knowledge explosion, we are witnessing in our times, has resulted in creating lifelong educational needs of citizens and keeping with knowledge driven global economy.

Again, in some places, the role traditionally played by universities is being re-visited. There is a clearly perceptible shift of focus from the conventional role of universities as transmitters of knowledge to that of providing skills and experiential learning applicable to the real world. This explains the integration of life skills also known as soft skills such as

adaptability, communication, empathy, critical thinking into the higher education programmes. This integration equips learners to be competent, more competent in the dynamic world of work.

In addition, Madam Speaker, the sector across the world is hugely diversified with a proliferation of providers ranging from the public to private ones with the latter encompassing a sway of international branch campuses and international online providers offering learning opportunities in virtual distributed environments.

Madam Speaker, Sir John Daniel, former President and CEO of the Commonwealth of Learning explained this phenomenon thus, and I quote –

‘In most of the world, higher education is mired in a crisis of excess cost inflexibility. The dominant forms of higher education in developed nation campus-based, high cost, limited use of technology seem ill-suited to addressing global education needs of the billions of young people who will require it in the decades ahead.’

This shift, Madam Speaker, has in turn a significant impact on programmes and courses that are now more blended. The shift equal impacts students, their expectations and the way they learn.

Madam Speaker, we are moving from a different set of Conventions. There is now a transition among the student community from the passive student to the active learner. We must not forget, Madam Speaker, this is a plug and play generation raised in a media rich environment of computers, internet and virtual reality and who believe in learning through experimentation, collaboration and interaction. And this generation of learners, Madam Speaker, demands greater accountability. They know that the costs of education are high and it is only legitimate that they expect more lucrative returns on investment whether it is in terms of academic quality or future employability, and the world of higher education has to respond to these clarion calls.

Madam Speaker, I will take on Board one dimension of higher education that is central to its mandate. Higher education is one domain where dissemination of knowledge goes hand in hand with the creation of new knowledge; research is the part of the core business of higher education institutions and the international prospective demonstrates the change in nature of research. The movement is now from disciplinary to inter-disciplinary and from individual back room research of operating as a loner to team research and even

transborder research. Technology today is facilitating their advent of virtual lives, or what we called collaborators.

Madam Speaker, this is the background against which we have to understand the introduction of this Bill in this august Assembly. Our higher education sector has to be modernised, it has to be revamped and, above all, it has to be more responsive to the emerging needs of the country.

Madam Speaker, an overview of the higher education sector in Mauritius reveals that we have, indeed, come a long way from the one higher education institution, the University of Mauritius, present in 1968 to today hosting a sector that is highly diversified encompassing some 55 institutions, public and private, each with its own specificity and allowing a wide enough access to a panoply of programmes.

As the House knows, the Body regulating the sector is the Tertiary Education Commission which, *inter alia*, has the responsibility of an entire gamut of activities including allocating public funds, implementing an overarching regulatory framework, effecting institutional registration, programme accreditation, quality audit and recognition and equivalence of post-secondary qualifications. And, that in itself, does sometimes lead to the possibility of mission drift. If nothing else, Madam Speaker, the risk of conflicting functions in the regulatory monitoring and evaluation roles of the tertiary education calls for a redefinition of these roles and functions.

Madam Speaker, it has been the stated policy of Government to leverage the higher education system as foundational to the national strategy to transform Mauritius into a knowledge-based economy by 2025. This will facilitate and increase participation in the globalised economy which is founded up on upskilling research and innovation as well as competitiveness.

The power of the higher education to boost economy has never been and will never be questioned. It then stands to reason, Madam Speaker, for Mauritius to become a high income country, the following objectives of higher education must be attained –

- generation of knowledge through research;
- knowledge transmission, and
- application of knowledge.

In addition, we must see to it that as the country, poised to become a knowledge hub, will leverage on our capacity to attract highly reputed international higher education

providers as well as international students and thus, posit itself as a *sine qua non* criterion for Mauritius to become a favoured higher education destination.

Madam Speaker, a number of factors speak for us in this regard. One of them is the quality of programmes on offer. Another is the cosmopolitan diversity and hospitality of our population. But, above all, right next door to us on the Continent we have a critical mass of university aged young people seeking to embark on higher education. The youth bulge in Africa is a major potential waiting to be tapped. On this youth rests the responsibility to accelerate and sustain the region's economic growth.

Allow me to refer to some figures to substantiate this point. By 2030, it is projected that the number of youth in Africa will have increased by 42 % while by 2050 Africa will have around 400 million university aged young people, aged between 20 to 29, roughly double the current number. Already, there is a large number of students studying outside of their native countries. This can be explained by a number of reasons including the significant rise of a more affluent middle-class, more supportive Government policies and the improved completion rates of secondary schooling.

So, yes, Madam Speaker, we have the potential to attract a number of learners to our shores and have the country recognised as a knowledge hub for the region at least. But there is a caveat, in this era of competitiveness we should aim at offering top quality higher education which will, no doubt, enhance the employability of students graduating from our system. In the light of the unfortunate experience we have had in the recent past, we need, Madam Speaker, to wise up and ensure that only renowned institutions are allowed to be registered and to offer their services thus, barring access to bogus degree mills.

Madam Speaker, allow me to trace the route that has led to the introduction of this Bill in the House today. The Bill has been subject to a number of consultations and discussions and is well thought through. One fact has stood out all the way, the current regulatory system as conceived several decades ago no longer adequately support the development of the higher education sector. And, further, Mauritius was ranked only 62 out of 146 countries on the Knowledge Economy Index, an economic indicator developed by the World Bank and which measures a country's ability to generate, adopt or defuse knowledge based on four pillars related to the knowledge economy namely –

- economic and institutional regime;
- education and skills;

- information and communication infrastructure, and
- innovative systems.

Hence, our intention, amongst others, Madam Speaker, is to improve on our 62nd position through a coordinated effort with a view to raising the skills and capacities of our people. Accordingly, technical assistance was secured from the European Union to develop a budgeted and implementable Action Plan for the Mauritian Tertiary Education Sector.

Preliminary findings and proposals were presented to the higher education stakeholders during a workshop organised in July 2015. The final report submitted by the consultant in September 2015 proposed major changes in the Higher Education Regulatory Framework with respect to access, registration, accreditation and control of post-secondary education institutions in Mauritius.

It must be highlighted, Madam Speaker, that one basic principle in the report was central to the proposed regulatory change. This principle was to build on what has already been achieved so far thus, keeping as much as possible in continuity while ensuring that our higher education is aligned with international best practices. Hence, the proposal submitted focused on three main areas namely –

- (i) the reconfiguration of the public tertiary education with a view to foster efficiency and focus on national priorities especially in research;
- (ii) gearing the private higher education institutions both local and foreign to focus on socioeconomic requirements of the country and hence, participate in its development, and
- (iii) the enhancement of quality assurance for education and research programmes in order to boost the international recognition and competitiveness of Mauritius in these areas.

Madam Speaker, the House will agree that the proposals from the European Union experts reflect primarily a trajectory collection. Now, Madam Speaker, given the highly specific and legal aspects of this task, my Ministry submitted a request to the Commonwealth Secretariat in early 2016 for a legislative drafting expert. His services were meant for the preparation of the Higher Education Bill that would, *inter alia*, include these main reform proposals.

Following a selection exercise, Dr. Rehman, Crown Counsel and Legislative Drafter in Gibraltar was appointed in June 2016 through the Commonwealth Fund for Technical

Cooperation to draft the Regulatory Framework for the Higher Education Sector in Mauritius. Dr. Rehman undertook a series of consultations with officials of my Ministry as well as diverse stakeholders in the course of two prolonged visits prior to submitting the draft Bill at the end of 2016.

Subsequently, the draft Bill with further amendments proposed by the Ministry was submitted to the State Law Office for local contextualisation. Thereafter, consultations were again held with the representatives of the public as well as private tertiary education institutions. Final legal vetting was sought from the State Law Office prior to securing Cabinet approval. So, here we are now, Madam Speaker, at the final stage of the process and we are all looking forward to an improved higher education landscape as from next year.

Madam Speaker, allow me to introduce to the House the main provisions of the Higher Education Bill. As will have been observed from the Explanatory Memorandum, the Bill provides for the creation of three new bodies along with the repeal of the TEC Act. What we are, in fact, aiming at, Madam Speaker, is the reorientation of the system towards the main policy goals and areas bearing in mind our intention to position Mauritius as a favoured destination for higher education in the region.

We are thus proposing a completely new structure comprising the Higher Education Advisory Council, the Higher Education Commission and the autonomous Quality Assurance Authority.

First and foremost, the Higher Education Advisory Council will be a completely new organ, whose members will have expert knowledge of the sector and come from various spheres of activity, including industry. Their mandate would only be advisory in nature, a sort of *Comité des Sages*. They would be tasked with coming up with recommendations and policy directions for promotion and development of the sector, and this, based on world trends and demands in education.

In a spirit of good governance and given major changes occurring in the higher education landscape, it is high time that the roles and functions of the Tertiary Education Commission be reviewed in accordance with international best practices, as mentioned earlier. The current mandate of the Tertiary Education Commission is extremely wide and may give rise to conflicting functions.

Madam Speaker, let me provide a concrete example of how a conflicting situation may arise. Let us assume that the Tertiary Education Commission has registered an

institution, accredited its programmes, and the institution starts operating. After some time, operational and procedural shortcomings are observed during a quality assurance exercise. This is a situation where the Commission will be called upon to go against decision it had itself initially taken. It is a case of asking the Commission to rap itself on its own knuckles.

Madam Speaker, The D.Y Patil saga is a concrete example of how things went terribly wrong. The proposed structure will accordingly address this major concern. There will be a segregation of roles. The new Quality Assurance Authority will act independently in as far as quality assurance is concerned, while registration of institutions and accreditation of courses will be the responsibility of the Higher Education Commission.

Madam Speaker, this a sure-fire way to see to it that there is much needed complementarity between as well as distinct separation of functions in the governance tools for higher education sector, especially as these will apply to most public and private institutions.

Madam Speaker, let me now come to the provisions of the Bill. Clause 5 makes provision for the establishment of the Higher Education Commission while clauses 6, 7 and 8 redefine the responsibilities of the new Commission. Madam Speaker, I would like to highlight here that most of the functions detailed out in those clauses are already within the mandate of the current Tertiary Education Commission. However, a redefinition of responsibilities implies that new tasks will be attributed for a better monitoring of the sector. As such, clause 6(b) (ii) makes provision for -

“(ii) the rationalisation of teaching programmes in public higher education institutions;”

We are keen on seeing to it that, instead of inter-institutional competition, there is greater complementarity among public higher education institutions. This will also enable the pooling of resources and facilities. One fundamental objective is to ensure the existence of a level playing field and not a league table of institutions that pits one against the other. This will instead promote the emergence of high-profiled public institutions in their respective fields and will equally lead to increase cost efficiency and effectiveness. Clause 7(1) (a) provides for the accreditation of programmes. The staff which was formerly restricted to private institutions will now be extended to programmes offered by public institutions as well. The reasons are obvious, Madam Speaker. We cannot insist upon private providers to

have their programmes duly accredited and not apply this cardinal principle to public providers.

Good governance as well as the principle of equity insists upon fairness and transparency in all dealings of the Higher Education Commission. On a matter of principle, we cannot require that programmes offered by private institutions need to be relevant and current to the requirements of industry and trade, and not apply the same rule to our public institutions. Accordingly, clause 7(1) (f) provides for periodic accreditation audits to be carried out by the Commission of both public and private education institutions. This, Madam Speaker, remains an important tool in ensuring the level and standard of delivery of programmes. We believe this measure will help improve the quality and standard of higher education being imparted in our public higher education institutions.

In view of unfortunate past experiences related to accreditation of professional courses, the Bill makes provision at clause 18(3) for programmes that lead to professional qualification for practice in Mauritius, to be approved by a relevant recognised professional body prior to accreditation being granted by the Commissioner.

Another novelty of this Bill provided for under clause 7(1) (h) relates to the elaboration of a funding mechanism for public higher education institutions. Funding for these is currently only on accounting matter, with no visible return on investment. The Higher Education Bill provides that the Higher Education Commission will set up a funding mechanism that will enhance accountability of our public higher education institutions and will motivate them to improve their performance.

Madam Speaker, we want to establish a correlation between performance and funding. As such, clause 25 empowers the Commission to determine the design of funding mechanisms along with the criteria, conditions and requirements to be met by those institutions. In cases where the Commission finds that institutions fail to satisfy the required standards, it may amend the level of funding whilst ensuring that the rights of students are maintained and their welfare not jeopardised.

The Bill will consequently allow the Higher Education Commission to monitor the performance of public higher education institutions, including measuring their performance against specified outcomes, something not catered for in the current legislation.

Madam Speaker, it would have been a disservice to our higher education sector had we not provided for a framework for the welfare of our students. All educational institutions

shall ensure that their students obtain a holistic education, incorporating soft skills, values, as well as the provision of adequate amenities and facilities. Clause 7(1) (j), clause 8(a) (ii) and clauses 22 to 24 make provision for the welfare of the students.

With the coming into force of this legislation, all institutions will henceforth be required to issue and enforce a code of conduct for students and would also have to provide for their welfare. The Commission shall guide the higher education institutions in that process through the issuance of an appropriate welfare framework and model for the code of conduct for students.

Madam Speaker, true it is that the existing guidelines for students charter for post-secondary educational institutions does require the issuance of code of conduct. So far, this is unfortunate; this requirement has not been met. This legislation now makes it mandatory for institutions to implement same.

Madam Speaker, let me now come to the composition of the Board and its functioning. Let me state at the very outset that, as per clause 9 of the Bill, there is no departure from the manner in which the Board of the Higher Education Commission is to be constituted, as compared to that of the existing Tertiary Education Commission. In addition, to ensure an effective functioning of the Board, clause 10(1) of the Bill provides for a minimum of 10 sittings each year.

Moreover, as per clause 11 of the Bill, the Board shall retain the prerogative to appoint the Chief Executive Officer, who shall be referred to as the Commissioner. Clause 14, Madam Speaker, in addition, provides for the creation of a new post of Registrar, who shall be appointed by the Board.

Madam Speaker, let us now focus on another important aspect of this Bill. This relates to the establishment and registration of foreign higher education institutions in Mauritius. Clause 16(7) (b) (ii) of this Bill now makes it mandatory for overseas institutions intending to set up a centre or branch campus in Mauritius to provide evidence of being approved an accredited institution in accordance with the laws of the country of origin.

Further, subsection 8 of the same Clause stipulates that should a centre or a branch campus intend to operate as a separate entity from the overseas institution, documentary evidence will have to be provided to support the existence of such strong academic linkages between the two.

Madam Speaker, let me now come to a most innovative measure that this Bill heralds. Our public Higher Education Institutions have for too long been restrictive in the provision of quality education within the national frontiers. Now that we are providing them with an enabling environment, it is about time they start thinking big. It is about time they start taking advantage of the current trend of internationalisation of higher education. We want them to manifest an interest in setting up centres or branch campuses as separate entities, but outside Mauritius.

Therein lies the superb opportunity for our higher education institutions to fly high the flag of cross-border education. However, Madam Speaker, such an initiative will have to be in line with the provision of Clause 17 of the Bill whereby they would have to seek prior clearance from the Commissioner.

Madam Speaker, our ambition of becoming a higher income earning country goes hand-in-hand with having a highly skilled and qualified manpower. We sometime face situations where students have to halt their studies for various reasons. Our aim is to provide those students with the possibility of resuming their studies when they are ready for them, and without forgoing the previously acquired units and credits.

The Higher Education Bill, Madam Speaker, provides the right foundation for this to be a reality. Clause 19 of the Bill will accordingly require the Higher Education Commission to develop an issue, a national credit value and transfer system in order to recognise learning achievements to date by awarding credits.

Madam Speaker, the credits awarded under the national credit value and transfer system shall be transferable in such manner as the Commission may determine.

It is worth noting that the current trend in the Higher Education Sector calls for the development of linkages between Higher Education Institutions allowing for possibility of co-awarding of diplomas and degrees. This provision, Madam Speaker, will create the right environment for the promotion of this type of collaboration. Only today, Madam Speaker, the University of Murdoch from Australia had sent representatives in Mauritius because they want to set up minor campuses in Mauritius.

The one to link up with the University of Mauritius was the UTM and with the Mauritius Institute of Education. So, we are already moving towards internationalisation of our higher education sector. Madam Speaker, the current Tertiary Education Commission

legislation has often been termed as unfair as it was perceived as being both judge and party in cases of suspension or revocation of registration and accreditation.

Indeed, the current legislation provides for the Commission itself to decide on the outcome of representations as and when these are made.

The situation will now be remedied through Clause 20 of the Bill which stipulates that the Minister shall appoint an independent panel to look into cases of representations. In addition, Clause 50 of the Bill also provides for an appeal mechanism to enable any person who feels aggrieved by a decision of the Commission or Authority to submit an appeal to the Minister within 21 days of the communication of the decision.

Madam Speaker, we now come to the third body to be created by the new legislation, the Quality Assurance Authority. Quality Assurance, Madam Speaker is of major importance if we are to create an education environment capable of attracting Higher Education Institutions of international repute and positioning our country as a prime Higher Education destination.

However, Madam Speaker, we want to do away with the situation where the Higher Education Commission gets to be seen as being both judge and jury. A separation of powers is fitting to the practice of good governance and besides it is the hallmark of good practice. The argument, Madam Speaker, has been amply summarised by the European Union report I referred to earlier and which goes thus, and I quote -

“Government must strengthen the regulatory framework by means of the creation of a new independent authority covering all types of external quality assurance tools.”

Part 3 of the new legislation, Madam Speaker provides for the establishment, objects and functioning of the Authority. This will ensure that every Higher Education Institution, be it public or private, is subject to regular external quality audits measured against international yardstick for benchmarking of performance. The Bill further provides that the quality audit shall be conducted in collaboration with International Quality Assurance Experts. This, Madam Speaker, is a bold step with far-reaching impact. But let me hasten and to add, Madam Speaker, that this proposal which is in the direction of promoting the quality of a Higher Education has received the widespread support of the private Higher Education Institutions. In fact, several private institutions with the highest number of students have already volunteered to be one among the first on the list of those to be subjected to quality audits.

Madam Speaker, African Leadership College, Rushmore, JSS Academy, Middlesex University are all examples of institutions that have volunteered for such quality audits. The Quality Assurance Authority will be given yet another power, that of monitoring the quality of education of programmes having obtained a status of full accreditation; no such monitoring currently exists.

Coupled with that, Madam Speaker, the Quality Assurance Authority will now have the power of causing an accreditation to lapse immediately the moment the Authority is not satisfied that a Higher Education Institution has maintained the required quality standards expected of it. This applies to both private and public higher education institutions.

Madam Speaker, I said earlier the Tertiary Education Act will be repealed. Let me, however, reassure the House that in line with the transitional provisions at Clause 55 of the Bill, the changes and the innovation being propounded through this Bill will not entail any loss of job or redundancy.

In fact, with regard to the staff presently employed by the Tertiary Education and Commission, the Bill contains transitional provisions for the transfer on no less favourable terms and conditions to either the Higher Education Commission or to the Quality Assurance Authority or redeployment as far as is practicable to another statutory body or retirement on grounds of abolition of office with payments of pension benefits.

Madam Speaker, it also goes without saying that other related Acts will also go through technical amendments consequential to the Bill as spelt out in Clause 54. Madam Speaker, this Bill indicates a departure from what has been there till today. Our Higher Education sector needs not simply guaranty greater success and equity but is also called upon to lay emphasis on quality teaching and research relevant to the world of work. All this becomes possible through institutional diversification and innovation. This Bill provides a framework for effective and efficient functioning of our Higher Education Institutions and for a sound regulation of the higher education system.

We want our Higher Education Sector to stand tall in this part of the world and we are not simply talking of our public tertiary institutions. The tide when it comes lifts all boats, Madam Speaker. Hence, through this Bill we want to ensure that the private Higher Education Institutions too, including those providing trans-national education assist in positioning Mauritius as a major centre of learning. Of course a lot of efforts and willpower

and determination are required. I, for one, am confident and highly optimistic for I know we are on the right track.

We have made our choices as to the type of Higher Education Sector we want to see emerging. This Bill, Madam Speaker, is a major turning point in the evolution of the Higher Education sector and will definitely show the way towards strengthening and modernising the sector while in parallel making of Mauritius a central Knot for Higher Education in the region. I thank you for your kind attention.

Mr Bodha rose and seconded.

Madam Speaker: I suspend the sitting for half an hour.

At 4.58 p.m. the sitting was suspended.

On resuming at 5.33 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Mrs Perraud!

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue): Thank you very much, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I have listened carefully to the Minister and I must admit that the Minister has a very good definition about education, about higher education; what is education and what is higher education. But, Mr Deputy Speaker, Sir, I am afraid that the Higher Education Bill will not at all help to make the Higher Education sector more responsive to the emerging needs of the country.

