



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 17 APRIL 2018

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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
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 04 of 2018

Sitting of Tuesday 17 April 2018

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. **Office of the Speaker**

- (a) Key Findings and Recommendations of the Gender Audit in the Civil Service in Mauritius – Study Commissioned by the Parliamentary Gender Caucus.
- (b) Key Findings and Recommendations of the Sociological Profiling of Perpetrators of Domestic Violence in Mauritius – Study Commissioned by the Parliamentary Gender Caucus.

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

The Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2018. (Government Notice No. 39 of 2018)

C. **Ministry of Education and Human Resources, Tertiary Education Education and Scientific Research**

The Annual Reports of the Mauritius Examinations Syndicate for the years 2011 to 2015.

D. **Ministry of Arts and Culture**

The Annual Reports of Le Morne Heritage Trust Fund for the years 2007 to 2012.

E. **Ministry of Financial Services and Good Governance**

The Annual Report 2016/2017 of the Financial Services Commission.

The Leader of the Opposition (Mr X. L. Duval): Madam Speaker, I understand that Mrs Lotun, the Clerk, has been taken ill this morning; I wish her a speedy recovery.

ORAL ANSWERS TO QUESTIONS

CWA – PRIVATE OPERATOR - CONTRACT

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Acting Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed *contrat d'affermage* to privatise the operations of the Central Water Authority, he will –

- (a) table copies of the Reports of the World Bank/International Finance Corporation submitted as at to date;
- (b) state if a time table has been set to complete the additional steps required for the finalisation of the process thereof;
- (c) state as to whether the World Bank/International Finance Corporation Reports recommend an increase in water tariffs, and
- (d) for the benefit of the House, obtain from the Central Water Authority, information as to whether the jobs and acquired rights of the employees, including length of service and pensions will be guaranteed following the finalisation thereof.

The Ag. Prime Minister: I think part (c) is not the same as I have, but it will be sorted out, I am sure, very soon.

(Interruptions)

I do not know why it is not the same, but we will manage.

Madam Speaker, in a statement I made to the House on 04 July 2017, I set out the parameters of the Water Sector Reform being envisaged by Government.

On 18 December 2015, Government appointed the World Bank essentially to make recommendations on the possible implementation of a private and public partnership for the CWA. The World Bank recommended a holistic solution to redress CWA's financial situation, plan future investments and attain the target of 24/7 water supply.

The Bank proposed the appointment of a private operator to operate and maintain the potable water distribution system of the CWA on a 15-year affermage contract.

The CWA, itself, will not be privatised and it will continue to own all its assets. The World Bank submitted its recommendations after discussions with my Ministry, the CWA and other stakeholders, including the two trade unions of the CWA.

I am informed that the World Bank held three meetings with the trade unions last year. On 29 September 2017, at my request, the World Bank made a presentation of the project to Ministers and Parliamentarians. I take this opportunity to place on record my appreciation of the useful exchanges which took place at that meeting. I am tabling the brief which the World Bank had circulated at that meeting.

The brief contains the salient features of the report. I am also tabling a copy of the main report of the World Bank, which contains Appendices but through constraints of time, the copies are not yet ready. I will table the copies of the Appendices as soon as they are ready.

On the basis of the World Bank Report, Government decided to appoint the International Finance Corporation to provide transaction advisory services which would assist and lead to the appointment of the operator.

The transaction structuring report was submitted on 23 March 2018 and is still under consideration, prior to being submitted to Cabinet. The report sets out the procurement process for the selection of the operator and outlines the roles and responsibilities of Government, the CWA and the private operator. It is not considered appropriate at this stage to table this report as it is still under consideration.

As regards part (b), according to the International Financial Corporation's Calendar, the issue of a request for qualification would be referred to the Central Procurement Board by May 2018 for pre-selection of bidders.

On the basis of this pre-selection, the Request for Proposals would be issued in July 2018 and the successful bidder selected by the end of this year. It may be noted that in the process, the World Bank and the IFC had discussions with the BOT Unit of the Ministry of Finance and the Central Procurement Board.

As regards part (c) of the question, the World Bank and the International Finance Corporation have made various comments on the tariff structure. While my Ministry is

considering all options, it is currently finalising a tariff structure together with CWA. It is expected that this will be done within two weeks. It is, therefore, premature to discuss the matter at this stage.

With regard to paragraph (d), in my previous public statements and in the House, I have stated in unequivocal terms that there will be no compulsory termination of employment. In fact, the employees' rights will be fully safeguarded, including the length of service, acquired rights and pensions.

In addition, the private operator will be contractually bound to offer more attractive terms and conditions of employment to all employees.

Mr X. L. Duval: Madam Speaker, on, at least, two occasions before in this very House, the Ag. Prime Minister has promised full disclosure of all the reports that have been made, a public debate, a debate in Parliament, a White Paper; all these have been promised by the Ag. Prime Minister. Can I ask the hon. Ag. Prime Minister, therefore, when is the debate in Parliament going to come? Will there be legislative changes that are required? When is the White Paper coming because now we hear that we are on the eve of request for qualifications?

The Ag. Prime Minister: As you see, I have tabled the World Bank Report. I do intend to table reports as and when they are ready to be tabled and made public. The White Paper will be considered. I am not sure that this will be done in the form that I had stated before, but some form of policy paper will be presented. Well, the first debate will probably be held in about two weeks, four weeks when the General Government Notices will be issued on the tarification of the CWA.

Mr X. L. Duval: I understand that legislative changes were required to strengthen the capacity of the CWA, etc. Is this going to come along?