This Bill is a long awaited one. We have all been waiting for this Bill because of the numerous problems in the Higher Education sector, other challenges, and also because this sector is a very important one. Today, we are talking about the future of this country, about our future. However, Mr Deputy Speaker, Sir, nothing is mentioned about how to modernise the sector; how to introduce new courses to respond to the challenges in the new labour market. Nothing is said on how to improve the quality of education offered in our local universities and in private institutions; nothing on how to promote higher education in Mauritius.

Mr Deputy Speaker, Sir, we would have expected the hon. Minister to bring in front of this House, a Bill which would have given solutions to the numerous problems in the Higher Education sector; solutions on how to reverse the fall in student enrolment because it has fallen by 20% in March 2017 compared to March 2016; solutions to the low morale of the staff, for example, at the UTM. There has been no promotion for academic staff for the last six years and no promotion for non-academic staff for the last nine years. With

demotivated staff, how can we ensure that the public Higher Education Institutions will be able to form part of the best universities in the world? Solutions to the problem of lack of infrastructure or infrastructure which are in very bad state in some higher education institutions! We all remember the PNQ of the hon. Leader of the Opposition on Tuesday 09 May 2017, where the hon. Leader of the Opposition gave a very long and detailed list of shortcomings at UTM.

Donc, M. le président, que contient ce projet de loi? Tout au long de mon discours, je vais démontrer que c'est un projet de loi qui ne répond nullement aux attentes de la population, qui passe totalement à côté, que c'est un projet de loi mal ficelé qui ressemble à une copie, copié collé d'autres projets de loi, par exemple, ce qu'on a en Afrique du Sud et en Australie. C'est un projet de loi qui suscite beaucoup de questions mais qui donne peu de réponses. Vous allez voir le nombre de questions que je vais soulever par rapport à ce projet de loi, par rapport à l'avenir de ce secteur. Ce projet de loi est une grande déception et surtout il est très dangereux. Pourquoi ? Parce que le secteur pourrait favoriser beaucoup de petits copains et de petites copines. Je vais le démontrer au cours de mon discours.

Mr Deputy Speaker, Sir, right at the beginning in the Explanatory Memorandum, we can read at the very first paragraph, I quote –

“The object of this Bill is to repeal the Tertiary Education Commission Act and enact a reformed, modern and appropriate legislative framework so as to ensure better control and regulation of the higher education sector in Mauritius.”

This Bill does repeal the Tertiary Education Commission. However, now it replaces it by three new bodies; three TECS, three Tertiary Education Commissions. The advisory functions to the Higher Education Advisory Council (HEAC), the registration and accreditation functions to Higher Education Commission (HEC), and quality assurance to Quality Assurance Authority (QAA). So, now we have three boards, three Chairpersons, 27 Members, two Chief Executives and many more staff, office space, etc. So, where is the cost-effectiveness of this? How is this new piece of legislation, a modern one as stipulated in the Explanatory Memorandum? What is the importance and rationale behind dissolving one board and now creating two boards and one Advisory Council?

The same objects, functions and powers are enjoyed by the Tertiary Education Commission.

This Bill, as compared to the Tertiary Education Commission Act, is giving way for this Government to give to 32 *petits copains, petites copines* a place on a Board.

Mr Deputy Speaker, what is the reason for a new Bill? Is it to improve quality in the tertiary education sector, but there is hardly anything new in this Bill which will do this? How will the provisions of a new Bill improve quality and ranking of our universities? Except from dividing TEC into three parts, there is nothing new in this Bill. Quality itself is not defined in the Bill. Quality has hundreds of interpretations.

Mr Deputy Speaker, this Bill, the Higher Education Bill, is absolutely not a reformed, modern and appropriate legislative framework as the Minister wants us to believe. Not at all! And I will show it all through my speech.

Mr Deputy Speaker, in the Explanatory Memorandum, part 4, mention is made about registration of institutions whereas in part I – Preliminary, section 2, the definition of “accreditation” relates to accreditation of institution. I think that this is a mistake as there is no accreditation of institution. The Act mentions only accreditation of programmes. This mistake is again confirmed in section 7 (c) at page 6, which mentions, I quote –

“(c) register institutions offering higher education and accredit their programmes;”

An institution is registered and not accredited. The interpretation, therefore, needs to be corrected.

Mr Deputy Speaker, Sir, I am still on ‘Part I – Preliminary’, at page 4. We have a definition of “higher education” which is very narrow. The interpretation is limited only to conferring qualification. The Bill omits completely the very purpose of postdoctoral in the interpretation of higher education. Though postdoctoral does not lead to a qualification, but education is not just about getting qualification. Postdoctoral is considered as a transition faced from a largely supervise-directed student as doctoral level to an independent researcher. With such a limited interpretation, we are afraid that the universities that offering Postdoctoral Fellowship Programme will have to stop their activities.

Mr Deputy Speaker, Sir, another example which shows how vague are the definitions and how this Bill lacks of seriousness is in ‘Part I – Preliminary’, at page 5

“ “recognition”, in relation to an academic or professional qualification, means recognition that the qualification is of an acceptable quality at the specified level and may give access to further studies, employment or profession;”

This is what we can read in the Bill.

But, Mr Deputy Speaker, Sir, what is acceptable quality? Nowhere in the Bill there is a definition of quality. It is subject to interpretation of the one who is interpreting it. Since the words ‘acceptable quality’ are not defined, we can see that we are at the mercy of people who are interpreting this ‘acceptable quality’. This could give rise to situation of lack of transparency, lack of fairness and protection, *encore une fois de petits copains, petites copines*.

Mr Deputy Speaker, Sir, clause 3 of the Bill ‘Application of Act’, at page 5 completely distorts the very definition of equal opportunity. The Minister is being given the power to exempt any institution from the application of this Act. I quote from the Bill –

“The Minister may, by regulations, exempt any institution offering higher education or any programme or qualification of that institution from the application of this Act.”

Mr Deputy Speaker, Sir, isn’t there a risk, a very big risk that *encore une fois, petits copains, petites copines* will be favoured?

The Minister has too wide powers. The Minister has unlimited powers. Mr Deputy Speaker, Sir, does it mean that the Minister can bypass this Act and register any institution or any programme? If it is so, this is very dangerous and this is 100% unacceptable!

Mr Deputy Speaker, Sir, clause 4 on ‘Higher Education Advisory Council’. The purpose of this Council is of no use as its functions overlap with the objects and functions of the Higher Education Commission. We are talking of higher education here. Is it not proper to mention, at least, the minimum qualification required for the 12 Members and the Chairperson?

Mr Deputy Speaker, Sir, are we going to have so much policies and changes in this sector that we need to establish an Advisory Council with a Board of 13 Members? Nothing is mentioned about what should be the quorum and as it is the case of the Board of Higher Education Commission and the Board of Quality Assurance Authority, a very proof of no in-depth thought by the hon. Minister.

Mr Deputy Speaker, Sir, concerning Part II of the Bill - High Education Commission; Sub-Part B – Objects, Functions and Powers of Commission, one of the objects of the Commission is to ensure, I quote –

“ (i) the availability of adequate human resources, physical infrastructure and other material resources;”

Mr Deputy Speaker, Sir, for the Higher Education Advisory Council to be able to do the above, it needs to be mentioned in the section ‘Functions of the Commission’ or maybe in the section ‘Powers of Commission’. In other words, it means that the Commission must ensure the availability of adequate human resources, physical infrastructure and other material resources, but the Act does not empower the Commission to do that, therefore, there is no coherence.

Mr Deputy Speaker, Sir, at page 6, clause 6 subsection b (ii), we can read that the Higher Education Commission will ensure, I quote –

“ (ii) the rationalisation of teaching programmes in public higher education institutions;”

Does that mean that the Higher Education Commission can now tell any university not to offer a particular programme? Does this mean that the Act of each existing public university will be subject to amendments? Does this mean the existing public universities will now not offer similar programmes of study and, if so, how the transition will be carried out?

Mr Deputy Speaker, Sir, in the wrap-up session of the Minister, we hope to know more about one particular object of the commission which is quite singular, section 6 (g) which is –

“support the development of cultural life.”

The questions we asked ourselves are: will Higher Education Commission look after culture in Mauritius? What will be the role of the Ministry of Arts and Culture?

Mr Deputy Speaker, Sir, regarding clause 7 (b) of the Bill –

“7. Functions of Commission –

(b) determine applications for the establishment and registration of institutions offering higher education.”

However, there is no policy for establishment in this Bill. Not a single line on establishment of higher institutions. Furthermore, we would like the Minister to clarify the difference between the functions of the Mauritius Qualification Authority (MQA) with respect to recognition or equivalence of qualification and that of Higher Education Commission (HEC) because at clause 7 (e) we can read that the function of a Commission is to –

“determine the recognition and equivalence of academic or professional qualifications in higher education obtained in or outside Mauritius.”

So, is it not a duplication of task? What happens if the Higher Education Advisory Council and the Mauritius Qualification Authority come up with different results for equivalent for the same qualification?

Mr Deputy Speaker, another function of the Commission which draws our attention is at clause 7 (f), the function of the Commission is to –

“undertake periodic accreditation audits of higher education institutions.”

I have asked professionals in the higher education sector about this accreditation of audits. They are all unanimous, accreditation audit does not exist. Accreditation of programme, yes! Not accreditation of audit! So, we hope that in her summing-up, the Minister will enlighten the House about this clause 7 (f), as to what does this accreditation audit mean.

Mr Deputy Speaker, the clause 8 - Powers of Commission clearly demonstrates that there will be no transparency with regard to discharge of the Commission’s functions. This clause clearly demonstrates that the higher education institution will not be treated with the same conditions and as such no equal opportunities for the institutions to provide their services. In other words, this clause will help in protecting once again *petits copains, petites copines*.

Now, clause 9 of the Bill, Mr Deputy Speaker, Sir - Board of Higher Education Commission. This clause, Mr Deputy Speaker, Sir, shows clearly how *petits copains, petites copines* will be favoured. How there is too much political interference, no independence and too much power of the Prime Minister and the Minister because, Mr Deputy Speaker, Sir, I quote –

“(a) a chairperson, to be appointed by the Prime Minister after consultation with the Minister, and

(b) 8 other members, to be appointed by the Prime Minister.”

Mr Deputy Speaker, Sir, we know that this Government has always used its position and power to place *petits copains, petites copines*. We have a very long list, no need for me to talk about it now. But, Mr Deputy Speaker, Sir, can we have a Higher Education Commission composed of *petits copains, petites copines*, a Higher Education Commission which will be *téleguider* by the Prime Minister or the Minister? We all know how this sector is important for our future generation. We know that the higher education sector needs to be redefined, to be revamped, to be modernised and an independent Higher Education Commission will definitely help. We need a Higher Education Commission with people who have a vision, who can act independently, who can take bold decisions.

Furthermore, Mr Deputy Speaker, Sir, this clause demonstrates how the Board, with the approval of the Minister, is going to decide on their fees. The same applies to the member of the Board of Quality Assurance Authority.

Mr Deputy Speaker, Sir, at clause 14 - Registrar of Commission. The functions and powers of the Registrar of Commission are not defined in the Bill. What will happen to the Secretary of Tertiary Education Commission who has similar functions?

At clause 15 - Establishment of higher education institutions, subsection (6), I quote –

“Where the Commissioner grants an application under subsection (4), he shall, on such terms and conditions as he may determine, register that institution as an approved higher education institution.”

And at clause 16 (6), I quote –

“Where the Commissioner grants an application under subsection (4), he shall, on such terms and conditions as he may determine, register that institution as a higher education institution.”

Mr Deputy Speaker, Sir, both clauses are very similar, and also it sounds as if the institution is downgraded from approved higher education to simply higher education. Could the Minister clarify this clause during her summing-up? Under both clauses, the applicant is required to pay non-refundable fees. It is good to note that as per clause 12 (a) of the Tertiary Education Commission Act, there is no mention of any fees to be paid during an application, whether for establishment or registration.

Furthermore, Mr Deputy Speaker, Sir, the way the provisions are set under these two clauses, it is again another clear indication of protecting *petits copains et petites copines*. There is no standardised application form and the terms and conditions of any grant...

(Interruptions)

The Deputy Speaker: Order!

Mrs Perraud: *C'est bien que vous le retenez !* There is no standardised application form and the terms and conditions for any grant of applications will be determined solely by the Commissioner.

Mr Deputy Speaker, Sir, at clause 16 (4), full power is being provided to the Commissioner to grant or reject an application. A Commissioner shall have no right to vote on any matter before the Board as per clause 11 (5) at page 9.

Mr Deputy Speaker, Sir, we are also informed that the Commission will reply to the institution within five days that the decision is reached. But they do not mention how many days it will take to reach that decision. Previously, a reply was communicated within 14 days for application, for establishment and within 42 days for accreditation. Why has this changed?

A time frame needs to be imposed on the Commission, else the institution shall be penalised.

Mr Deputy Speaker, Sir, at clause 18, we can read -

“(1) No higher education institution shall offer any programme unless that programme is accredited by the Commission.

(3) The Commission shall not accredit any programme that leads to a professional qualification for practice in Mauritius unless the relevant recognised professional body gives its approval.”

Mr Deputy Speaker, Sir, will the Commission have people who are competent in all fields to accredit all programmes? There are thousands of fields of studies ranging from (a) Accounting to (z) Zoology. Will the Commission have experts in each of these fields? Suppose that they recruit 1,000 persons tomorrow, one in each field, would we rely on the advice of one expert to accredit a programme?

Today, as it is, the Tertiary Education Commission does not have sufficient staff. Therefore, the Tertiary Education Commission enlists the services of local experts to accredit programmes of private providers. Now this new Commission will accredit programmes of all tertiary education institutions, including public universities!

Now, I ask this question: who will accredit the programme of the University of Technology of Mauritius? People from the University of Mauritius? They are competitors. This will lead to conflict of interest. So, can the hon. Minister enlighten the House on how the accreditation will be done?

Mr Deputy Speaker, Sir, another important question is how we will recruit the panel of experts who will sit to accredit the programmes. What will be their qualifications? Who will recruit these panel members? Do we have experts at the Tertiary Education Commission who can judge the profile of someone claiming to be an expert in nanotechnology or econometrics?

So, Mr Deputy Speaker, Sir, at the beginning itself, the system is not transparent, that is, the system of recruitment of experts who will accredit the programmes is not transparent. What can we, therefore, expect from the accreditation process itself?

Furthermore, Mr Deputy Speaker, Sir, what will happen to the 500 or so programmes already being run at public universities, but which are not accredited by the Technical Education Commission? How much time will the Technical Education Commission or the Higher Education Advisory Commission require to accredit those courses? Will the courses become illegal and accredited overnight?

Mr Deputy Speaker, Sir, clause 20, Suspension or revocation, subsection (3) (a), we can read from the Bill –

“The Minister shall appoint an independent panel to consider any representations made under subsection (2).”

Mr Deputy Speaker, Sir, how can a panel set up by a Minister be independent? They cannot surely be local people, as this will give rise to conflict of interest and, therefore, no independence. If they are from overseas, how will they be recruited? Friends? Advert in the Press? How much will they be paid?

Madam Speaker, is this not a means to eliminate those that we do not want to see?

(Interruptions)

Thank you very much, Rt hon. Minister Mentor.

(Interruptions)

Toujours!

The Deputy Speaker: Order!

Mrs Perraud: Mr Deputy Speaker, Sir, at clause 22, the Bill provides that, and I quote -

“Every higher education institution wishing to enrol students, including international students, shall comply with such terms and conditions as may be prescribed.”

May we know what are these terms and conditions? Who will decide these terms and conditions? We cannot have such vague statements in a piece of legislation. This is not clear.

Mr Deputy Speaker, Sir, remember that, based on terms and conditions as the one stated in this Bill, Einstein was refused a seat in a university, and we are repeating the same mistake by voting this Bill.

Mr Deputy Speaker, Sir, I have made a long speech, but there is so much to say about this Higher Education Bill, and I could continue page by page, going through each clause, continue with *petits copains, petites copines...*

(Interruptions)

I know other hon. Members of this House will give an in-depth analysis of the other parts of the Bill.

Mr Deputy Speaker, Sir, to conclude, we can say that this Bill is a piece of legislation where the hon. Minister has unlimited powers, powers to interfere in any academic matter through the Higher Education Commission (HEC) or the Quality Assurance Authority (QAA). The Bill does not provide sufficient safeguards for the legal, administrative and financial independence of the Higher Education Commission and the Quality Assurance Authority. All members, including the Chairperson, are appointed by the Prime Minister or the Minister.

Mr Deputy Speaker, Sir, there is no provision for the promotion of higher education in Mauritius, making it an international destination for higher education; no provision for increasing access, that is, number and level of students; widening access, number and level of programmes; no provision for recognition of prior learning.

Mr Deputy Speaker, Sir, this Bill is not to the expectations of the professionals and the students of the higher education sector. There is need for a full public debate on this Bill. But, unfortunately, consultation on the Bill was made in a one-hour PowerPoint presentation, this is what I was told, just for the sake of saying that there was consultation.

Le mot de la fin. Les membres du gouvernement tenteront de comparer la situation actuelle avec celle qui prévalait dans le passé. Les membres du gouvernement viendront avec un ou des arguments tant de fois ressassés, que le PMSD était au pouvoir ensemble avec le Parti travailliste.

(Interruptions)

The Deputy Speaker: Order!

Mrs Perraud: Alors, si l'envie vous prend, je vous dirai ceci. On a voté *l'Alliance Lepep* pour faire mieux et pas pour participer dans une compétition du plus mauvais gouvernement. Peu importe...

(Interruptions)

Pardon ?

(Interruptions)

Non, pas pour être complice des frasques comme le PMSD ; sortir avec courage comme le PMSD.

(Interruptions)

The Deputy Speaker: Order!

Mrs Perraud: Alors, peu importe les arguments pour valoriser ce projet, il reste que c'est un projet de loi très mal ficelé et dont le contenu laisse largement à désirer.

Merci beaucoup pour votre attention.

The Deputy Speaker: Hon. Sawmynaden!

(6.08 p.m.)

The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden): *Mr Deputy Speaker, Sir,* je voudrais avant tout féliciter la ministre de l'Éducation responsable de l'éducation tertiaire à Maurice pour avoir eu la volonté et le courage de venir de l'avant avec une nouvelle loi de l'enseignement supérieur. Comme vous

le savez, la ministre a engagé une grande réforme dans le secteur éducatif et le *Higher Education Bill* est un élément important de cette réforme.

M. le président, la semaine dernière j'ai passé la *Data Protection Bill*. On a parlé avec beaucoup de nostalgie de l'alliance MSM-MMM. On se souvient qu'au début des années 2000, sous l'impulsion de Sir Anerood Jugnauth, l'éducation secondaire avait pris un tournant décisif grâce à la construction de pas moins de 36 nouveaux collèges afin de permettre à 17,000 enfants mauriciens d'avoir une place et, ainsi, de continuer leurs études secondaires.

Mais malheureusement, M. le président, le gouvernement Travailleiste-PMSD a tout écrasé en 2005, de par leur arrogance. Mais le grand perdant ont été les jeunes de ce pays. Ces jeunes enfants qui malheureusement ont été écrasés aussi dans l'arrogance du Parti Travailleiste et le PMSD.

Mais, en général, apporter des réformes dans le domaine de l'éducation à Maurice n'est jamais une mince affaire. Rappelons-nous que pendant plusieurs décennies, de multiples gouvernements et ministres se sont succédés mais personne n'avait pu ou n'avait voulu mettre fin au *CPE*.

Ce gouvernement, avec Pravind Jugnauth comme Premier ministre et madame Leela-Devi Dhookun-Luchoomun comme ministre de l'Éducation, ont mis fin au cauchemar à nos jeunes aujourd'hui.

Le *CPE* était devenu trop éliminatoire et créait trop d'inégalité. L'honorable Madame Perraud a parlé d'Einstein, combien d'Einstein on a assassiné dans ce pays ? Combien d'enfants, à l'âge de 11 ans ont vu leur avenir brisé complètement ? Mais le même Einstein, à 21 ans, était devenu un des plus grands physiciens de notre époque.

Dans le contexte mauricien, il a fallu du courage pour oser s'attaquer au *CPE* et c'est doté du même courage qu'aujourd'hui, ma voisine au sein de l'hémicycle et ma colistière dans la circonscription numéro 8, vient de l'avant avec cette nouvelle loi.

Je conçois facilement que c'est avec un grand soulagement que des milliers d'étudiants et leurs parents vont prendre connaissance des clauses et provisions de ce texte de loi si important.

M. le président, ce texte de loi est un bol d'air frais pour ceux et celles qui ont été traumatisés par les dérives au sein de l'éducation tertiaire. Je parle là, vous l'aurez facilement deviné, de ces drames humains occasionnés par l'ancien régime.

On se rappelle encore du célèbre slogan de l'Alliance Parti Travailleuse/PMSD : « *One graduate per family !!!* »

Gros slogan !

L'idée, séduisante pour certains, était bâtie sur une supposition fautive, comme quoi l'important dans la vie est d'être diplômé et non pas d'avoir des compétences et des connaissances.

Cela a provoqué une course malsaine pour la mise en place d'usines à diplômes sans penser à la qualité. Monsieur Jeetah et sa famille avaient fait de l'éducation tertiaire un terrain de chasse, que dis-je, un business très lucratif, n'ayons pas peur des mots, très familial.

A cette époque, on voyait régulièrement sortir de terre ce qu'on allait appeler plus tard des 'universités marron', comme l'anglais le dit si bien, des *bogus universities* !

Suivant une campagne de marketing pour le moins agressive, des milliers de parents avaient pris des emprunts, s'étaient endettés à hauteur de centaines de milliers de roupies, ceci principalement parce qu'on leur avait vendu du rêve. Un rêve qui a viré au cauchemar lorsque leurs enfants sont demeurés à la maison avec un diplôme non-reconnu, qui plus est, chômeur.

Permettez-moi de vous citer les noms de certaines de ces universités qui, sous le gouvernement Parti Travailleuse/PMSD, avaient défrayé la chronique dans un passé pas si lointain : EIILM University de Jeetah, le DY Patil Medical College géré, comme nous le savons tous, par l'époux de la ministre Sheila Bappoo, la GSS Academy, et maintenant l'honorable Madame Perraud vient parler de petits copains/petites copines. Qui a joué avec l'avenir de nos enfants ? Qui était au gouvernement à cette époque ? J'espère que les Quatrebornais, qui ont été bernés, vous donneront la réplique bientôt.

Des institutions aux noms ronflants et exotiques qui attiraient des centaines de jeunes Mauriciens mais aussi, M. le président, des jeunes étrangers. Ces derniers, pour la plupart des ressortissants indiens, s'étaient rapidement retrouvés en détresse à Maurice. On avait même frisé l'incident diplomatique. Tout cela à cause de l'irresponsabilité de l'ancien gouvernement qui, au lieu de protéger ces étudiants, les avaient tout simplement arnaqués !

M. le président, il faut savoir qu'à cette époque, les chiffres officiels, les étudiants étrangers provenaient de 60 pays différents. La majorité était issue de pays africains comme le Malawi, le Nigeria ou encore l'Afrique du Sud. Mais le pays qui envoyait le plus d'étudiants à Maurice était l'Inde, avec 200 étudiants inscrits.

Imaginez les dégâts que ces 'universités marron' ont pu causer à l'image de Maurice ! Le monde entier avait les yeux tournés vers nous. Tout cela à cause de l'amateurisme du gouvernement Travailleiste/PMSD, qu'ils soient ministres ou responsables des institutions régulatrices. Qui était à la tête de ces institutions ? Pas les petits copains/petites copines du Parti Travailleiste/PMSD ?

M. le président, l'éducation n'est pas un produit. Elle ne doit pas avoir de valeur mercantile. L'éducation est à la base du développement d'un pays. Elle ne doit pas être un jouet aux mains de personnes mal intentionnées ou aimant trop les gains financiers.

M. le président, let me now come to what should have been the main motive behind the regulation of tertiary education. In a concept paper on Internationalisation of Tertiary Education in Mauritius written by Professor Goolam Mohamedbhai in 2011, the former Vice-Chancellor of the University of Mauritius said that, I quote –

“the main strategies to be used are strengthening the existing public tertiary education institutions, attracting foreign students, and encouraging the setting up of local private universities and branch campuses of internationally renowned universities. Subsequently, in its 2007-2011 Strategic Plan, the Tertiary Education Commission mentions its mission as to ‘position Mauritius in the Region as a world-class Knowledge Hub and the gateway for post-secondary education.’ Internationalisation of tertiary education is therefore a key economic development strategy for Mauritius.”

M. le président, il ne fait point de doute qu'armer de cette nouvelle loi, le secteur de l'enseignement supérieur possède un potentiel énorme. Celui de faire de Maurice un *knowledge-hub*, avec l'arrivée d'étudiants étrangers qui contribueront à leur manière à l'économie du pays. De ce fait, l'introduction de ce *Higher Education Bill* est en ligne avec la Vision 2030 de développer Maurice en tant qu'un *education hub*.

M. le président, allow me now to go to the gist of the new law. First of all, we are creating a Higher Education Advisory Council which shall advise the Government on policies for the effective direction, promotion and development of higher education in Mauritius.

This council will consist of people having, as the Bill states –

“wide experience in higher education, legal, administrative, economic, financial, engineering, scientific or technical matters.”

This is particularly important because, as we all know, the “tech era” in which we are living today has seen emerging technologies becoming the driving force behind business. Our own lifestyle has been subjected to this transformation too.

In this new world, automated systems, artificial intelligence and robots are essential. But these systems need to be built by skilled people including hardware and software engineers.

We should remember that when the IVTB’s were revamped notably by Sir Anerood Jugnauth on the Singaporean model, the focus was to train technicians, those who would accompany the booming textile and tourism industries in the 80’s.

However, you will agree with me, these trainees have been suffering from a lack of recognition because the Labour and the PMSD Government did not believe in that concept. They sold the dream of a degree and no job at the end, instead of getting technicians trained where they could have found a much better job.

This new law will help us to re-focus on the importance of having more valuable training in the fields of engineering, mechanics and any other technical subject.

In the near future, the country will need more and more such people and it is now necessary to invest in and promote STEM subjects: Science, Technology, Engineering and Maths. This is an area where the contribution of the Higher Education Advisory Council can be fundamental in the shaping up of our future Mauritius.

Mr Deputy Speaker, Sir, for too many years, we have been suffering from a mismatch in Mauritius. Our universities are producing too little of what the industry really needs. We now have our fair share of doctors, barristers and managers.

This Council shall therefore look at and understand the latest trends to anticipate our future needs and help us decide on the best fields to embrace and novel strategies to adopt. It is a matter of utmost necessity and, dare I say, urgency for Mauritius.

Mr Deputy Speaker, Sir, in the past, we have had too many “*universités marron*” and we all agree that this should not happen again. We therefore, need to have in Mauritius the Higher Education Commission whose role would be to monitor and oversee everything which

is happening in the higher education sector and, most importantly, be responsible for the registration and accreditation of higher education institutions based in Mauritius.

The Commission will make sure that no institution uses the word "academy" or "polytechnic" or "university", among others, in their name, except if they satisfy stringent requirements. We believe that this is in the best interest of the Mauritian population.

Mr Deputy Speaker, Sir, allow me now to mention something very important for our adult population: lifelong learning. The Government understands that it is high time to introduce a National Credit Value and Transfer System in Mauritius, managed by the same Higher Education Commission.

The idea is to recognise qualifications already earned by people and units already followed by them and to award them with credits accordingly. The credits shall then be transferable, for example, when someone joins a tertiary institution for the first time. Consequently, this will allow that person to clear some modules and exams automatically.

Coupled with the fact that we expect the quality of our tertiary institutions to become better in the coming years, we can foresee a lot of our citizens becoming graduates but with real skills and knowledge and, consequently, they will be very valuable and employable by our companies.

Mr Deputy Speaker, Sir, I have just mentioned the word 'quality', and we all have to agree that a tertiary institution which does not provide quality teaching and learning does not have the moral right to exist. This is why I am happy to see that the Bill also introduces a Quality Assurance Authority whose role will be to promote and maintain quality and standards within our tertiary institutions.

Personnel of this Authority will carry out regular quality audits in our universities to make sure that they have adequate quality assurance systems and abide by quality standards.

The objective, of course, is to make sure that our tertiary institutions become better in the long run. At this moment, none of our local universities appear in the QS World University Rankings 2018 for the top 1,000 universities in the world. This needs to change.

Mr Deputy Speaker, Sir, this new Higher Education Act, which will repeal the Tertiary Education Commission Act, creates three entities with very well-defined and distinct roles -

- a Higher Education Advisory Council to advise on latest trends and fields;
- a Higher Education Commission to oversee and monitor everything in the tertiary sector on a day-to-day basis, and
- a Quality Assurance Authority with the power to do regular quality audits in any tertiary institution operating in Mauritius.

Coming up with this Bill and setting up these entities is a bold move, and I am very appreciative of hon. Mrs Leela Devi Dookun-Luchoomun, Minister of Education and Human Resources, Tertiary Education and Scientific Research for demonstrating such courage. She is revolutionising the education sector and she is building the future of Mauritius. She has been able to do so, first of all, because she is a parent, and also an Educator. Mr Deputy Speaker, Sir, when I joined the *Collège du Saint Esprit* in 1987, and when I was in Form 1, the first teacher I met who had a major impact on my educational life, and today happens to be my *colistière* was hon. Mrs Leela Devi Dookun-Luchoomun.

I was very lucky to have her as Educator and just as she influenced me positively, tomorrow all the students of Mauritius shall benefit from the good work she is doing. When you believe in what you are doing, when you think that you are on a mission, there is no need to fear. *Nou pas peur, nou foncer*. Because as a parent, you always think what is best for your children. After eliminating CPE in Mauritius, which was destroying countless of our “Einsteins”, now she is eliminating “*les universités marron*”. Mauritius is a wonderful country, but we need to make sure that, whatever we do, result in long-term benefits for the country as well for its people.

Mr Deputy Speaker, Sir, the Government is investing massively in the core enablers to transform Mauritius into an inclusive high-income country by 2030. These enablers are, of course, good governance, innovation and massive fixed capital investment as seen in our “Metro Express” initiative.

But one thing I have learnt at the Ministry of Technology, Communication and Innovation is that –

“It is neither a question of software, nor hardware, but it is always about peopleware!”

Investing in Human Capital Development is a key to transforming Mauritius.

Allow me, Mr Deputy Speaker, Sir, to conclude by, once again, showing my appreciation to both hon. Mrs Leela Devi Dookun-Luchoomun and the Prime Minister, hon. Pravind Jugnauth, for their vision and ability to translate the vision into concrete actions.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Baloomoody!

(6.27 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. In fact, what we are doing today, Mr Deputy Speaker, Sir, is that we are repealing the Tertiary Education Commission (TEC) Act and replacing it by the Higher Education Bill. It is good that after 30 years of TEC that we have a new look at the institution with regard to our higher education.

But it is good also to remember, when the TEC Bill was introduced in the House in 1988, there was, prior to the introduction of that Bill, a wide range of consultation and, most importantly, a White Paper on the reform of Tertiary Education which was circulated amongst stakeholders. There was consultation with all the Tertiary Education at that time. There was the 1985 Report of the Panel on Tertiary Education, chaired by the then Honourable Mr Justice Glover, whose report was reconsidered in the then report of the visitor of the University.

So, there were wide consultations and it took time. After such wide consultations, the TEC Bill was introduced taking into account both the proposals of the Visitor's report and that of Mr Justice Glover.

So, there were, what I am trying to get at, wide consultations among the stakeholders. What are we doing now with such an important Bill? We only received the Bill last Saturday; it became official and after a week, now we are debating. According to my information, there has been only one consultation with the stakeholders and it was a PowerPoint presentation, same like we had with the Nine-Year Schooling Programme. There was not even a debate. There was a PowerPoint presentation to MPs and the Nine-Year Schooling was rushing in the Finance Bill. Not even a debate! And today the Minister made a long speech at announcement time. I thought she was reading the Second Reading of the Nine-Year Schooling Bill. So, one meeting, no consultation with the stakeholders and we are rushing the Bill today. What is the rush? Why that rush?

Today, we have been informed by the hon. Minister that there was a report and following that report, a QC was appointed from, I think, Australia, to draft the Bill; from the Commonwealth to draft the bill. Why this report was not made public? It has not been circulated.

(Interruptions)

Workshop, no! Each hon. Member of the National Assembly, at least, should have a copy of that report like the Glover Report was circulated to all MPs. When you look at the debates in 1998, the then Leader of the Opposition, late hon. Prem Nababsing made certain reference to that report because it was made public, and we could have contributed in the debate today by knowing what there is in that report. Probably, the hon. Minister should tell us whether all that was mentioned in the report is incorporated in the Bill, and if it is not, why not? So, today we are debating only on that Bill.

As we are aware, Mr Deputy Speaker, Sir, the Tertiary sector is an important part of our economy, not just preparing workers and citizens, but also providing research and intellectual leadership in so many fields. Students are at the heart of any strong and effective tertiary education system. It is their commitment, their choices and their outcomes that will drive any benefit that we, as a country, can gain from our investment in tertiary education. The University, you will agree, Mr Deputy Speaker, Sir, today is no longer a quiet place to teach and do scholarly work. It is, in fact, a big complex demanding and competitive business.

Tertiary Education plays a very important role in the development of a country through a development of graduates; their research, their intellectual linkage and their relationship with different communities of interest. Tertiary education, research and innovation play a crucial role in supporting social cohesion, economic growth and global competitiveness. At the same time, an increased demand for skills and competence requires our tertiary education to respond in new ways. We have to ensure that providers of tertiary education are relevant and responsive education for their students and one that meets the needs of the labour market through relevant responsive and supportive teaching.

The issue of graduates unemployment, unfortunately, Mr Deputy Speaker, Sir, in this country, leads to a waste of human resources.

Unemployment and social vices thus create a threat to the stability of the nation, let alone the social costs to both the nation, and, more particularly, to the family involved who

had invested a lot, borrowed money, sent their kids to further education and to end up unemployed.

So, this Bill, upon which we are debating, is a wide consequence which will affect generations and generations to come. This is why we believe there should have been a national debate, a workshop where all the stakeholders, the public and the private sectors, will have had an opportunity to contribute to the new legislation. In fact, it was done in Mauritius in 1998 and this is how it has been done recently in Australia, New Zealand, Canada, Singapore amongst others. There have been debates, workshops before coming to a Bill for Higher Education. Even recently in the UK, on 27 April of this year, the UK approved a Higher Education and Research Bill after one year of debating. It was introduced in the House on the 19 May 2016. That Bill, what they call in UK, did a Ping-Pong between the House of Commons and the House of Lords, and it was such an important Bill that it was debated nearly one year in both Houses. Do you know with how many amendments it was approved? 700 amendments! So, you see the seriousness of having a serious debate with regard to such a Bill which will have affect generation and generation to come.

Now when we say we want Mauritius to be the hub of higher education; we should have started by doing an audit of our tertiary education sector. Why are there so many institutions which are offering courses which lead to our young graduates unemployed? This is what we should have done! Why is it that - the Mauritian Universities - the University of Mauritius is ranked 2564th in the world; the UTM is ranked 10778th? This is our ranking. The University of Mascareignes, 14188th! And the MIE, which we voted the Bill just to make it a university, is 16003rd. This is our rank at international level. Without coming with a White Paper on our Tertiary Education, without having a debate, we don't know exactly what is the policy of Government with regard to Tertiary Education? How are we going to encourage respectable foreign institutions to come to Mauritius? Are we aiming to degree which will lead to employability? My friend, the hon. Minister of ICT said: “The policy of the previous Government was to have *a gradué dans chaque maison, dans chaque foyer*”. But this is not a wrong principle. We all want our children to be graduated. We all aim for better education to our children, but it should be *gradué* who will be employed. The employability of the graduate is more important.

This is why we should have done an audit on our tertiary system. I am going to show that this law, what we are doing today, is no better. If TEC has failed, if we have had such bogus universities in Mauritius it is because there was a problem with TEC, and I will come

with that later, and we are repeating the same, and, in fact, doing worse. The power of the Minister!

So, coming to the Bill, itself, what are we doing? We are doing away with TEC, but, on the other hand, we are creating three institutions -

- (1) the Higher Education Advisory Council, an institution which will have his own staff, his own members, 11 members and all the expenses.
- (2) The Higher Education Commission, another institution, and
- (3) The Quality Assurance Authority, with its own members, own staff, own directors and personnel.

We are having all these three institutions, but at the end of the day, do you know, Mr Deputy Speaker, Sir, with these three institutions we are supposed to be manned by professionals in their Board, nominated by the Prime Minister? Regarding certain institutions, their qualification is mentioned, what should be their qualification or experience. In the first one, there is no mention about what should be their qualification or experience. But, after having all these three institutions, at the end of the day, all the power lies with the Minister.

We will see! You will be surprised! Concerning the application of this Act itself, can you tell us why after having gone through Parliament, pass a Bill, have debates, name professionals - I am assuming that they are going to name professionals, *not copains, copines* – and at the end of the day, the Minister can come by a regulation and exempt institutions offering higher education? Why should a Minister have such a power to exempt an institution from the application of this Act? And this, we know, can lead to abuse. I am not trying to be personal, it is an important Bill, it concerns education, we should not do politics out of it, but it can lead to abuse. We have seen in the past. When I will come to the other paragraphs, we will see to it. Now, this Higher Education Council will advise Government on policies for effective education. I would have thought that regulatory Body is here to regulate the policies of Government.

Coming to the objects of the Commission –

- “(ii) the rationalisation of teaching programmes in public higher education institutions.”

How are we going to do that? When we are trying to invite foreign universities! They have their own programme. How are we going to rationalise all the education from different

countries, in Mauritius? When we have foreign universities in Mauritius, are we going to dictate them how they should run their courses? Because we know certain universities, you do two years in Mauritius and the other two years you go either to Australia, Malaysia or to Singapore.

Now, what will be the role of the MQA? We are going to duplicate the work of the MQA. But, what is more serious, Mr Deputy Speaker, Sir, when it comes to the other function is the requirement of conduct, clause 8

‘Powers of Commission

- (ii) issue and enforce a Code of Conduct for its students;”

What is this? We are talking of university! Code of Conduct for students! But then, what about lecturer? Recently, at the University of Mauritius, the Students’ Union complained about the acts and doings of one lecturer. Why only Code of Conduct for students?

Now, what about the fees? This is another issue which is very important. That Higher Education Authority, does it see that students are getting value for money? They can charge whatever fees. In other countries, the fees are regulated by the Higher Education Authority. This is not mentioned in the Bill and this is very important because we know foreign institutions which have come here, charge high, exaggerated fees and, at the end of the day, their diploma does not lead to employability. So, this is a very important element which is missing.

Hon. Mrs Aurore Perraud has mentioned and this is important as well, what about the time limit for the Commission to register an institution or not register an institution. They have five days to appeal if they are not satisfied with the decision of the Board. But how long does it take for an application to be considered? Because we know, in certain cases, some applications are given the fast-track treatment because they are the good books of X, Y or Z and the others keep waiting for five or six months.

Now, let me come to ‘Sub-Part F – Names or Titles - Use of names or titles’. In many countries, university is defined. We are not allowed to use the name of university or polytechnic and others, but there is no definition of polytechnic or university. Now, we know that with the Nine-Year Schooling, after Standard III, some students will go to polytechnic. Do these polytechnics fall under the Higher Education Authority?

Many countries, including, for example, Australia, New Zealand, Switzerland, Canada, Germany, Spain and India, do have definition of university in their legislation. Why don't we have a definition here? We are told we are not allowed to use such a name without the consent of the authorities, but we do not know what the definition is. So, if the Commission feels that this institution, the way it is, the building, the equipment, looks like a university, alright, he is allowed to use the name of university. It looks like a polytechnic, he is allowed to use the name of polytechnic. It is subjective. We do not have definition like in many other countries about Universities. This is why we have so many Universities recently and they have abandoned the students and gone away.

Regarding the issue of the powers of the Minister, the last time when I intervened on the Bill for the Equal Opportunities Commission, I gave a list. It is as if the trademark of this Government. In each and every authority or Commission that is created, we have this raised -

“42. Powers of Minister

- (1) The Minister may give such written directions of a general character, not inconsistent with this Act, to the Board of the Higher Education Commission (...) - not only the Higher Education Commission - Board of the Quality Assurance Authority(...)”

It is supposed to be an independent Board.

“(...)as he considers necessary in the public interest, and the Board of the Higher Education Commission or Board of the Quality Assurance Authority shall comply with those directions.”

So, what is the point of setting up all these supposed to be independent and professional institutions when, at the end of the day, the Minister – and this is the harm that we have done in TEC because this was in TEC. Every time we challenged the ex-Minister, he said this is his power and the law gives him this power. Hon. Mrs Dookun-Luchoomun, when she was in the Opposition, how many times we had challenged the then Minister of Higher Education? The answer was simple: ‘The law gives me this power’. And with the attitude of the Minister, like hon. Gayan: ‘Government governs, Government decides, Government does whatever it wants!

You have this again in the law, and you tell us you are coming with a modern, new, when the trend everywhere is to do away, as far as possible, especially in education, with political interference! So, why this?

Clause 50(1) - Appeal against decision of Commission or Authority.

“Any person who feels aggrieved by a decision of the Commission or Authority, as the case may be, may, within 21 days of the communication of the decision to that person, appeal to the Minister.”

What are we doing? Is this a modern law? Who is the Minister? Is she an expert in education? I am not talking about the actual hon. Minister, whoever maybe the Minister of education tomorrow.

You have three Commissions set up by law, where we are supposed to have professionals, three tiers of scrutiny. At the end of the day, if you are not satisfied, you appeal to the Minister. And we know what happens when we have this type of law! One good example is the National Transport Authority. You know, when you do not get a licence with the Board of the NTA, you are allowed to appeal to the Minister, and we all know how many taxi drivers licences there are in the constituency where the Minister comes! I am not personalising! It has happened even in the past with other governments. How many taxi drivers licences! Some people even get their licence without having a vehicle.

So, this power to appeal to the Minister in such an important subject as education, giving accreditation to an institution, I think we will have to do away with this. The law is clear. “The Minister may, on the determination of the appeal, vary or confirm the decision of the Commission or Authority, as the case may be.” Without giving any reasons! So, the Minister, just by her signature, can reverse the decision of the institution and she does not have to give any reason. So, you cannot even apply for a judicial review of her decision, because she does not have to give reasons. The law is there! “As the case may be”! If we want the Minister to give reason, have it in the law, and she has to specify why she is reversing the decision of the other bodies, of the other institution, the Commission, the Authority!

So, at the end of the day, we are ending up with a law worse than TEC. The right of appeal did not exist in TEC; we have introduced this in this law. The directives from the Minister were in TEC, and we know what has happened to our tertiary education with these directives. We are keeping it, and what is worse, we are allowing the Minister to exempt any institution she wishes or he wishes in the future - or maybe another Minister -, if he or she feels that he or she should protect that institution, he or she likes the institution, he or she

studied there when he or she was young, he or she knows the Chancellor, and so he or she exempts the institution from going through the scrutiny of the Higher Education Commission.

So, we are moving backwards as far as the quality, and this is a very, very wrong signal we are sending to international institutions. Already our ranking is very bad; already what has happened to TEC has discredited our image as a hub for further education. But, now, with all these powers given to the Minister, there is a problem with that Bill. And I am sure, had we had a proper debate, proper consultation with the stakeholders, this would not have found its place in that Bill; powers of Minister.

So, we have a problem. The institution does not guarantee its credibility, its independence. We should have an institution which is free from any political interference, as expressed by the 'Standards and Guidelines for Quality Assurance in the European Higher Education Area' of 2015, and let me quote -

“Agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence.”

This is the international trend; this is what we are having in Europe - the European Standards and Guidelines. But, no, we want ourselves to compete, to have institutions of international level, and we are doing exactly the contrary to what international norms demand.

Unfortunately, Mr Deputy Speaker, Sir, this piece of legislation is far from satisfying such criteria. We are not convinced that the Higher Education Advisory Council, together with the Higher Education Commission and the Quality Assurance Authority, with all the powers given to the Minister, will give confidence to the stakeholders in the tertiary education, thus playing an important role in protecting the sector's reputation, ensuring that our youngsters will be protected from bogus institutions, and get value for money.

We are, in fact, downgrading that agency, which will ensure the quality of our tertiary education provider. What we are doing now, we are legalising interference, we are legalising political interference, and we are interfering with its independence and its administration.

Thank you, Mr Deputy Speaker, Sir. I have done.

The Deputy Speaker: Hon. Rutnah!

(6:53 p.m.)

Mr S. Rutnah (Third Member for Piton & Riviere du Rempart): Thank you, Mr Deputy Speaker, Sir. When I hear hon. Baloomoody on this Bill, it appears that he is very allergic to the powers of Ministers, and it appears, from what he saying, that it is the first Government that is introducing legislation of this kind, where provision is made to give powers to Ministers.

Government, since time immemorial, not only in Mauritius, in many Commonwealth countries, since we have inherited our system from the British system, legislation are drafted in a certain manner, in a certain way, and powers are given to Ministers.

But, as well as powers given to Ministers over the years, there have been institutions that have been created, which keep the Ministers' powers in check and balance. We have those kinds of institutions like the ICAC. If you are not happy with the decision of the Minister, if you think that the Minister has done something awkward, you go to the ICAC. Now, when I say ICAC, you...

(Interruptions)

Whoever ICAC! If you are not happy with the decision of the ICAC, you know what to do. There is a Supreme Court in Mauritius. The Supreme Court in Mauritius has got unlimited jurisdiction to deal with any of your complaints if you are not happy with any of the functions of institutions in Mauritius.

I have heard hon. Baloomoody making scathing attack that there has been no consultation, neither been aware of any Higher Education Bill that is going to be presented during the tenure of this Government. Not aware! No consultation, or apparently one hour PowerPoint somewhere that has been shown to a few people and, on that basis, the law is coming into this House. Would you believe this?

Mr Deputy Speaker, Sir, this is the Government Programme 2015-2019. This is the Government Programme! And for the record, paragraph 76 says, I quote –

“A Higher Education Bill will be introduced as a new legal framework for the development of quality education and research in line with the objective of strengthening Mauritius as a knowledge hub. In the same vein, the Tertiary Education Act will be reviewed and the TEC strengthened as the regulator.”

And it goes on at paragraph 77 –

“With a view to providing higher learning opportunities for those in need of fostering greater equity in the system, Government will encourage access to Tertiary Education for students from low-income families and students with disabilities.”

(Interruptions)

Mr Deputy Speaker, Sir, when the hon. Member was on his feet I extended the courtesy of listening to him, but when I am on my feet the hon. Member does not even extend the courtesy of listening to me. He is in a personal conversation with the Third Member...

(Interruptions)

He is in a personal conversation with the Third Member of Constituency No. 19 and more so what is sad is that in every important Bill that this House considers, at the time of debate you see none of the main Opposition parties' Members present in the House and these are people who want to be in Government tomorrow!

And they go out there and say ‘*mo envi vinn premier ministre sa pays la enn jour!*’ And today when we are discussing about such an important Bill, about the future of this country, about the future of the children of this country, where is the main Opposition party?

(Interruptions)

Where are they? Then, we have got other sets of the Opposition parties sitting here having personal conversations instead of listening to what we have to say! This is the Government Programme, this is what we promised to the people of this country. And then, the Press that supports the Opposition party, the newspaper that supports the Opposition party, ‘L’Express’, on 25 April 2017, at least, if they did not have constructive notice of what was in the Government Programme, they should have had actual notice of this newspaper’s article! What does it say?

« Higher Education Bill: Contrôle rigoureux pour les institutions supérieures. Rendre l’enseignement supérieur plus crédible et faire en sorte que Maurice soit reconnu comme un Educational Hub. C’est ce à quoi aspirent les autorités avec le Higher Education Bill. Ce projet de loi est actuellement en consultation auprès des parties prenantes du secteur éducatif. Dans les milieux concernés, on explique que l’objectif du ministère de l’Éducation est de présenter le projet de loi à l’Assemblée nationale avant les prochaines vacances parlementaires. »

(Interruptions)

25 April 2017? Oh! The date, marvellous! 25 April 2017, and today we are in December! I have not finished with the quotation, Mr Deputy Speaker, Sir –

« (...) lors d'une déclaration à la presse (...) »

Perhaps even the hon. Minister is not aware that this article was written like this and in an Opposition supporting newspaper!

« (...) lors d'une déclaration à la presse hier à l'occasion du lancement d'un workshop de la TEC, Leela Devi Dookun-Luchoomun, ministre de l'Éducation, a expliqué que le concept d'assurance qualité a une place importante dans le projet de loi. «Nous mettons beaucoup l'accent sur ce concept car il y a énormément d'éléments à revoir dans le fonctionnement du secteur à ce niveau», explique la ministre de l'Éducation.

Il nous revient déjà d'une source proche du dossier que l'administration des universités, publiques et privées, sera amenée à changer à la suite de l'approbation de ce Higher Education Bill. «Et ce pour éviter le problème d'universités marron comme le D.Y Patil», explique-t-on au ministère de l'Éducation. «Si nous arrivons à rendre l'enseignement supérieur plus crédible, nous pourrions transformer Maurice en un vrai hub dans la région», ajoute-t-on. «Les universités seront beaucoup plus redevables envers les autorités», explique notre source. »

Apparently, I can't speak French but I can understand! Now, if we had serious Opposition in this country, if they had any doubt about the presentation of this Bill, after having taken cognizance of this article they could have asked questions, here, in Parliament, to the Minister and the Minister would have given all the details about consultations, about workshop, about all the *parties prenantes*. But, they never asked questions! But what they are interested in is simply criticising the Government!

Earlier on hon. Baloomoody referred to the then Leader of the Opposition, Dr. Prem Nababsing. Yes, Dr. Prem Nababsing was criticising during the debate of the 1998 Bill, but as clever and intelligent as he was, he was a man of integrity. He was also making suggestions. He was criticising. I have the copy of the debate. There was a brilliant intervention by the then Leader of the Opposition. He criticised the Glover Report of 1985. He criticised even the Manraj Report. But, yet, he was a man of integrity, an honest man in politics. He was also making suggestions. But, when you hear Opposition parties today, are

oppositions in politics met simply to criticise? When you hear hon. Mrs Perraud, - she is not here now and none of the PMSD either to listen to what I have to say - she has forensically criticised Clause by Clause, but no suggestion! And, they are supposed to be some time in Government and they are appealing outside to vote for them! This is what I have to say on the issue of consultation.

Now, we are going to be criticised...

(Interruptions)

The Deputy Speaker: Order!

Mr Rutnah: I am glad! Thank you, hon. Baboo, for coming back because after all people out there vote for us to come and sit in the Parliament and to participate in debates and to work for the nation, for the country and for the people who have voted for us. I hope all your colleagues could have been here, including hon. Mrs Perraud! Ranking of universities! I do not believe in those rankings, personally. I am so sorry to say and I do not care what you think about it because I know many people who sit in this House who have gone to the University of Mauritius, got their degrees and they sit in this House. I know students from Mauritian universities graduated and holding responsible position and today working for the benefit of the country where they have studied.

Now, in Mauritius, we, because we sit in Opposition, we go out and criticise and say our universities are ranked 16,000. Does that demonstrate political honesty out there? What are those students, those children, who are growing to go to university, what are they going to think when they hear people who are supposed to be role model, criticising our own institutions, our universities? But thank you, Madam Speaker, the hon. Minister, like in Hindu mythology, we pray Saraswati. Today, you have taken the form of Saraswati, the Goddess of knowledge and the Goddess of education and you have brought a Bill of this nature to this House, because other than criticisms, we have not heard any suggestion from any Member of the Opposition. Because when you are responsible Opposition, when you criticise, you say something is not good, then you are under a duty to say what and how you are going to do it when you are going to be in Government tomorrow, or to suggest to the Government to bring such and such amendments to make the Bill more productive, credible so that, at the end of the day, whether you are in Opposition or in Government, we all come here to work for our people, for our country, for our children.

(Interruptions)

Exactly! Well, power of the Ministers, an alleged word to the Opposition!

But, in any event, let me say a few words. When other Governments were in power, have not they given Ministers power to do things? But, in any event, as I understand it, as I am on my feet now, to ensure transparency, to ensure that there are no criticisms levelled against Ministers, the Minister concerned is considering of withdrawing it and I am glad that the Minister has taken such an instance today in the House and I am sure she will, very shortly, during her summing-up, announce to make people understand that we are a Government, that we listen to criticisms and we try to mend our ways.

(Interruptions)

Yes, we are serious and this is what democracy is all about. We are in a democratic country; everybody has to play their role responsibly.

Hon. Mrs Perraud now! Well, I am sure she is watching live from home somewhere. When she was dealing with the Board, two Boards, one Advisory Council and what was the *critique*? The cost-effectiveness! Since when any responsible Government places costs before the future of the children of this country! Since when! It does not matter how much it costs. We have to build a nation; we have to build a country; we have to modernise our nation; modernise the mentality of our nation; modernise the attitude of our nation. We have to be able to allow our children to live up to the standard so that in the future, they will be proud to say that they are graduates of the University of Mauritius, that they are graduates of the University of Technology or the MGI or the MIE or the Mauritius College of the Air.

Now, *petits copains, petites copines*, let me again try to kill two birds with one stone. As if PMSD, for the first time, has heard the words *petits copains, petites copines*. Goodness gracious me. I have a list – Robert Desvaux, he is not a *petit copain*. No, he is not a *petit copain*; he is a big *copain, un grand copain s'il vous plaît*; Joël Rault, *l'Ambassadeur en France, non un petit copain, un super copain*. Patricia Cavallo, *l'Ambassadeur d'Australie !*

(Interruptions)

Yousuf Elahee, not a *petit copain*; Super Mario Bros; Robert Palami, Cargo Handling Corporation, not a *petit copain, s'il vous plaît*, the size of a cargo; Dorine Ng, a few *copines* as well, not a *petite copine*, this is a massive one.

The Deputy Speaker: Hon. Rutnah, can you please come to the Bill!

Mr Rutnah: I am dealing with the *petits copains, petites copines* criticisms and I have got some more names.

(Interruptions)

Assez. Okay! They say enough is enough. Just to put the final nail in the coffin, if I may.

Mr Mohamed: Before he puts the final nail in the coffin, which I have no issues with it, but just is it okay to go for names of people who are not here?

The Deputy Speaker: I have taken note of same.

Mr Mohamed: And it is fine?

The Deputy Speaker: I have already - hon. Rutnah, please resume!

Mr Rutnah: Mr Deputy Speaker, Sir, I am making statement of facts and at the criticisms levelled against the Government in relation to *petits copains, petites copines*, and the final nail in the coffin, Dr. Khodabaccus.

(Interruptions)

More to go, but okay, I see hon. Baboo, he is a good friend of mine and he is here. Now, *petits copains, petites copines*. Hon. Mrs Perraud said quality has not been defined in this Bill. After so much of forensic examination, forensic criticism of this Bill, she says that it has not been defined! Now, the part where she was criticising, she was referring to quality assurance. There is a section in the Bill; it is called the Interpretation Section. Now, if we look at the Interpretation Section, there is a definition of Quality Assurance and it says -

““quality assurance” includes internal quality assurance and external quality assurance;”

The definition is there. Accreditation of programmes, she said programmes accredited but not the institution. If we look at the definition of accreditation again; section 2 of the interpretation part of the Bill defines accreditation –

“accreditation”, in relation to an institution or an education programme, means confirmation that the institution or the programme, as the case may be, satisfies the minimum criteria or standards for it to operate or be offered for a specified duration”

So, this is the definition of accreditation. Criticising that there is no reference to the establishment of the Higher Education; she was criticising Clause 7 (b). I think someone is watching some prohibited item from the phone.

(Interruptions)

The Deputy Speaker: Order!

Mr Rutnah: Anyway, Mr Deputy Speaker, Sir, these things happen because we have got new apps these days on mobile phones. We all know it; we are going to debate this on Friday. Now, when criticising Clause 7 (b), hon. Perraud failed to refer herself to Clause 15 of the Bill, lamentably failed. Yes, if you look Clause 15 of the Bill, it says here – “Establishment of higher education institutions” and Sub-Part D specifically says “Establishment and Registration of Higher Education Institutions, Establishment of Overseas Institutions and Accreditation of Programmes” and the subsection defines everything; I don’t need to go one by one. It just shows how Opposition, for the sake of Opposition, are opposing the Bill.

Mr Deputy Speaker, Sir, at the end of the day what matters is that we have to modernise our education system. The TEC has failed us; the TEC has failed the children of this country. The TEC was manipulated, in fact in 1998, when the then Government introduced the legislation, Armoogum Parsuramen was the then Minister of Education. He had a vision; he wanted our local Universities to do well. At the time, Mauritius was at the peak of its development and the TEC has served this country well up until some people with dangerous motives took power in this country and what they said was that they want a graduate in every household. Tony Blair, in 1997, in England during electioneering was saying education, education, education. He did not mean at the time Universities and Polytechnics only, he meant lots of vocational training, basic education. He was referring to go back to basics as well followed by John Major, education at home, education in order that people get themselves self-employed. Not only Universities but, at the same time, there were already policies in England to turn polytechnics into universities. When the Labour/PMSD Government took power, per household they wanted graduates and then they produced a number of graduates including doctors, dentists, engineers in this country who were unemployed until December 2014.

Mr Deputy Speaker, Sir, they deliberately lowered the standard of education of our country, lowered the standard of ‘O’ levels and ‘A’ levels simply to allow more people to go

to university and what kind of university? I only knew about *taxi marron* I never knew about *l'université de marrons*. Dr D. Y. Patil Medical College, EIILM University. When you go to these universities even with 2 'O' Level and 1 'A' Level, you tend to get a 2nd Class Degree or 1st Class even. So, we had people who deliberately lowered the standard of education and lured labourers, artisans, workers in the textile factory to go and take loans and overdrafts to send their children to those kinds of universities.

What happened eventually? After 4 years, they realised that the degree is not even worth toilet paper. Can you imagine the shock in which those families and children were at the time? Today we have to modernise, we have to ensure that our children do not again fall into that kind of trap and I am grateful to the hon. Minister for having again raised the standard of education. Starting from 'O' Level, you need to have certain grades to obtain employment, you need to have certain grades in order to pursue 'A' Level or Higher School Certificate.

Mr Deputy Speaker, Sir, I think I have said enough about the criticism that has been levelled against the Government. Let me say that, at the end of the day, when you look at the object of this Bill - and I am going to read it verbatim - it cannot be put in any simplest language than it has already been put. I thank those who have drafted this piece of legislation because we can see nowadays that legislations are being drafted in such a way that you do not have to be a lawyer to understand the language which has been used, the physiology that has been used.

It says as follows –

- “1. The object of this Bill is to repeal the Tertiary Education Commission Act and enact a reformed, modern and appropriate legislative framework so as to ensure better control and regulation of the higher education sector in Mauritius.
2. The Bill provides for a Higher Education Advisory Council which shall, *inter alia*, advise the Government on policies for the effective direction, promotion and development of higher education.
3. The Bill further provides for the establishment of a Higher Education Commission and a Quality Assurance Authority which will take over the functions and powers of the Tertiary Education Commission, as the case may be.

4. The Higher Education Commission shall, inter alia, monitor and oversee the higher education sector and be responsible for the registration of institutions offering higher education and for the accreditation of their programmes, whereas the Quality Assurance Authority shall, *inter alia*, promote and maintain quality and sound standards in higher education through appropriate quality assurance mechanisms.”

I cannot put it in a better language than this. Thank you, Madam Speaker and thank you, hon. Minister, for bringing such a legislation in the House because it is the beginning of shaping the higher educational future of our country and really making Mauritius a hub of quality education.

Thank you so much for having listened to me.

The Deputy Speaker: Hon. Mrs Selvon!

(7.29 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, M. le président. Merci de m'accorder la parole sur le *Higher Education Bill*. Mon analyse se concentrera surtout sur l'objectif ultime de Maurice qui est de devenir un *Knowledge Hub* dont la réputation dépassera ses frontières.

La préparation du *Higher Education Bill* à Maurice suit de très près le vote en Grande Bretagne du *Higher Education and Research Bill* en avril de cette année. Lorsque j'ai lu ce projet de loi qui est devant nous, j'ai constaté qu'il accorde dans son article 6 une large place à la recherche au niveau de l'éducation supérieure à Maurice, et c'est, je pense, une excellente chose. La nouvelle législation a provoqué des débats intenses en Grande Bretagne, des éloges et des critiques en raison non seulement de la grande liberté d'expression dans la société britannique mais également de la richesse des domaines de l'éducation et de la recherche dans ce grand pays d'où viennent notre système d'éducation, notre Constitution et une bonne partie de nos lois. Je pense que nous, les législateurs, aurons pour tâche de suivre de près l'application de la nouvelle loi pendant les mois et les années à venir. Pour l'instant je dirais que le projet de loi que l'honorable ministre présente aujourd'hui, se veut répondre un besoin urgent de réformer l'éducation supérieure et d'améliorer sa qualité en raison surtout des innombrables et innommables scandales dont ce secteur a souffert sous l'ancien gouvernement.

N'importe quelle personne ouvrant une soi-disant université, M. le président, ou École de Médecine ou de dentisterie dans un champ de canne, pouvait avoir l'approbation des autorités gouvernementales d'alors. Il suffisait d'avoir des copains et des copines au sein du gouvernement pour ouvrir n'importe quels genres d'institutions d'études supérieures dans le pays. Cela a fait un tort immense à la réputation du pays en ce qu'il s'agit de la qualité de notre secteur d'éducation supérieure.

En fait, un des piliers que l'on veut ériger pour le développement socio-économique du pays est celui de l'éducation supérieure. Si nous voulons rester fidèles à cette mission, les nouvelles institutions que va créer le gouvernement, devraient rejeter les institutions déjà implantées avant ce projet de loi et leur diplôme ainsi que leurs prétentions et publicités trompeuses. Je parle de *misleading advertising* que l'on voit depuis quelques années par des organisations non qualifiées pour prétendre au titre d'institutions d'éducation supérieures d'excellentes qualités.

L'honorable ministre nous propose la révocation de la *Tertiary Education Commission* et la création de trois nouvelles institutions pour s'occuper de l'éducation supérieure dans tous ses aspects. Ces nouvelles institutions sont dans l'ordre dans le projet de loi : une *Higher Education Advisory Council*, une *Higher Education Commission* et une *Quality Assurance Authority*. L'*Advisory Council* conseillera directement le gouvernement sur la politique à suivre en matière d'éducation supérieure, alors que la commission s'occupera dans les détails de l'application de la nouvelle loi et la *Quality Assurance Authority* sera chargée des mécanismes à mettre en place pour ce qu'il ait de la qualité des institutions d'éducation supérieure. C'est une division de responsabilité que l'on retrouve dans plusieurs grands pays bien sûre, mais dans le cas de Maurice, j'estime que notre plus gros problème se trouve dans la qualité, la compétence et l'intégrité des personnes qui seront au sein de ces trois organismes ; le HEAC, la HEC, et QAA.

J'invite non seulement l'honorable ministre mais aussi l'honorable Premier ministre, qui auront en main la lourde tâche de la nomination des personnes dans les *Boards* et les autres comités au sein de ces organismes, à réaliser l'importance aux yeux de la population mauricienne, des intellectuels du pays et aux yeux du monde, l'importance vitale des trois critères que je viens de citer soit la qualité, la compétence et l'intégrité de ceux qui seront nommés.

Il y va même de l'image du chef du gouvernement puisqu'il est directement associé aux nominations les plus importantes pour diriger les secteurs de l'éducation tertiaire. J'ai lu sous ce rapport, un article en première page de *'l'Express'* du Jeudi 07 décembre 2017 que le ministère de la Fonction Publique, dirigé par l'honorable Eddy Boissézon, recherche des *Integrity Officers*, des hauts fonctionnaires au casier judiciaire vierge, et ayant eu un entraînement adéquat pour la lutte contre la corruption pour assurer l'intégrité des institutions. Je fais donc confiance au ministre, l'honorable Eddy Boissézon, pour mener sa mission à bon port.

Sans un tel travail bien fait, Maurice ne pourra pas aspirer au titre de *Knowledge hub* régional, africain et international. Comme je l'ai dit plus haut, M. le président, nous avons à réparer les dommages causés au pays par une politique dévoyée pendant de nombreuses années en matière d'éducation supérieure. J'ai été de ceux et celles qui ont crié au scandale face à l'appauvrissement de ce secteur. L'occasion est maintenant donnée au pays de se relever la tête haute et fière pour faire briller et exceller ce secteur dans le contexte d'une compétition difficile au niveau régional et international.

Nous avons à côté de nous La Réunion, territoire français et européen où l'éducation supérieure a une excellente réputation. Pas loin de nous, il y a l'Afrique du Sud et d'autres pays africains qui progressent à pas de géant dans le domaine de l'éducation supérieure et aussi de la recherche. On sera un *Knowledge hub* ou bien on ne le sera pas, M. le président. Venez-en à la recherche qui est mentionnée spécifiquement dans l'article 6 de la loi, un des plus importants projet qui est devant nous et qui est intitulé, je cite - «*Objects, Functions and Powers of Commission* ». C'est-à-dire de la *Higher Education Commission*, je cite un extrait qui démontre le rôle que la recherche est appelée à jouer sous la nouvelle loi, la section 6 (b) (iii), (c) et (d).

“(b) ensure -

- (iii) the planning and implementation of research in higher education institutions;
- (c) promote the development of higher education, academic research and training facilities through equity of access, high quality learning and research outcomes, the efficient use of national resources and innovation;
- (d) foster the achievement of international standards of scholarship through a diversity of teaching and research;”

Il y a là une vaste ambition que l'honorable ministre s'est assignée, mais je suggère à la ministre, étant donné ce qui est arrivé sous l'ancien gouvernement, d'inclure une sous-section à la mission de la *Higher Education Commission* pour qu'elle fasse l'effort nécessaire pour détecter et réprimer ce qu'on peut appeler les *misleading advertisements* dans les médias et même dans les rues, tels qu'on en a vu dans le passé concernant les institutions d'éducation supérieure.

En conclusion, M. le président, je souhaite de tout cœur que Maurice puisse vraiment devenir un *knowledge hub* de grande réputation en dehors de nos frontières.

Je vous remercie, M. le président, et je remercie la Chambre de m'avoir écoutée.

The Deputy Speaker: Hon. Hurreeram!

(7.40 p.m.)

Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. Ron Lewis, an American politician born in 1946, once said, I quote -

“Ensuring quality higher education is one of the most important things we can do for future generations.”

He was totally right. It is undeniable that a national strategy for tertiary education requires an appropriate legislative framework. This factor is too important to be driven by slogans, like my hon. friend, the Minister of ICT said, such as ‘one graduate per family’, without having a long-term view of the positioning of tertiary education in the context of an education hub. Unfortunately, the slogan-driven strategy of the previous Government has led our tertiary sector into a dire state.

Mr Deputy Speaker, Sir, let us recall how our Mauritians and some foreign students were left behind when they had enrolled in what were popularly called ‘*universités marrons*’. These poor students were not even aware that the so-called ‘*universités marrons*’ did not have right infrastructure nor the appropriate course content.

This is no surprise when we recall that the repealed Tertiary Education Commission Act dates back to August 1988, nearly 30 years ago. What were they doing?

After major reforms in the primary and secondary schooling sectors with the ‘Nine-Year Continuous Basic Education’, it becomes quite natural to bring changes to the higher education sector as well. To that effect, the Higher Education Bill comes as a solid

framework to modernise the higher education sector to match international trends and requirements at this level.

We need to bear in mind that the landscape of higher education has changed and will continue to change with universities and higher education institutions spreading their scope of activities in Mauritius. The higher education sector has become a highly competitive one. This Bill will enhance equitable and sound competition among the various institutions as well as making sure that services of internationally comparable level are offered to students. The word ‘international standard’ repeats itself often when talking of quality. However, it is through this Bill that the provisions of internationally acclaimed standards are being clearly articulated.

We are here in a turnaround strategy.

The Vision 2030 of this Government made our intention clear: we wish to develop the education hub with the prime objective of attracting international students. This objective can only be achieved if the key players within the tertiary sector are at par with universities of international repute, be it in terms of infrastructure, academic programmes or research. The aim of this legislation, thus, focuses on putting in place the appropriate framework for the tertiary sector to evolve into one that is fully aligned with its international peers.

Already, the title of the Bill itself is indicative, since the term ‘higher education’ is used instead of ‘tertiary education’. It becomes more relevant to use the term ‘higher education’ as it englobes a larger array of activities performed and qualifications granted by higher education institutions. Higher education now, not only includes teaching, but also research and applied work with higher involvement of students in work environment and the community as well.

Mr Deputy Speaker, Sir, this Bill stands on three legs.

Firstly, the Higher Education Advisory Council.

Mr Deputy Speaker, Sir, for too long, the higher education sector has been left on its own. Though funded by the parent Ministry through Tertiary Education Commission, public universities like the University of Mauritius, University of Technology, *l’Université des Mascareignes*, the Open University of Mauritius had their own visions, missions and strategies, without any concerted effort. They have been embarking on projects and academic programme that they only deem fit to be right. They may be right in their own ways, but when you are funded by Government, Government has a right to give the sense of direction

so that the output produced is appropriate and relevant to the needs of society (local and international). We do not want any more mismatch in terms of courses provided by our local institutions.

In this context, the proposed Higher Education Advisory Council acting as a *Comité des Sages* will have a lead role in advising the Government on policies and strategies for the sector, eventually shaping the strategy of those publicly funded institutions.

This is the first time such a high-level committee is being proposed for developing a sense of direction for the sector. It definitely is the first milestone in our quest to becoming an education hub.

Mr Deputy Speaker, Sir, we will surely have a committee made up of professionals who are knowledgeable of the sector and who are committed to its development.

In this respect, I would humbly suggest that the Advisory Council may include representatives of bodies such as Medical Council, Council of Engineers, Architects, MACOSS, Business Mauritius, HRDC, etc., which brings me, Mr Deputy Speaker, Sir, to the second leg, that is, the higher Education Commission.

As it stands now, the Tertiary Education Commission is overburdened with the wide responsibility of activities such as funding, registration, accreditation, recognition and equivalence along with quality assurance. This also raises the issue of being judge and party.

The new legislation proposes to review the shortcoming by the setting up of two distinct entities: the Higher Education Commission itself and the Quality Assurance Authority.

If we really want to implement quality with high level of accountability in the system of higher education, quality assurance should be given a whole set of consideration and empowerment and not remain only as one function of an institution, among others.

While the Higher Education Advisory Council will provide advice on Government strategy, the Commission will have the prominent role in ensuring that Government strategy for the sector is being implemented. One of the key functions of the Commission would be to ensure harmonisation of academic programmes across publicly funded universities and the development of poles of research within institutions.

The Commission will also see to it that institutions operating in the sector have the required infrastructures and human resources to support their activities. While financially

supporting the publicly funded universities, the Commission will ensure that Government strategy is being met in a transparent way.

The Commission will also ensure that institutions set up as branch campuses or private entities operate within a framework to enlarge a scope of offer within the sector, thus building capacity for the education hub.

Mr Deputy Speaker, Section 7 (h), Section 25 and Section 26, institutions may claim that these sections question their autonomy in running certain programmes and projects. They may have a point here. But, Mr Deputy Speaker, Sir, we are living in a new era where transparency and accountability are driving forces; public universities should be no exception. The Commission will thus have an overarching role in ensuring that public funds spent by publicly funded universities are being used responsibly. In this context the Commission will ensure that Government strategy for the sector is being adhered to and higher education institutions are delivering in line with expectation. This in no way questions the autonomy of universities but rather make them accountable. This was a major shortcoming in our previous legislation and is now being addressed.

Mr Deputy Speaker, this Bill also sets clear provisions in relation to the establishment and registration of Higher Education Institution in Mauritius. This will prevent us from facing the issues we have had with a number of private institutions and branch campuses in the recent past *qui poussaient comme des champignons après la pluie*.

This Bill also makes provision for local institutions to set up campuses overseas. This is a bold step forward as it will foster our local universities to develop and run academic programmes which have an international appeal. Such programmes may have niche markets within the region and internationally.

The third and innovative leg, Mr Deputy Speaker, Sir, is the Quality Assurance Authority. Having a separate body dedicated for quality assurance shows the commitment of the Government to make sure that our higher education institutions are operating as per strict academic and quality standards. All higher education institutions have developed their own quality assurance mechanism, mostly to do with internal accountability. The provision of this Bill makes room for an external accountability; this will make sure that all our institutions are benchmarked on the same level of quality. Our higher education environment is called to play a more predominant role, not only in Mauritius but also in the region and even beyond that.

With an increase number of international students on our campus, a *sine qua non* condition for that remains the adherence of our institution to the international standards which only a fully dedicated body to quality, the Quality Assurance Authority can provide through more frequent external audits against international yardsticks and with the assistance of international quality assurance experts the quality of our higher education institution will be called to continuously upgrade. This will uphold the goodwill of our country, not like it has happened in the past, where you have had a range of universities whose level was purposely downgraded to favour the few universities of the then Minister of Labour Government.

Mr Deputy Speaker, this Bill sets the tone for a change in mindset within the tertiary education sector. This Bill applies to both public and private sector institutions. Henceforth, the emphasis is on quality, international norms and competency standards for all academic programmes on offer, most specifically for the public institutions. The least we expect is alignment to national tertiary education strategy, both in terms of teaching and research. With this Bill, funding will be based on output rather than input.

Before concluding, Mr Deputy Speaker, Sir, allow me to congratulate my colleague, the hon. Minister of Education, Human Resources, Tertiary Education and Scientific Research for a few other features in this Bill and also make a few humble suggestions.

Firstly, the Higher Education Bill makes clear reference to the monitoring of the delivery of online programmes which the Tertiary Education Commission Act did not provide for. This demonstrates the importance of updating the higher education legislative framework to match actual and future reality.

Secondly, the inclusion of a framework for the welfare of students and a code of conduct for students goes in the direction of an effective teaching and enjoyable learning while providing for rich higher education experience as students will be called upon, while being aware of their rights, to develop their sense of responsibility.

Thirdly, the provision for redeployment of officers to the Higher Education Commission and the Quality Assurance Authority should be viewed at the vintage point for the officers who will thus be able to foster their attention to specific duties while building on their capabilities.

Fourth, since the Higher Education Commission and the Quality Assurance Authority will operate as two separate entities, it is suggested that the modalities for the collaboration between the two bodies be clearly enumerated as to promote harmony.

Sixth, being given that the academic staff of the higher education institutions remain the main actors on which quality of delivery rest, provision could be made – why not in this Bill maybe - for the continuous professional development of academia. And, lastly, similar to the provision for a code of conduct for students, I suggest a provision for the development of a code of ethics for academia to sustain the goodwill of our higher education sector.

I will end here, Mr Deputy Speaker, Sir, and seize the opportunity once again to say thank you to the hon. Minister, Mrs Leela Devi Dookun-Luchoomun for bringing this Bill to the House and for shouldering the responsibility of carrying out a reform in the whole education sector ensuring equity and making provision for our children to possess the 21st century skills and to be ready to face the challenges of their future.

Je voudrais aussi peut-être, M. le président, attirer l'attention du peuple qui nous regarde comment l'argent des contribuables est utilisé pour payer des députés de cette opposition officielle pour siéger à cette auguste Assemblée est gaspillé. En face de moi je ne vois que des sièges vides !

(Interruptions)

Opposition officielle !

(Interruptions)

Alors...

(Interruptions)

The Deputy Speaker: Order!

Mr Hurreeram: Mr Deputy...

(Interruptions)

Mr Deputy Speaker, Sir, thank you very much for your attention. I will end here, once again, congratulating the hon. Minister and the whole staff of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research for this wonderful piece of legislation. Thank you.

(Interruptions)

The Deputy Speaker: Dr. the hon. Joomaye!

(8.00 p.m.)

Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to debate on the Higher Education Bill. I would like first and foremost to congratulate the hon. Minister for bringing this piece of legislation to the House.

Mr Deputy Speaker, Sir, the hon. Minister, Mrs Leela Devi Dookun-Luchoomun has proved herself to be the Minister of Education who has brought meaningful change in the lives of thousands of children and parents in this country. So many have talked, so many Governments have criticised the CPE Examination and found that it was not adapted. CPE was called a rat race, an intellectual or mental torture imposed on 10-year old children of our country, a collective traumatism inflicted to families, a source of corruption to try to be admitted in star colleges. Who in this House has not been approached by parents in this period especially in our respective constituencies to try to get admitted to star colleges?

CPE has been a source of discrimination perpetrating differences of perception between rural and urban areas. This Minister, Mr Deputy Speaker, Sir, walked the talk and came up with the Nine-Year Schooling, getting rid of the CPE, a system devised to ensure better and equal chances to generations of children to come with the Nine-Year Schooling. This Government made it and changed the life of parents and children. They are thankful today on this day of the publication of the results of the PSAC. There have been and there will be criticisms as no educational system is perfect.

Mr Deputy Speaker, Sir, life is about competition and in all aspects of life from conception to death, it is about the survival of the fittest. Only daydreamers would ignore this! The goal of our educational system is to provide the nation a brighter future by ensuring that workers and professionals acquire appropriate and adequate knowledge and skills in order to give better service and increase the productivity of the country. All this, without neglecting our universal values which are: civism, culture of work and honest reward, culture of sacrifice and saving for the education of offspring and not leisure first. This is how we have progressed over the generations.

We got free education in 1976 but the real means to pay for free education was given by the 1982 Government of Sir Anerood Jugnauth even going against the IMF and World Bank's recommendations at that time. And, afterwards, during the period 2000-2005 as

reminded by the hon. Minister Sawmynaden, under the MSM-MMM Government the concept of knowledge hub was introduced when Mr. Obeegadoo was Minister of Education. Institutions like Manipal, Mumbai International Institute of Technology (IIT), Birla Institute of Technology (BIT) as well as Polytechnics from Singapore were contacted. A lot would have happened but, unfortunately, after 2005, the wind of neoliberalism of Mr Sithanen and Mr Mansoor swept the country. We will see later in what state the Labour-PMSD Government left the tertiary education sector in 2014.

Mr Deputy Speaker, Sir, the Tertiary Education Commission Act has done its time. It was high time to bring to the House a new piece of legislation to address the challenges ahead. The new Bill caters for a Higher Education Advisory Council. Its role will be to advise Government on higher education policy. This is the most important part. We have seen what disastrous consequences can be caused by wrong policies. Allowing students to be admitted for HSC with 3 credits has been a *nivellement par le bas*. We have pulled the level down.

The policy of the former Minister of Tertiary Education, Mr Rajesh Jeetah, as others have said before me, who was happily claiming to produce *un gradué par la caze*, actually he succeeded only in creating *un gradué chômeur par la caze*, sometimes more than one in the same house! And, we ended up in 2014 having around 1400 doctors unemployed!

Again, this problem has been solved by this Government by the introduction of the shift system in public hospitals. Today, there is no unemployed young doctor in Mauritius thanks to our two Ministers of Health and Quality of Life, hon. Gayan, the former Minister and Dr. the hon. Husnoo, the actual Minister. Mr Deputy Speaker, Sir, all this to say that the general policy of our higher education sector should be guided by employability. This is the keyword. It is a crime to direct students into fields where there is no career opportunity. It is a waste of time, money and human resource for a country which, in the long run, affects the productivity.

The functioning of the whole sector would be under the responsibilities of the Higher Education Commission and the Quality Assurance Authority. The two bodies will ensure that what has happened in the recent past should not be repeated again. We have talked about DY Patil and EIILM, but I will go further into how it dysfunctioned.

The House would recall the case of DY Patil University of Medicine registered in Mauritius under the previous Labour-PMSD Government, supposed to give postgraduate training to our general practitioners. It was run by one Mr Raj Bappoo, spouse of a sitting

Minister of the Labour Government. Registration was not done appropriately, courses were not accredited. But, still they could enrol students locally and from abroad as well. At the end of the course, the level of the graduated students was questioned by senior consultants of our public hospitals.

Registration as Specialists by the Medical Council of Mauritius has been denied to these graduates as their degrees were not recognised.

Dr Joomaye: There had been representations and demonstrations in Mauritius and India as some students came from there. Our image as a knowledge hub has been tarnished. Poor students and parents have been ripped off as the courses were very expensive, up to three million Mauritian rupees for a three-year course. The case is still going on. This is due to amateurism, favouritism, *copinage* as our friends of the PMSD, absent now, in the previous Labour/PMSD Government.

The Higher Education Commission is being provided the appropriate means to tackle this kind of issue. This should not happen again in the interest of future students. Another example of mismanagement is, it has been said before, the EIILM University, known as Eastern University of the Jeetah Family, where the brother, the sitting Minister was allowed to open a foreign campus of an Indian University from Sikkim. This is despite the fact that the relevant authorities in India, the UGC, University Grant, refused the recognition of the Mauritian campus but still it could run the university. This again has been detrimental to enrolled students, Mr Deputy Speaker, Sir. This case as well is still unsolved and poor parents and students have been ripped off and flawed.

I am appealing here to the hon. Minister to direct the Commission when she feels appropriate to make regulations in order to compel an institution to compensate students for undelivered courses. Those private institutions, which take a lot of money and which do not deliver the courses, should be made to refund the students, and to make provisions for compensation in case of closure of an institution for whatsoever reason.

A lot has been said about quality of education. Mr Deputy Speaker, Sir, this Government is committed to quality of education and this has been demonstrated by new measures in the medical field specially. The pre-registration examination had been introduced before enrolment for internship and for final registration as general practitioner. Thanks to hon. Gayan as well. This ensures uniformisation of level of professionalism. A Continuous Medical Development Programme has been implemented. This is very good as well.

Mr Deputy Speaker, Sir, I am confident that this new Bill will cater for the needs of our country in terms of tertiary education for the coming decades. This will make Mauritius a regional centre of knowledge and teaching which can develop into a new pillar of our economy.

With these humble comments, Mr Deputy Speaker, Sir, I would again congratulate the Minister to bring this Bill to the House. I thank you for your attention.

The Deputy Speaker: I suspend the sitting for one hour.

At 8.13 p.m. the sitting was suspended.

On resuming at 9.22 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Rughoobur!

Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or): Thank you, Madam Speaker. Let me, at the very outset, express my appreciation as I see that there is an amendment that has been circulated by the hon. Minister. Even if judging from the track record of the hon. Minister, with this clause 3, we can consider ourselves save, but I am happy that she has been very far-sighted and has decided to bring the necessary amendment and we have to thank her for this amendment.

Madam Speaker, we are debating on a very important Bill tonight. This Government took office in December 2014/January 2015, since then until now, Madam Speaker, there has been a series of measures and some bold decisions have been taken by the hon. Minister. I would like to salute also the presence of the members and officers of the Ministry who are here and on whose shoulder relies heavy responsibilities, Madam Speaker.

Let me, at the very outset, Madam Speaker, come to the challenges that this higher education sector is facing and continues to face: the issue of access, the issue of infrastructure, the quality of our higher education and the partnership with the private sector. But, Madam Speaker, before coming to the Bill itself, I must mention the report of the USAID - United States Agency for International Trade. A report on African Higher Education: Opportunities for Transformative Change for Sustainable Development which lists the challenges the higher education sector is facing in Sub-Saharan Africa and I commend the hon. Minister who has in her speech made reference to the challenges being faced by the African continent and how our country can take advantage of these challenges.

Let me quote those challenges, Madam Speaker -

- “access to Higher Education Services;
- broader Governance Issues;
- institutional Leadership and Management;
- finance of Higher Education;
- limited Research Investment and Output;
- quality and Relevance in Learning, Discovery and Public Engagement, and
- Information and Communications Technology (ICT).”

And finally it goes on to state -

“One of the hardest things to do in development is to reform institutions and strengthen institutional performance.”

Madam Speaker, what this Bill is all about which is the debate today, Madam Speaker? This Bill is about three important issues. This is what I have found in the Bill. First is the issue of the creation of 3 institutions and, Madam Speaker, the Bill also talks about the concept of quality management component in the system, and third, it talks also about promoting accountability and good governance with the institutions that are being set up.

What we have to understand, Madam Speaker, is that we are not debating on sort of a road map for the higher education sector, we are in this House tonight not debating, Madam Speaker, on sort of a Master Plan. What we are debating, Madam Speaker, is the institutional and regulatory framework of this sector which is the spinal cord in the system and I am happy that we are coming with proposals and as a priority coming with issues that are extremely important.

Madam Speaker, I had the opportunity to intervene on several debates and on a few debates I have been talking about the importance of - in any reform that we undertake, in any initiative, any project that we undertake - taking into consideration two issues. First, we should know our priority and I am happy that the hon. Minister and her team know their priority. And secondly, Madam Speaker, of course is the issue of values. These two works together for us to be able to add value in anything we do.

Madam Speaker, in this Bill I have got three questions on which I am going to elaborate, with replies of course, and that would be the basis of my intervention. When we look at the Bill, Madam Speaker, what are the important questions that we have to ask ourselves?

First, when we consider the higher education sector, with this Bill, are we addressing the priorities? This is one. Madam Speaker, the second important question that we have to

ask ourselves is that whatever provisions that we have in this Bill, are they relevant to the challenges that are being faced by this higher education sector? The third important question, Madam Speaker, is, of course, how far does this Bill bring us in line with the vision that we have defined for our country? These are the 3 important issues when we consider this Bill. Madam Speaker, to come to this first question, are we addressing priorities?

Yes, Madam Speaker! Because I must say that, as a priority, we have to go to that spinal cord in the system, and that is the institutional and regulatory framework that we have to set up - an appropriate institution and regulatory framework. Everything starts from there. Madam Speaker, afterwards, once these institutions are put in place, I am happy also that the hon. Minister mentioned the need for the former Tertiary Education Commission and today the Higher Education Commission not to be judge and party at the same time.

So, Madam Speaker, with these institutions that are being set up, you have, first, the Higher Education Advisory Board; second, you have the Higher Education Commission, with at the Head a Commissioner, and you also have a Registrar, I think. It is this institution which will have an oversight on our tertiary education sector. But, before that, we spoke about an Advisory Board. There is nothing wrong in having an Advisory Board, Madam Speaker. What is important, the Minister needs to have advice; the Ministry needs to have advice. It is not an issue of only approving anything that is being recommended to you by the institutions. It is good that you have an Advisory Board, but I agree that what is more important as well is the type of people, who you are appointing in these institutions.

Madam Speaker, today, we are facing a challenge. We said that for the last decades, we had a deficiency at the level of training. Our training strategy has failed, Madam Speaker. And that is the reason, for several decades - not now - we did not have an appropriate training strategy. We are here since only three years now. We are trying to put in place these types of institutions that in the long run are going to address this.

But, today, the challenge that we will be facing, Madam Speaker, with the creation of these institutions, is where are we to get those people who are going to head these institutions. That is the reason why we, as politicians, have to be very careful. Those people who are in the Ministries today, those people who will probably be retiring in a couple of months, they are the reservoir of experts that we have. We have to ensure that they are here. We have to ensure that we have such types of people who can enable us meet the challenges so that we can, with the help of these institutions, transform our tertiary education sector. So, those people who are here today, probably we need them for several years more. But, apart

from people who are in the education field - I am talking of education, but probably in other Ministries as well we might be having people who will be retiring -, these are people with experience and expertise that you cannot just find anywhere. I am going, Madam Speaker, to take an example.

Only a week ago, we were looking for somebody to recruit as a Human Resource Manager. And 10 years back, the person I contacted personally was working for our organisation, where he was getting almost Rs10,000. Today, I personally contacted him and told him whether he was available and if he would be interested to join the organisation. You know what, Madam Speaker? He is somebody very effective. Madam Speaker, he told me, yes, he is available. But then, when he told me about his package, I was surprised; Rs175,000 per month, Madam Speaker. We have to be very careful in this House also. We often keep criticising why we are paying such and such people so much of money. Why so much of benefits? There is a serious problem of professionals - lack of professionals. If we want to meet the challenges, the objectives that we have fixed ourselves in more than a decade to achieve this high-income status, we need to be very careful. With these institutions, this is the main problem. Where to find those people? This is the main problem! But, Madam Speaker, this is not the debate in this House today. The debate is the relevancy of these institutions, and I am happy that the Ministry has got its priorities right. This is where we have to start if we want to reform our tertiary education sector.

Now, the second question, Madam Speaker, is this question of relevancy; how relevant are the provisions in this Bill in regard to the challenges that this higher education sector is facing. Madam Speaker, we know what has happened. I am not going to do politics on this. But we know the major problems that we have been facing for several years. There were two, Madam Speaker. One is the issue of quality. Our policies on quality have failed, we must say, for several years in that sector, and the other issue where we have failed is the issue of governance and accountability. This is why I mentioned, when we look at this Bill, somewhere with the setting up of this Quality Assurance Authority, we are taking care, Madam Speaker, of this issue of quality, accountability, and governance.

So, Madam Speaker, with the setting up of this Quality Assurance Authority, with at its Head a Board with a chairman, and then you are going to have, of course, an Executive Director, I think, who will be at the Head of this executive arm. What is interesting and important in this, Madam Speaker - something which was not there - when we are repealing the Tertiary Education Commission, what is the Ministry doing? What the hon. Minister

mentioned is very important. The Higher Education Commission cannot be judge and party at the same time. You need to have an independent body that is going to have an oversight on quality of what has been accredited or on the quality of the infrastructure of these institutions, even on the quality of a series of measures that have been announced; for example, this code of conduct for the students, which I consider extremely important, Madam Speaker. So, this issue of quality, Madam Speaker, brings about the creation of an independent body, which was long overdue.

Finally, Madam Speaker, the third question; how far this Bill goes into meeting the vision defined for our country. What is that vision, Madam Speaker? It is to enable our country achieve this high-income status country. How are we going to achieve this? Madam Speaker, I was referring to a document, and let me quote from this document. It is an OECD research report, a recent one, which says, and let me quote this, Madam Speaker -

“Given the importance of human capacity in development, economic growth and social stability, it is no surprise that higher education policy occupies an increasingly important place on national policy agendas. The widespread recognition that higher education is a major driver of economic competitiveness in an increasingly knowledge-driven global economy has made high quality higher education more important than ever before in both industrialized and developing countries.

Higher education contributes to socio and economic development through four major missions:-

- The formation of ‘human capital’ (primarily through teaching);
- The building of knowledge bases (primarily through research and knowledge development);
- The maintenance of knowledge (primarily through inter-generational transmission of knowledge).”

And I have been referring to our resource persons who will be retiring later on, whom we have to keep. We have to be extremely careful, not to say that because he was working with that Minister for two, three, five, six years, so you are going to tax him as this or that colour.

I hope that we understand today, Madam Speaker, that *il faut avoir une rupture* in the way we have been managing this country. Madam Speaker, I was talking about vision. So, it is clear, Madam Speaker, that, until and unless, we meet the challenges of our higher education sector, we will never be able to transform our economy and we will never be able

to come to that high income status we are dreaming of. Madam speaker, that is the reason why, after commenting on this Bill, I would like to congratulate the hon. Minister and his staff for the very good work that they have done with this Bill.

Let us hope, Madam Speaker, that in the coming years, the priority becomes the search for talents, we put the right people at the right place and with these institutions that we are setting up with this Bill, I am sure that we will be able in the decades to come to achieve that objective of attaining a high income status in the years.

Madam Speaker, thank you very much. Thank you very much to everyone who has been listening to me on this Bill.

Madam Speaker: Hon. Rampertab!

(9.40 p.m.)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Madam Speaker, let me, first and foremost, thank and congratulate Mrs Leela Devi Dookun-Luchoomun, the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research for coming up with such a vital piece of legislation, that is, the Higher Education Bill.

We all know the role that education has played in the transformation of Mauritius today, Madam Speaker. It has, indeed, been the key ingredients of our success. It is really frightening to think what the state of our country and economy would have been if we had not provided education to all our citizens.

Not long ago, Madam Speaker, this Government has come up with the necessary reforms in the primary and secondary education sector and this has brought a sign of relief to both the students and their parents. In fact, today, the PSAC came out with great results. It was high time, Madam Speaker, that necessary reforms be carried out in the higher education sector.

Several Governments in the past have said that they would make Mauritius a knowledge hub and this must have echoed in this august Assembly so many times. Many have used it as a *cliché*, but till now, no one came to this House with a paper to say how we would transform Mauritius into a knowledge hub.

Today, we have a piece of legislation that has been well drafted and presented and for this I would like to, again, congratulate the hon. Minister, Mrs Leela Devi Dookun-Luchoomun.

Madam Speaker, for the first time in this House, we have a legislation that lays the foundation to transform Mauritius into a really knowledge hub and, for the first time in this House, we have a paper that expresses the key ingredients of a knowledge hub in a comprehensive manner.

Madam Speaker, this piece of legislation puts quality at the centre of higher education. This Bill provides for the creation of a Quality Assurance Authority that will promote and maintain quality and sound standards in higher education through appropriate quality assurance mechanisms.

Quality assurance in higher education has also become a focus of attention for both public and private universities. Students who often see education as an investment and are paying big tuition fees are concerned about the quality of lectures they pay for. External demands for quality of teaching have increased. Madam Speaker, the number of people seeking a seat in a higher education institution is increasing day by day, but, at the same time, the number of providers of tertiary education is also increasing. Why should someone come to Mauritius to study for the higher education? And for that, Madam Speaker, we need to offer quality high education. I am not saying that we are not doing so now. What I mean is that there must be a proper mechanism to measure the quality. The QAA that will be created will definitely play a pivotal role and this has come to fill a gap that has existed for decades.

Another key feature of this piece of legislation, Madam Speaker, is the creation of the Higher Education Commission that will monitor and oversee the higher education sector and be responsible for the registration of institution offering higher education and for the accreditation of the programmes.

When Mauritius becomes a knowledge hub, the number of providers of higher education will definitely increase. For example, last year, in the UK, major reforms to higher education at rewarding high quality institutions had really open up the sector to new providers. Even UK came up with new regulators. This is why we should not stop new players to come, but they must satisfy the standards set up by this new regulator. This will ensure that we have higher quality education institution that can deliver high quality

education to both local and overseas students. For example, I will say, like in Australia, higher education today is an important pillar of their economy.

The well-established framework boosts the confidence of students and their parents. That is why so many students today go to Australia and, for us, I am certain that this legislation will provide a similar framework in Mauritius.

Madam Speaker, this Bill goes beyond ensuring quality of governance and processes among higher education providers and quality improvements in the sector can only be achieved if we start looking at the performance of providers in terms of students' outcomes who have followed programmes that have been duly accredited. What knowledge and skills have graduates of tertiary education institutions gained through their studies? How satisfied are they with the education received? And, did they meet the goals for enrolling in these courses? Without the answers to such questions, there is insufficient basis for us to ascertain the true quality of education and to identify areas for improvement.

This Bill comes with the idea of having one body for accreditation of all the programmes. A recent report done for profit higher education industry in the US illustrates how a purely profit motive can lead to severe repercussions for students and the industry.

The report, a result of a two-year investigation for profit colleges by a US Select Committee highlighted high dropout rates, high fees that were not commensurate with returns to students, a lack of students support and misleading marketing on the success of graduates. Such practices were clearly aimed at growing students' enrolment and revenue with little regard for the welfare of the students. Although, Madam Speaker, not all institutions were guilty of the same practices, but the widely publicised report has damaged the credibility of the entire sector and the US.

Madam Speaker, therefore, I see this Bill as being *avant-gardiste*. We should avoid such a situation to occur in Mauritius.

I am very confident that this reform will be able to ensure that all providers are *bona fide*. If today, we do not have these problems, it does not mean that tomorrow we would not have them. So, it is better to get ready today. By voting for this Bill, we are reinforcing the frameworks in order to ensure that such problems related to poor practices.

Indeed, as stated in Section 6 of the Bill, the Commission will rationalise teaching of programmes in public higher education institutions and this Bill will contribute to ensure that the Government, students, parents and other stakeholders obtain value for money. And,

Madam Speaker, this legislation provides for rigorous tests to maintain standards. This is at the heart of our knowledge hub.

To conclude, Madam Speaker, with this Bill, gone will be the days of having bogus colleges, bogus universities, giving bogus certificates and tricking parents and students. I would like to thank and congratulate again the Minister of Education for coming up with such a very important piece of legislation which will really change Mauritius as far as education is concerned.

Thank you.

Madam Speaker: Hon. Osman Mahomed!

(9.50 p.m.)

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. It is always very difficult to speak last, because much has been said already. But, nonetheless, thank you for the opportunity to contribute to this momentous occasion whereby Mauritius is attempting to modify its higher education landscape.

I would have wished to be in a position to congratulate the hon. Minister of Education for having finally brought for debate in this House, slightly more than a week ago, such an overhauling of an important sector through a Bill that was announced almost three years ago. But there are flaws in this Bill.

I will fail in my duties towards the democratic traditions of this country and to the people who have spoken or written to me about them if I do not bring these flaws forward for consideration, for discussions and for amendments tonight.

But, first, I would like to bring us down memory lane by citing an extract of the Speech from the Throne of 15 September 1967 - before I was born - when many - especially in those days, the hon. Lesage who did not like the idea of university in Mauritius. Those days, Madam Speaker, many were those who thought that we could all send our children to Great Britain, France, the USA or India, but like Sir Seewoosagur Ramgoolam said in that particular speech –

“Can you afford not to afford a university?”

And then the University of Mauritius was set up. 20 years later, I had the chance to be the first batch to enrol for BTech Engineering at the time the University of Mauritius became

free. So, that was a long time ago, in 1988 in fact. The University of Mauritius was considered a flagship institution at that time and enrolling there was demanding in terms of grades. But today things have changed.

One year later, I obtained a seat at the National University of Singapore and in 1993, I finally graduated, four years later, with an engineering degree from the Nanyang Technological University. So, I have known the system of two countries university, how they have evolved over the last two decades.

I was reading the last alumni magazine that we receive, and in there I was pleasantly surprised to see that the Nanyang Technological University is today ranked 11th worldwide, on the QS World University Ranking and first in Asia. And the National University of Singapore is 15th worldwide. But like my hon. friend said just now, University of Mauritius has gone down. I think hon. Baloomoody said 2564th worldwide.

True enough, the ranking of the university does not make the quality of the graduate, but then at a time when it was said earlier, I think, by the hon. Dr Joomaye, that we have in one or two *gradués chômeurs* in Mauritius, and that we need to look up at the international market. The ranking of the university sometimes make a lot of difference. So, there is much to be done there.

Madam Speaker, I would have hoped that this Bill would have restored this situation, but I wonder whether it does, because there are, to my views, like I said earlier, flaws in it, and, at times, they are serious both in terms of approach and content. They are multiple and insidious and they operate at different levels as I will now describe.

I will start by highlighting, to my view, what I consider to be the huge gaps brought by this Bill, then show the different measures serving to deepen the fractures and finally demonstrate how the nitty-gritty, hidden instruments serves to maintain these fractures.

Let me, therefore, go to the first level, the metalevel. Let me introduce at this stage, Madam Speaker, the fractures! At the metalevel, at the Explanatory Memorandum itself, the purported object of this Bill is to repeal the Tertiary Education Commission Act and enact a reformed, modern and appropriate legislative framework so as to ensure better control and regulation of the higher education sector in Mauritius.

However, given the approach to the development of this Bill, it was said earlier in this House and it was much debated that there were no proper consultations. We have heard there were PowerPoint presentations, we have heard there was a workshop, but I would appeal to

the Minister to explain to us later what processes have been followed, what consultations have been followed and the extent of consultations, and even if there were groups challenging the Bill, so that we can know once and for all and sum up on this part of the debate that we have extensively discussed about.

Secondly, Madam Speaker, even before listening to the hon. Minister this afternoon, I already had the impression that the drafting of this Bill was done by a foreigner, and I confirmed when I was listening to you that Mr Rehman did the drafting. I had that impression because simply the fractures are so apparent that one is under the impression that it can only be a foreigner with little knowledge of the Mauritian context who has drafted the Bill, because simply it does not capture the views and felt needs of the Mauritian population. I am not blaming the lack of knowledge of the resource person, nor his competence, but only the lack of knowledge of the local context which is not reflected in the Bill.

Thirdly, let us look at the very definition of “higher education” as per paragraph 2 of the Bill which states that –

“higher education” means education offered by a higher education institution conferring qualification for an undergraduate certificate, an undergraduate diploma, a bachelor’s degree, a bachelor’s degree with honours, a postgraduate certificate, a postgraduate diploma, a master’s degree or a doctoral degree, or their respective equivalents.”

This very definition in itself deepens the existing difficulties of grappling with issues like the foundation programmes being offered, for instance, by the Open University of Mauritius. Who will audit these? One can see, Section 7 (1) (f) provides that the Commission will –

“Undertake periodic accreditation audits of higher education institutions.”

The question remains, Madam Speaker, who will audit the programmes. Will it be the Mauritius Qualifications Authority? In fact, what would the role of the MQA be? I sincerely hope, Madam Speaker, that we do not end up with a toothless dog as regards quality audits. With this Bill, we have in our little Mauritius the following authorities to cater for education from now onwards, if the Bill is passed through debates today.

The Ministry of Education, the Tertiary Directorate of the Ministry of Education, the Higher Education Advisory Council, the Higher Education Commission, the Quality Assurance Authority, the Mauritius Qualifications Authority, where the only time it is

mentioned in the Bill, is at paragraph 54 (11) four amendments being brought to it. So, it is mentioned only once in the Bill. Otherwise it does not appear anywhere else in the Bill.

It would appear that the Quality Assurance Authority is somehow leading to the MQA being forgotten. This is the impression that one gets whilst going through the Bill.

So, Madam Speaker, the creation of new institutions that has so far characterised the way in which this Government works, does it not boil down to a recipe for modern management or to provide - hon. Mrs Perraud said it in her own way – more jobs for the boys, that is my way of saying it, or more jobs for the girls? Because it would appear that we shall have some four additional Chairmen and some over 30 additional nominees! I am just wondering what value addition would all those additional needed resources be with regard to their fees, their staff, office space, transportation requirement, etc.

To my view, this seems to be an institutional messy situation with overlapped and confusion of roles at a time when the United Nations Agenda 2030 is prompting countries to work towards sustainable development. This Bill will clog the system until it chokes in a very unsustainable manner.

As it is, Madam Speaker, critics - and I am not referring to the most vociferous ones - are of the view that this Bill seems to be a patchwork of contributions made by the various constituents, each of them jockeying for positions in the sector. This is a felt perception.

In order to rest my case further, Madam Speaker, I want now to draw the attention of the House to some extracts to prove the hegemonic intent of this Bill. Let us look at section 3 but section 3 has been deleted and this is good, but we are remained with section 52 (1) and 55 (10). At section 52 (1) and I quote –

“The Minister may make such regulations as he thinks fit for the purposes of this Act.”

And going on to section 55 (10) which states that –

“Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.”

Madam Speaker, would the hon. Minister and, therefore, I would not want to press on her or to embarrass her but I would kindly request her to tell us how she could singly - even though she may not be but the law allows her to – be the substitute for a whole institution and all that it represents. Is this not still too much power to a Minister?

In addition, section 9 (5) mentions that –

“Every member of the Board of the Higher Education Commission shall be paid such fees as the board may, with the approval of the Minister, determine.”

So, if I understand well, the Minister would have a say on the final fees of the Board. This is another issue.

Last but not least, with regard to this level is the immunity of the Board of Members and staff of the Commission and the authority that is introduced with section 43 on Protection from liability which states the following –

“No liability, civil or criminal, shall be incurred by the Commission, the Authority, a member of the Board of the Higher Education Commission, a member of the Board of the Quality Assurance Authority, an officer of the Commission, an officer of the Authority or a member of a committee, in respect of any act done or omitted in good faith in the discharge of its or his functions or exercise of its or his powers under this Act.”

Therefore, Madam Speaker, when your grandchild or my child enters an organisation, that is, under the purview of the Higher Education Commission and the QAA which is subject to mismanagement that has been allowed in good faith, this child can have no appeal since nobody will ever be held responsible for erroneous decisions. So, we come to see how the fractures are deepened at institutional level.

Let us move, Madam Speaker, to study the impact of this Bill on the educational landscape of the country and I shall prove how we can never have the modern legislative framework that this Bill sets out to provide. I move to level two of my analysis which is the macro level deepening the fractures.

Madam Speaker, let us think for a moment about the higher education set-up as it is right now. It is managed by the Tertiary Education Commission and the Tertiary Education Directorate of the Ministry of Education. I keep wondering how will the members, to be appointed by the Prime Minister having wide experience in the field listed, give policy directions in matters of higher education. Square pegs in round holes, indeed!

On those nominees, and I make a suggestion here, I see a lot of fields have been mentioned for the people who come from several fields, there is none

from the medical side. At a time when we are dispensing medical courses in the university, there is no one from the medical background sitting on the Board. So, this is something that maybe I could suggest to the hon. Minister.

Anyhow, Madam Speaker, the Tertiary Education Commission was giving policy directions; the Ministry and the MQA were the necessary appendices. The MQA owns the National Quality Framework. This vital instrument has more to do with higher education and every time the TEC has to carry out an initiative that impacted on the National Quality Framework, it had to seek permission from the MQA. Already we existed in an environment where we had to grapple with a fractured system.

Instead of moving towards a harmonised system, this Higher Education Bill serves to further fracture it! In a world where UNESCO, which drives educational agendas around the world, has been asking Mauritius to ratify the Addis Convention of 2014, we see that this Bill will do anything but to bring in harmony our higher education system. Now, we have to deal with even more dangerous challenges. The fractured higher education system will now be directed and regulated by three new bodies: the Higher Education Advisory Council, the Higher Education Commission and the Quality Assurance Authority. How will coordination be ensured between these three different bodies is a question I should like to put to the hon. Minister tonight?

Similarly, the Higher Education Commission will host a register that will be affected by the work done by the Quality Assurance Authority (QAA). Does that not tantamount to duplication of efforts is another question. Thus, according to section 19, the Higher Education Commission will give policy directions and will develop the Credit Systems Framework separately and the QAA will implement these separately.

With time, one may predict that there can be a divergence between the two. The QAA, which appears to be subordinate to the HEC, will have to refer to the latter whenever it takes any decision that will surely have an impact on the HEC's register. What was happening in open offices of one organisation will now have to cross all the procedures and processes of two organisations. I am thinking about all the elements leading to the writing and presentation of, for example, a board paper. The Board decision being taken, this is being transmitted to the other organisation to be dealt with in its own Board meeting, instructions being given out and so on.

In fact, by giving statutory status to the different departments of the present TEC or rather to two distinct functions of the present Quality Assurance and Accreditation Division of the present TEC, this Bill seems to bring about a situation where these two functions will have hardly any dialogue between them. What used to be discussed in the corridors of one building will now be distanced by buildings, Boards and staff. It seems that there has been an unprecedented introduction of cumbersomeness to existing processes. That is my opinion.

On the other hand, Madam Speaker, with the MQA, which is the other player in the landscape, being the owner of the National Qualifications Framework, what are the provisions made in this Bill for facilitating the work of the new HEC with regard to encrusting the credit system framework on to the NQF without having to constantly ask the MQA for permission. I have not seen any.

Another matter that I find seriously worrisome, is contained in section 21 (3) and I quote –

“(3) A private higher education institution may apply to the Commission to use the title “University” where the institution has offered courses leading to the award of a qualification leading to a bachelor degree or above and has awarded such qualification for the last 3 years.”

Now, there are many institutions that fall under the above category. Does this mean that we shall have further mushrooming of more universities in Mauritius? It has been evoked in the House earlier on. I think hon. Hurreeram has spoken about *les champignons qui pousent après la pluie* or something like that. Are we going to have this kind of situation? Because he said we had it previously and now we are bringing amendment that ...

(Interruptions)

Top quality! This is what everybody says at the beginning actually.

Has any research been carried out with regard to the number of universities that a country of our size can carry? Do we have the wherewithal to build university cultures among all these institutions, or is the number of years of operation the only significant criteria for an institution to be called a university? I leave it up to you all, Madam Speaker and hon. Members, to think about this.

So now, we come really to the nuts and bolts, the nitty-gritty of things where the devil is in the details. This is the level three of my analysis, the micro level, the seeds of the ungrowth.

Firstly, Cultural life - Section 6 (g) states that the HEC will support the development of cultural life as part of its objects. What does that mean? How is a Commission, which is an Authority, going to nurture cultural life? This is a question I have tonight.

Secondly, mix and match. As part of its function, the Commission is meant to, at paragraph 7 (f) -

“undertake periodic accreditation audits of higher education institutions.”

While at section 31 (2) –

“The Authority shall, in the discharge of its functions under subsection (1), be responsible for –

(b) driving improvements in the higher education sector;”

Madam Speaker, I am of the view that there is a cross match of functions. I appeal to the hon. Minister to have a closer look and to revisit, if needed there. Also, we need to have defined, demarcate accreditation of audits as opposed to quality audit.

Thirdly, the issue of Code of Conduct. The Bill makes provision for, at section 8 (a) (ii) –

“ issue and enforce a Code of Conduct for its students;”

But what about educators, teachers, lecturers and other staff? Are they not part of the deal? Will the staff of the Commission and authority, themselves, be allowed to work in those very organisations, be it public or private, that they are supposed to audit? Do they not need a Code of Ethics to guide them in their professional life?

On another note, Madam Speaker, documentary evidence is mentioned in section 16 (8) –

“Where a person intends to operate a centre or branch campus in Mauritius as a separate entity from its overseas institution, he shall provide documentary evidence to the effect that strong academic linkages exist between the centre or branch campus and the institution.”

In an era where electronic manipulation of documents is easily carried out, are we secured about documentary evidence as the only source of reliability? Will there not be due diligence conducted on those learning organisations? This is another suggestion I would like to make to the hon. Minister, over and above documentary evidence, to conduct proper due diligence over those organisations so that we do not end up with what we have had in the past.

Now, coming to quality audits, it seems there that our colonial mentality still persists, in section 38 where we expect that –

“(1) The Authority shall ensure that every higher education institution is subject to external quality audits against international yardsticks for benchmarking of performance.”

What if we do not meet international yardsticks because we have our very own which have not been made explicit? Are local requirement and dictates nowhere in the picture?

On the other hand, I would like to see, therein, provisions that do not allow staff from the private tertiary institutions to participate in audits or quality assurance exercises of public institutions. This is highly unethical and in the past - I have mentioned it before - it has happened and this Government, I do believe, has allowed an ex-Director of the TEC to rope in a Director of the Private Higher Education Institution to participate in quality assurance exercise of the Open University. I think this has happened before, I am told.

Such situations may give undue advantage to the private providers against our fledgling institutions. I now move to section 14 - Registrar of Commission. What is the purpose of a Registrar and its exact functions? Is there not duplicata between the HEC and the QAA? How frequently has audits been carried out at the TEC recently? Do we really need a Quality Assurance Authority to carry out the audits? Is it not a wastage of funds to create this authority with an Executive Director and several staff in order to carry out quality assurance? The HEC is registering an institution and accreditation of a programme, as is the case now. The criteria should be met before registration and accreditation is done. Therefore, the creation of the QAA is only to ensure that qualities are being met after registration and accreditation which can tantamount to waste of funds.

Two last questions, Madam Speaker, before I move to my suggestions.

(Interruptions)

No, because hon. Rutnah has said we only criticise and we do not make suggestions. So I want to make suggestions.

Madam Speaker: The hon. Member is not allowed to talk to any hon. Member, please!

Mr Osman Mahomed: Sorry! What provision has been made in this Bill to permit HEI from continuing its initiatives and endeavours to seek accreditation of programme? I wanted to mention about the University of Mauritius, but I think we will pass over this.

So, my suggestions, a few ways of making progress -

- (ii) to have top businesses, here, moving on from sponsoring minor things and to concentrate on sponsoring post-graduate chairs and research and development in specialised technical departments; to have top businessmen and women engaged in universities here in joint appointments to strengthen the academic business links and foster more engagement between town and gown;
- (iii) top consultants, when they arrive here from abroad, either on EU, Commonwealth, UN, African Development Bank funding, should have built-in to their contracts post-graduate teaching and tuition roles. The students would learn much there, and there is nothing better than teaching from a consultant to improve their understanding of the field in which they work;
- (iv) with the accent of inter-sector engagement, let us see the diplomatic corps play its role in mentoring and promoting research at post-graduate level, for they have much to offer in the field of political science, trade and industry, and
- (v) for those of you who are familiar with Singapore, we have to match salary with experience and qualifications. I think this is important.

Madam Speaker, we have arrived where we began. So, before ending, I would like again to quote an extract from that speech I started with, the Speech from the Throne of 15 September 1967, where Sir Seewoosagur Ramgoolam said -

“We have given to this country a great many things that never existed before and which, in fact, are unique in Africa or in some Asian countries. We have provided old age pension for people, a non-contributory pension. We have almost universal education, both primary and secondary, and a university which has just been born.”

That was then, when the University of Mauritius took off and slowly became a flagship. But, today, we have to build up that University again. I may have taken some time, I

know it is late, but I associate myself with other Members of the Opposition who have spoken before me to say that a Bill of such importance cannot be allowed to pass without a healthy dose of critic, the more so it has come for debate less than two weeks after having been circulated. We have seen tonight that a whole paragraph has had to be removed, paragraph 3.

We are talking about a Bill which will take care of our children's higher education needs. We are talking about meeting the United Nations Sustainable Goal No. 4, Quality Education, and working for a sustainable development. With this Bill as it is, we will fall, I fear, short of that goal.

On this note, I thank you for your attention.

Madam Speaker: Hon. Mrs Dookun-Luchoomun!

(10.21 p.m.)

Mrs L. D. Dookun-Luchoomun: Madam Speaker, I would like to place on record my deep appreciation for all the contributions made by Members on both sides of the House, and I must say that I am pleased to note that, in spite of the fact that there was a platform for demagogy, many of the hon. Members have opted to be more responsible in their approach and have made certain contributions, have made certain suggestions, which I consider to be very worthwhile and of great value.

Madam Speaker, it is important for us to realise that with this particular Bill, we are trying to prepare the way to make of Mauritius a real centre of excellence for higher education. I have listened to the hon. Members, especially those from the Opposition, and I have noted their concern about clause 3 of the Bill, where they expressed their apprehensions, their fears and their doubts about the way the Minister could interfere in the functioning of the Higher Education Commission in the higher education sector.

So, I have decided to show that this had never been our intention, on this side of the House; we do not have any hidden agenda, Madam Speaker. And this is why I will, at Committee Stage, bring an amendment so as to get clause 3 deleted and, obviously, this will entail necessary adjustments in the numerical order of the clauses.

Madam Speaker, it is important for us to note that when a Bill of such importance is brought to the House, it is obviously done after a lot of consultations and after a lot of thought. Now, hon. Members from the other side of the House have mentioned that consultations were not made. Madam Speaker I would like to stress on the point that it is at the end of year 2015 that we started asking for support from the Commonwealth and, in 2016, when we received the support, consultations started there and then. Dr. Rehman from the

Commonwealth came over, met with all the stakeholders, had discussions with the stakeholders, the tertiary education institutions, private and public, and then came up at the end of November 2016, as I have stated earlier, with the Bill.

The Bill was then sent to the State Law Office. It came back to us; further consultations were made, and it is only after that that the Bill was sent back to the State Law Office, got its approval from the Cabinet and went again for consultation with stakeholders.

I would like to mention, Madam Speaker, that when we started with the debate on the Bill this afternoon, many members of the various higher education institutions of the island were present here. We have here in the National Assembly, the Director of the MQA, the Director of the Tertiary Education Commission and many other stakeholders here in Parliament.

Had they had any sort of apprehensions or fear regarding this particular legislation, they would not have been with us here today. Talking about private higher education institutions, we have asked all of them to come over for consultations. A number of them did come and a number of them expressed their appreciation for the provisions of this Bill.

I am going to go on each one of the points raised by hon. Members, but let me start with the points raised by hon. Osman Mahomed regarding the functioning of the Higher Education Commission, of the QAA, and the mix-up that he is making with the role of the MQA.

It is clear the Tertiary Education Commission is being restructured; it already has a unit which goes for quality assurance. But we have noted that there are many cases of conflicts of interest that have arisen in the past. We have been having recommendations made by various international organisations that have been coming and carrying out surveys in Mauritius and, following the report we obtained from the European Union experts, we came to the conclusion that it is of crucial importance to remove this element of conflicting our functions and to allow the Quality Assurance Unit to operate in a totally independent and autonomous manner.

Whereas the Tertiary Education Commission, which was henceforth referred to as a Higher Education Commission, will be responsible for the registration of higher education institutions for the accreditation of the programmes, the Quality Assurance Authority will carry out the quality assurance audits. Now, these are two different roles, but which were being carried out by the same institution. Madam Speaker, many of the hon. Members have mentioned the DYP saga. They have mentioned the very horrible story of EIILM University.

We all know what had happened. Pressure was exercised by the then Ministers to ensure that courses were approved without even ensuring the quality and the standard. We know what had happened in the case of medical courses. The programme received accreditation by the Tertiary Education Commission, but the Medical Council did not even approve it. And this is what happened at the end! Students having completed post-graduate courses in medicine found themselves being rejected by the Medical Council.

Now, who came and did the mopping up?

We did it, Madam Speaker! We came over here, we asked the support of the Imperial College of London.

(Interruptions)

They came over. They assessed the situation and they gave us an alternative and they allowed these poor students to get a way out of this mess created by the former Government and by the way they managed the system.

Now, Madam Speaker, I must say that I am really worried when I find people who are themselves messed up in that issue, coming up and pointing a finger at this side of the House. We who came over here and tried to get the things right! Madam Speaker, it is very, very strange to find people who are themselves engaged in such misbehaviour, I should say, now pointing their fingers at us.

Madam Speaker, let me come to the points raised by certain Members. I think it was hon. Mrs Perraud who asked why are we spending money, why are we wasting resources in coming up with the Quality Assurance Authority and that it should have been left as it is. Why? Hon. Osman Mahomed asked how many members we are going to put on this Board. But hon. Members should realise that we are trying *d'assainir la situation*. We are trying to make sure that things operate in the way it should and bearing in mind international best practices. They were just telling me that we should not be taking international yardstick and that we need to ensure that we have high quality education. How do we do that? We need to have a certain means of assessing and ensuring that things are being done properly. This is why we are insisting on having a proper Quality Assurance Authority.

Now, there is no duplication or overlapping roles. In fact, what we are doing is that we are ensuring that there is no overlapping role. What had happened earlier was that the Tertiary Education Commission had already given accreditation for the DY Patil Programme and when the moment came to state that things are not going on properly, they could not say

so because they were having to go back on decisions that they had taken themselves. So, having a separate authority to do the quality assurance is the very reason why we want to have it separate and it is to prevent this overlap of roles.

Madam Speaker, hon. Osman Mahomed again stated that Mauritius Qualification Authority's role will be messed up, TEC will have to go to the Mauritius Qualification Authority to get clearances. But this is not the case! He does not even know how things are being done today. The Mauritius Qualification Authority deals with the TVET sector whereas the Tertiary Education Commission, as it is today, does the accreditation of courses at the tertiary level. So, let us not mix up issues.

Now, I must say that there are other points that were raised and I must also thank hon. Members for their valuable contributions. Here, I would like to mention hon. Mrs Selvon, hon. Dr. Joomaye, hon. Hureeram, amongst many others, who have made very valid suggestions and which we will take care of.

Madam Speaker, hon. Mrs Selvon mentioned about the need to have a check on the advertisement done by certain institutions to attract students. In fact, the Quality Assurance Authority will have not only to look at the audits, the Tertiary Education Commission will have, prior to registering institutions providing accreditation, carry out diligence and make sure that they are institutions of repute.

Now, coming to the clause of University, how do we attribute the term 'University' to an institution? It is only after that institution has been allowed to operate here, only after having registered that institution and after five years of operation, allowing it to have a first cohort getting the qualifications, and then, after three such batches passing through, then only they can apply for the use of the term 'University.' And that too, it is only after the Higher Education Commission is satisfied that this term would be used.

Madam Speaker, I would like to mention one thing. I heard hon. Mrs Perraud stating very strange things. I must say that after listening to her, I really understood how badly the Bill was understood, because she came up with statements like the Technical Education Commission while we are talking about the Tertiary Education Commission. She asked what is meant by 'an accreditation audit'? Someone has told her that this is not done. Obviously, this is not being done right now and this is what we intend to do. Once a programme gets full accreditation, then no auditing is done. What we are proposing is that even when you have

given the accreditation, you can still carry out quality assurance and audit to ensure that it is being done properly.

Madam Speaker, if I will go through each and every point that has been raised here, it might take a long time, but I would like to say one thing more. Someone mentioned how many universities we think our island can support. I must say that at the Ministry and, we, in Government, bearing in mind the vision that the hon. Prime Minister has, bearing in mind Vision 2030 for our country, we intend to grow and we intend to have this sector flourishing. We want to bring Mauritius right up and to present it as a high education destination.

The idea of an educational hub, as rightly pointed out by hon. Dr. Joomaye, first came up in the years between 2000 and 2005. I must say that hon. Obeegadoo was then Minister of Education. The whole Government was looking at the tertiary education sector as a sector that would grow and flourish.

Indeed, lots of collaborations were established with foreign universities, but let me inform the House, Madam Speaker, that today only I had meetings with the representatives of the University of Murdoch from Australia. Yesterday, we were dealing with *l'Université de La Reunion*. All these universities are very willing to come and set up branch campuses or micro campuses, as we say, in Mauritius. The University of Mauritius has already negotiated with the University of Arizona which is coming up with the micro campuses in Mauritius. Murdoch University is wishing to do the same. Private institutions, Charles Telfair Institute, Medine Group, they are all expanding and they are all welcoming foreign institutions of renown to set up their units here in Mauritius.

Our vision at the Ministry for the tertiary sector is to ensure that our public TEIs as well move on to have such collaborations. The trend throughout the world, Madam Speaker, is towards the internationalisation of the high education sector. What are we doing today? We are ensuring that we also move up and high. Internationalisation means also certain things that we are doing today. We have collaborations with *l'Université de Limoges*. We have established collaborations with *l'Université de La Reunion*. We are proposing to have common modules and shared modules. The idea of having credits and transfer of credits, here, in this Bill, will allow the recognition of qualifications or courses covered by one institution by another.

So, we are trying to come up with a new picture for the sector. I heard hon. Baloomoody and I even heard hon. Osman talking about the ranking of universities. It should

be clear in our minds that there are various criteria for the ranking of universities. Say, today, that Mauritius is at the 2,600th position is not something great. Let me explain why. Because the criteria for the ranking of universities ranges from research facilities, research papers produced, the type of research being carried out and the application research.

We all know that research is, in fact, knowledge creation, but following knowledge creation, we need to have knowledge dissemination and also knowledge application. What hon. Osman Mahomed was saying, the contact has already been established. University of Mauritius has a knowledge transfer bureau, a liaison office which links up with the industry people. Today, all the courses being provided by Tertiary Education Institutions such as the public ones are being done in collaboration with the private sector. We must not forget the hon. Prime Minister's idea of the Graduate Training for Employment Scheme has come up through this collaboration between universities and the private sector. Only last week, I was in a function, 250 *gradués chômeurs* - as they called it - have been given training and have been recruited by the institutions, by the private enterprises that had selected them.

Madam Speaker, if I keep on talking on that sector, I will end up tomorrow, but I will try not to do that. I will also state one thing, Madam Speaker. I heard hon. Osman Mahomed again talking about documentary evidence and saying that documentary evidence is not sufficient. Obviously, it is not sufficient because prior to that, you will need to get the approval of the Higher Education Commission for you to set up your institution here. So, it is not as simple as that. I would like to mention that when we say that Mauritius ranks such and such position, then the question that I would like to ask is: 'Why then are we having British universities keen on linking up with our public institutions here? Why is it that Australian, French universities are all crowding and trying to get position here in Mauritius? The big question is: why? We all know that Mauritius is often seen as a platform for entry into the African Continent, but we are also a platform for tapping the potential of Africa in terms of students.

Another important thing that we have is the location and when we talk about the time zone, Mauritius is the right place where you can have distance education, online education with any part of the world. This is another factor that we do not pay attention to. Hon. Osman Mahomed also talked about culture.

Now, let me say that if we have one attraction for foreign students, it is this possibility of having intercultural experience in Mauritius that is not available anywhere in the world.

When you go to New York, Madam Speaker, when you stand on the road and you find people walking around, they look as if you are in Port Louis. People are in sarees, in dresses, in skirts, lungis, etc. walking around, but when you ask people there, it is almost like in Mauritius. They tell you, no. Here, we meet in the office and it is over, whilst in Mauritius, you learn about the other. Culture is extremely important and Mauritius is an example where cultures of the various parts of the world meet and where each one maintains its own original flavour. We do not have a melting pot, Madam Speaker.

Madam Speaker, someone mentioned about the composition of the Board. Then I would like to mention that in the composition of the Board, we have gone a step further. We have been saying that there are various fields in which we need to get people. People in various spheres of activities should be on the Board. Now, you are talking about medical field. Let me mention that science does include medicine. When we talk about the accreditation of any professional course leading to practice, we have mentioned that no such courses would get accreditation until and unless they get the approval of the professional counsel. So, all this has been taken care of.

Madam Speaker, I wanted to mention one more thing, instead of the crying all the time that our higher education system figures very low on the international rankings, I would like to mention that one fact that stands out and puts itself aggressively forward on the African Higher Education landscape, I think hon. Rughoobur mentioned UNISAT. The US is agency for international development. Now, Mauritius stands very high on that list. In fact, we are the first African country with an enrolment of about 40% in the tertiary sector when we compare to the world average of 33% and the African average of 9%. So, we are not that bad, are we? We are not!

So, Madam Speaker, before ending, I would like to thank hon. Mrs Selvon for the very clear ideas that she had put forward.

(Interruptions)

As I mentioned earlier, there was a platform for demagogy, but she chose not to follow that. She opted to be more responsible and her propositions would certainly be taken on board. I would like also to thank all Members who have supported this Bill because we are talking here about the future of our youth, about the future generations of this country. But, Madam Speaker, I will fail in my duty, if I do not thank the officers of my Ministry who have been working on this Bill for over two years. I will also like to thank the people from the State

Law Office who had provided us their support throughout the preparation of this Bill. But I would also like to thank all the Higher Education Institutions and their personnel who have given us a helping hand in preparing this Bill by giving their contributions which we certainly have put on board.

Thank you very much for your kind attention.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE HIGHER EDUCATION BILL

(NO. XX OF 2017)

Clauses 1 to 2 ordered to stand part of the Bill.

Clause 3 (Application of Act)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mrs Dookun-Luchoomun: Madam Chairperson, I move that clause 3 be deleted.

Mr Baloomoody: Madam Chairperson, with regard to the amendment, I think there is a problem of Parliamentary drafting here. It only reads ‘by deleting clause 3.’ What about the subsequent clauses?

(Interruptions)

They will be renumbered. But what about the clauses which make reference to clauses, especially clauses 16 and 26 of the Bill. It should have read in that amendment, not just one line ‘by deleting clause 3.’ It should have been more explicit.

Mrs Dookun-Luchoomun: Madam Chairperson, I would like to draw the attention of the hon. Member to the fact that when I expressed my intention of getting this particular clause deleted, I had mentioned that this would entail the subsequent renumbering of the clauses and of related clauses as well.

The Chairperson: No, let me say that this will be done at a later stage and that the renumbering and that the crossreference which would be made would be done at a later stage by the State Law Office.

(Interruptions)

Mr Baloomoody: At what stage? Are we coming back to Parliament?

The Chairperson: No! In fact, the Minister did explain in her summing-up that this will be done by the State Law Office.

Mr Uteem: Madam Chairperson, with due respect, whatever the hon. Minister has said in her summing-up, it is very fine. She is explaining the purpose of the amendment. But now what we have is a formal motion of amendment and what it reads, it is only that clause 3 is being deleted. The very least we should have, in the amendment, itself, not only clause 3 is deleted, but also all the other sections are renumbered and all the crossreferences are being readjusted. This should be part of the amendment motion.

(Interruptions)

Mr Baloomoody: Because we are going to vote the Bill.

The Ag. Prime Minister: The Interpretation and General Clauses Act is clear. The law is meant to be speaking. Therefore, the summing-up of the Minister takes care of it. We do not need to go and amend each and every section now. I think we can be saved on this.

Mr Mohamed: Madam Speaker, I totally disagree with the position that has been adopted by the Ag. Prime Minister today, because the fact is we should not even talk about the Interpretation and General Clauses Act because it is irrelevant to the situation. What is relevant here is Parliamentary Sovereignty. Are we or not in a situation where we have a Bill, where relevant Clauses and subsequent Clauses have to be amended? Who has the right to amend it? We have the right to amend it, Members of the Parliament. A majority here has to decide whether or not we will go for the amendment. Now, if the amendment is not moved, this means there is no amendment. Now, later on, coming up with Interpretation and General Clauses Act is basically someone trying to get a rabbit out a hat. We are not here in an art of carrying out magic, we are here to vote in a Parliamentary democracy. It's not the State Law Officers who are going to decide to supplant our role as to what we are going to do in this Parliament. The fact that the Ag. Prime Minister comes up with something of this nature is just him being very good as being a counsel, if he goes to represent a client, but not here to come and tell you or advise you Madam Speaker, that this should be allowed. This cannot be allowed, we are a parliamentary democracy, it has not changed.

The Chairperson : Yes.

Mr Gayan: On a point of order. I would like to say that the sovereignty of Parliament is not an issue. What the hon. Minister has said, the deletion of Clause 3 will entail certain consequential changes, that is exactly what is happening. There is nothing else that is being done. The Sovereignty of Parliament is not an issue. So, what the hon. Member has just said is not relevant at all. There will, of course, be, as a result of the deletion of Clause 3, certain amendments that will have to be made to the other Clauses that refer to Clause 3, but that does not affect the Sovereignty of Parliament. This is just, what I called *toilettage* of the text. Nothing else.

Mr Baloomoody: Madam Speaker, you mentioned that this will done at a later stage. Who will do that at that later stage, at what stage and where and when? At the end of the day, we are voting a Bill which will be an act of Parliament, and we are referring not only to the number of each and every, but also the contents. We have to change the contents of certain sections. We are not only renumbering the sections; we are affecting the contents of that section, so I think we should come with a proper amendment.

The Chairperson : Yes.

The Ag. Prime Minister: Committee Stage is what is called *travaux préparatoires*. That is the equivalent in France and that has been adopted in Mauritius case law. When there will be a need to interpret this law, it will be obvious for all judges and everyone who need to interpret the law that the amendment which is being made today includes all amendments which are *toilettage du texte...*

(Interruptions)

Wait, please. Let me just explain myself.

So that, if we listen to what hon. Baloomoody is suggesting, it would mean that now, at Committee Stage, we would need to go section by section and amend each and every section and sub-section just to delete each number. This will be done at final stages when at Third Reading it would do the text. This is just to appear *intéressant* now.

The Chairperson : No. Can I..

Mr Rutnah: Madam Speaker, if I may please. We are at Committee Stage, the hon. Minister has already expressed her intention of amending and there is...

(Interruptions)

The Chairperson : Please!

Mr Rutnah: There is the United Kingdom House of Lords case of Pepper vs Hart decided in 1992. By virtue of the ratio *decidendi* of that case, once the expression of intention has been made in Parliament if ever there is any doubt or everybody can refer to the intention of the Parliament as enunciated by the hon. Minister and it is no point making comment from a sitting position from there.

The Chairperson: It is not for you to say so hon. Rutnah. Now I have listened to both sides of the House, what I will do now is that I'll suspend the sitting for 10 minutes. I will see the State Law Office and I will come with a Ruling.

At 10.54 p.m., the sitting was suspended.

On resuming at 00.18 a.m. with Madam Speaker in the Chair

The Chairperson: Please be seated!

Mrs Dookun-Luchoomun: Madam Chairperson, I move that Clause 3 be deleted and the existing Clauses 4 through 56 be renumbered as Clauses 3 through 55 respectively and the necessary cross references and consequential change be accordingly effected.

Amendment agreed to.

Clauses 4 to 56 renumbered 3 to 55 accordingly.

Clauses 3 to 55 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 Higher Education Bill (No. XX of 2017) was read a third time and passed.

ADJOURNMENT

The Ag. Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Thursday 14 December 2017 at 3.00 p.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo) rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned.

At 00.24 a.m., the Assembly was, on its rising, adjourned to Thursday 14 December 2017 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

AAPRAVASI GHAT TRUST FUND - NATIONAL FLAG OF THE REPUBLIC OF INDIA - INQUIRY

(No. B/944) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) 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 placing of the Indian flag in an inverted position on a desk during the holding of a function at the Aapravaasi Ghat attended by Honourable Shri Yogi Adityanath, Chief Minister of Uttar Pradesh, India, and of Honourable Giriraj Singh, Minister of State, India, on Friday 03 November 2017, he will state if an inquiry has been carried out thereinto and, if so, indicate –

- (a) by whom, and
- (b) the outcome thereof.

Reply: In regard to part (a) of the question, Mr Sateev Seebaluck, former Secretary to Cabinet and Head of the Civil Service, has been appointed to inquire into the circumstances in which, on 02 November 2017, at an official function at the seat of the Aapravasi Ghat Trust Fund, the national flag of the Republic of India was displayed in an inverted position.

Concerning part (b) of the question, I am informed that the inquiry is ongoing.

GAMBLING – SURVEY REPORT

(No. B/945) 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, he will state if the objective of ending the reputation of the country as a “*nation zougadere*”, as promised by Government and by his predecessors at the Ministry of Finance and Economic Development, has been reached according to latest figures on gambling at the national level and, if not, why not, indicating the measures that will be taken in relation thereto.

Reply: Government is maintaining its objective to curb illegal and excessive gambling in the country. It is Government policy that gambling should be regulated. It is universally acknowledged that excessive and irresponsible gambling may cause and has caused irredeemable damage not only to the gambler, but also to his family and to society in general.

The indications are that black market gambling has reduced over the years. The figures available from the Mauritius Revenue Authority show a 70% increase in revenue collection over the period 2006 to 2016. These figures, admittedly, do not provide the true picture.

In 2013, the Gambling Regulatory Authority (GRA) commissioned a survey on prevalence of gambling in Mauritius to gather information about gambling.

The survey report recommended a number of measures in relation to regulation of gambling in general.

One of the main objectives of Government in relation to gambling is to encourage responsible gambling. In October 2016, Government set up a Responsible Gambling and Capacity Building Fund. A 2% levy is being collected from all operators to be credited to that Fund. This Fund is administered by a Responsible Gambling Committee, set up under Section 11B of the GRA Act. The objective of this Fund is to identify and address the ills associated with the gambling industry as well as to develop and implement responsible gambling program for the public.

Government will continue in its efforts to control irresponsible gambling but this will now be achieved in a well-planned and well-thought manner. I am informed that, following a bidding exercise, the GRA has already awarded a contract for the implementation of responsible gambling framework to Sustainable Gaming, a Canadian based firm specialised in responsible gambling. This firm, which has deep rooted experience in leading the development and implementation of internationally recognised and player-focused responsible gambling programs, will start its assignment soon.

Phase I of this study will focus on assessing the current state of gambling in Mauritius and also serve as a baseline for evaluation of responsible gambling framework and activities. This study will diagnose the industry and gauge the level of addiction amongst the different spheres of the society and problem gambling.

Any cost associated with this assignment will be met from the newly set up Responsible Gambling and Capacity Building Fund.

The scope of this assignment, will cover the following –

- (a) recommendation of a new Responsible Gambling Framework for Mauritius in line with the provisions set out under the GRA Act;
- (b) awareness and front-line training for the industry stakeholders in responsible gambling including staff of GRA, *Police des Jeux*, operators and the media;
- (c) undertake the development of a comprehensive communication plan in support of a new GRA Responsible Gambling Framework, and
- (d) develop any regulatory amendments required to support the Responsible Gambling Framework and action plan to improve responsible gambling.

I am informed that the firm will also conduct a formal evaluation one year after the implementation of the responsible gambling program to ensure that concrete results are obtained.

Other measures taken by Government include a curb on gambling advertising, the banning of scratch cards as well as a ban on the issue of new licences to new operators.

It is Government policy to ensure that the gambling industry is constantly monitored so as to ultimately lead to a healthy gambling industry.

BAI KENYA - SALE - COMMISSION OF INQUIRY

(No. B/946) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) 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 Commission of Inquiry set up to inquire into the sale of BAI Kenya by the Special Administrators of BAI Company (Mauritius) Ltd., he will, for the benefit of the House, obtain information as to where matters stand, indicating if any –

- (a) interim report has been submitted, and
- (b) fees have been paid to the Commissioners.

Reply: I am informed that the proceedings before the Commission of Inquiry on the Disposal of Shares of BAI Company (Mauritius) Ltd in Britam Holdings Ltd (Kenya) are ongoing.

In terms of the provisions of the Commissions of Inquiry Act, it would not be appropriate for me to request any information from the Commission of Inquiry as any intervention in the work of the Commission is not in order.

In regard to part (a) of the question, no interim report has been submitted by the Commission of Inquiry.

Concerning part (b) of the question, no fees have been paid to the Commissioners who are proceeding with their assignment.

MISSION OVERSEAS - WASHINGTON - MR G. M. - RECRUITMENT

(No. B/980) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, he will state if he is aware that one Mr G. M.⁷, employed at the Mauritius Embassy in Washington has allegedly been told by the Ambassador to refrain from having his hair worn in dreadlocks style and, if so, indicate if an inquiry has been carried out thereinto and the outcome thereof.

Reply: I am informed that Mr G.M., a Mauritian national, holding a US permanent residence, has been recruited as Driver/Messenger/Cleaner at the Mauritius Embassy in Washington on 02 May 2017 in a temporary capacity for a period of one year and is still employed at the Embassy.

As regards the comments referred to by the hon. Member, further clarifications have been sought from our Embassy in Washington.

TOBACCO-RELATED DISEASES – STATISTICS

(No. B/982) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked Minister of Health and Quality of Life whether he will state if consideration will be given for the advisability of gathering statistics on the number of people dying yearly from tobacco related diseases, indicating the yearly cost of the treatment thereof to Government since 2014 to date.

Reply: I wish to inform the House that the Health Statistics Unit of my Ministry compiles data on deaths due to tobacco related diseases on a yearly basis.

I am tabling a copy of the document on statistics on deaths due to Tobacco-related diseases for period January 2014 up to June 2017.

As regards the yearly cost of the treatment thereof to Government, there is no disaggregated data available on same at present. However, in the new National Health Account 2016 exercise which is ongoing, disease based costing will be considered and analysed.

MOBILE BLOOD CARAVANS - OPERATIONAL

(No. B/983) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked Minister of Health and Quality of Life whether, in regard to the blood collection caravans, he will state the number thereof available, indicating-

- (a) the number thereof which are presently operational;
- (b) the date of purchase thereof, indicating the respective life span thereof, and
- (c) consideration will be given for the -
 - (i) renewal, and
 - (ii) increase of the number thereof, and, if so, when and, if not, why not.

Reply: There are presently three mobile blood caravans attached to the National Blood Transfusion Service (NBTS) of my Ministry. All of them are operational.

As regards part (b), two caravans were purchased in July 2001 and one in January 2013.

The life span of a blood caravan is not dictated by the number of years it is in service. These vehicles are usually run to failure because they might only run 30 km to 60 km per day. The caravans usually depart from the garage at Vagrant Depot Pointe aux Sables to the collection points and back.

Regarding part (c), it is therefore not proposed to renew the fleet of the blood donation caravans.

Presently, with logistics in hand, we are able to cater for the organisation of mobile blood donations. Despite the two caravans purchased in 2001 are still in good condition, we are planning to purchase two additional caravans in the next financial year.

PORT LOUIS FIRE STATION - RELOCATION

(No. B/985) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the Port Louis Fire Station, she will state if she is aware of the derelict state thereof and of the difficulties fire lorries encounter while leaving the station and, if so, for the benefit of the House, obtain from the Mauritius Fire and Rescue Service, information as to if urgent remedial measures will be taken in relation thereto or alternatively expedite the proposed relocation thereof, indicating –

- (a) where matters stand as to the identification of a site for the relocation thereof, and
- (b) the expected start and completion dates thereof.

Reply: I am informed that in his reply to Parliamentary Question B/119 on this issue in Year 2015, my colleague, the then Minister of Local Government and Outer Islands had stated that according to a Structural Investigation Report dated 22 November 2006 from the Ministry of Public Infrastructure and Land Transport, the building housing the Port Louis Fire Station is unsafe for its users and is beyond economical repairs. There was a proposal then to relocate the Port Louis Fire Station on land available in Jin Fei, Riche Terre.

In his reply to another Parliamentary Question B/224 from the same hon. Member on this issue in Year 2016, the then Minister of Local Government and Outer Islands had indicated that the Port Louis Fire Station would be relocated at the Immigration Square in the context of the redevelopment, modernisation and operation of the Immigration Square Urban Terminal and not at Jin Fei as mentioned earlier on.

I am informed that in a report dated 05 October 2017, the Civil Engineering Section of the Ministry of Public Infrastructure and Land Transport has confirmed that the building is showing alarming signs of being in a dangerous state.

I am further informed that the Mauritius Fire and Rescue Service that the three fire-fighting lorries of the Fire Station do not encounter any difficulties for manoeuvring out from the station as the space in front of the parking bay is very large.

The House may wish to note that the proposed Immigration Urban Terminal will include 800 m² to house the Headquarters of the Mauritius Fire and Rescue Service as well as 3700 m² to house a new fire station. The request for proposal for the redevelopment, modernisation and operation of the Immigration Square Urban Terminal will be launched by the end of this month and the closing date will be two months. After evaluation and selection of the promoter of the project, the latter will be given two years to complete the project.

In the meantime, the Chief Fire Officer has already carried out some temporary works in the existing fire station to prevent further deterioration of the building.

The works consist of repairs of cracks on wall and ceiling of engine shed, replacement of sanitary wares and associated plumbing works, fixing of new aluminium openings in toilets, reinstatement of unstable staircase, uneven flooring in the engine shed, reinstatement of tarmac and drill ground, anti-termite treatment amongst others.

Being given that the new fire station at Immigration Square will take some time, I have instructed the Chief Fire Officer to start immediate procedures for the possible temporary location of the Port Louis Fire Station to another suitable site.

HOSPITALS - LED LIGHTS, STRAY DOGS & CATS

(No. B/986) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to each of the public hospitals, he will state the measures taken as at to date to address the issue of –

- (a) lighting of the yards/corridors thereof, indicating if consideration is being given for the replacement of the flood lights/street lanterns thereat by led lights;
- (b) stray dogs and cats thereat, and
- (c) disorderly parking of vehicles and absence of proper parking facilities thereat.

Reply: As the information applicable to all public hospitals will be lengthy and time-consuming, I am arranging for the information to be placed in the Library of the National Assembly.

MONTAGNE BLANCHE CEMETERY - JANAZA PLATFORM - CONSTRUCTION

(No. B/987) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the project for the construction of a Janaza Platform at the Montagne Blanche Cemetery, she will, for the benefit of the House, obtain from the District Council of Moka, information as to –

- (a) if sufficient land is available therefor, and
- (b) the expected start and completion dates of the implementation thereof.

Reply: I am informed that the District Council of Moka was in presence of a request from the inhabitants of Muslim Faith of Petit Paquet, Montagne Blanche for the construction of a covered platform with lighting and hand basin at the Montagne Blanche Cemetery to enable them to perform prayers.

I am, however, informed that since sufficient land is not available within the Montagne Blanche Cemetery for the construction of the Janaza Platform, a request was made in September 2015 by my Ministry to the Ministry of Housing and Lands for the acquisition of a plot of land of the extent of OA 35 adjoining the Muslim Section.

The Ministry of Housing and Lands is accordingly processing the land acquisition and as soon as the plot of land would have been acquired and vested in my Ministry, necessary action would be initiated by the Council to implement the project for which funds are available.

TROU D'EAU DOUCE - PLEASURE CRAFTS - OPERATION

(No. B/988) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE) asked the Minister of Tourism whether, in regard to the pleasure crafts, he will, for the benefit of the House, obtain from the Tourism Authority information as to the number thereof authorised to operate at Trou d'Eau Douce, indicating if it is in presence of any representation from the Eastern Federation of Pleasure Craft Owners concerning illegal operation thereof thereat.

Reply: I am informed by the Tourism Authority that –

- (a) 58 Commercial Pleasure Crafts and 48 Private Pleasure Crafts have been licensed to operate from the two Embarkation Points at Trou d'Eau Douce, and
- (b) the Eastern Federation of Pleasure Craft Owners has made several representations complaining about illegal operations by other pleasure craft operators.

CAMP DE MASQUE - COMMUNITY HEALTH CENTRE - CONSTRUCTION

(No. B/989) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE) asked the Minister of Health and Quality of Life whether, in regard to the construction of the Community Health Centre at Camp de Masque, he will state where matters stand as to the implementation thereof.

Reply: I wish to inform the House that land to an extent of 25 Perches has been vested in my Ministry since 2012 for the construction of a new Community Health Centre at Camp de Masque.

The project was subsequently approved by the Project Plan Committee in January 2014.

A survey effected by the Ministry of Public Infrastructure and Land Transport reported that there are discrepancies on the site extent which does not tally with the site plan

from the Ministry of Housing and Lands. Thus, the Ministry of Public Infrastructure and Land Transport has advised that a buffer will have to be provided for construction purposes. Consequently, a request was, therefore, made to the Ministry of Housing and Lands for an additional extent of 10 Perches, which was unfortunately not entertained.

The MPI has been requested to submit preliminary design and cost estimates at the earliest within the available area. The preliminary drawings are expected to be submitted to the Quantity Surveyor in mid-December and the estimated cost / preliminary design would be submitted to this Ministry for approval by end December 2017. Additionally, another request has been made to the Ministry of Housing and Lands to reconsider allocating an additional 10 Perches to be used for parking purposes.