The Ag. Prime Minister: I am not able to answer this question right now.

Mr X. L. Duval: Madam Speaker, this is a very sensitive area, every single Mauritian household is going to be affected and every business is going to be affected. In a democracy, does not the Ag. Prime Minister feel it right that there should be, as he had promised, a full public debate, a White Paper and an occasion for Parliamentarians to comment on what is being proposed?

The Ag. Prime Minister: That is exactly what I am starting to do, but, at the appropriate time, as I may be advised; the debate will be according to a timetable which will be set by Government. Let us not forget that my first step is to go to Cabinet first and get all the approvals before we are able to launch the debate.

Mr X. L. Duval: I understand that, in fact, all the promises that have been made so far, tariff increases, going for Request for Qualifications, all these are the Ag. Prime Minister's own commitments, Government itself has not yet approved the roadmap that is going to take us supposedly to privatisation of the operations of CWA.

The Ag. Prime Minister: That is not quite correct. We are going step by step. The Ministry and the Minister work on what we feel has got to be worked. We have done this with the assistance of the World Bank and now for the transaction with the IFC, the World Bank Report has been submitted to Cabinet and has been approved by Cabinet, as the Leader of the Opposition knows and therefore...

(Interruptions)

Of course, the hon. Leader of the Opposition knows; he has forgotten! If he has forgotten, that is another matter; he knows or supposed to know, has been submitted to Cabinet and, indeed, at the meeting of the Parliamentarians, where there were Parliamentarians of the Opposition as well, who were present, discussion took place, not a thorough discussion, but a start of a discussion, and then we will proceed step by step.

Mr X. L. Duval: Madam Speaker, all the experts I have spoken to, and I have taken the trouble to speak to people at the IFC and the World Bank, they all told me that the calendar that is being set by Government is totally unrealisable, that we are talking about, at least, 14 months to 2 years before we get to something as complex as the finalisation, as something as complex as this; it should be the first time a PPP is done under the PPA Act, there are lots of dangers, lots of countries have had to cancel their *affermage* and concession projects; 180 countries recently apparently and municipalities have done so. Therefore, this is not something to rush into and not something especially to rush into at the eve of any general election. So, it looks like it will be finalised next year and, therefore, would not the Ag. Prime Minister consider it much more wiser to take his time and be careful about something that should bind the country for many, many years to come?

The Ag. Prime Minister: First of all, as a matter of fact, it is not true that many, many countries have cancelled *affermage* contracts. The privatisation has been cancelled in

many countries like Cameroon, which hon. Uteem referred to. *Affermage* we have countries like Algeria, Senegal, Côte d'Ivoire, Armenia and so many other countries where it has worked very well and it continues to work.

Well, opinions can diverge, of course, on this. One thing that I cannot be blamed that I have not taken my time, I will make sure that all discussions were made. Alright, the Leader of the Opposition says I should stop all the process, I do not agree, it is a question of opinion. I believe that we must continue the process.

Now, as to the timetable, it is not Government's timetable, it is not my timetable, I have well said in my reply, the IFC has proposed this timetable and I have said all the report of the IFC is still under consideration. We are not fixed with IFC.

Mr X. L. Duval: Madam Speaker, already we are running, I think, six months late from the original timetable submitted last year by the Ag. Prime Minister himself.

Madam Speaker, let us come to the thorny issue of price increases. The Ag. Prime Minister has consistently painted a very dark picture of the CWA, but I have taken the trouble to look at the latest published Annual Report of the CWA. It shows Rs2.7 billion...

Madam Speaker: The hon. Leader of the Opposition must put his question.

Mr X. L. Duval: It is public document, Madam Speaker. It is from your Library.

Madam Speaker: Not a statement, please!

Mr X. L. Duval: ...Rs2.7 billion of accumulated reserves; profits of about Rs200 m. to Rs150 m. per annum. Cash in the bank! Yet, the hon. Ag. Prime Minister has consistently shown a very dark picture of the CWA. Why does not the hon. Ag. Prime Minister look at the realistic picture of the CWA, which is a profitable company until probably he took over?

The Ag. Prime Minister: I do not agree at all. All the persons whom I have contacted, and those include accountants, probably not as reputable as the hon. Leader of the Opposition, but equally knowledgeable, I believe, since they hold high positions within the Government; I have to trust them. I stand guided by these experts as well.

Mr X. L. Duval: Madam Speaker, it is a public document. You will see quite clearly that I am not joking. It is a fact that the CWA, until the last annual report, was a highly profitable organisation. Madam Speaker, I would like to ask, in fact, the hon. Ag. Prime Minister that for some reasons - and he mentioned last time, in a statement he made in the National Assembly, that the CWA had not serviced Government loans amounting to Rs1.3

billion. This is not accurate, and I would like the hon. Ag Prime Minister, once again, to correct that. Because it has, in fact, in agreement with Government, that Rs200 m. from its loans are automatically deducted, and that, I understand, Madam Speaker, under his chairmanship, since he is the Minister, this is no longer the case. Can I ask why this is so?

The Ag. Prime Minister: The hon. Leader of the Opposition is very far away from the question, which is related to privatisation. I am now informed that for 2016 and 2017, CWA has an operational loss of Rs220 m.

Mr X. L. Duval: That is exactly the point, Madam Speaker, because the subsidy that was agreed when the previous tax was - I do not want to get into the details, these guys know very well what I am talking about. That subsidy has been cancelled, leading the CWA to be falling into the red, and secondly, Madam Speaker, the social measure of Rs50 m. which was agreed by Government - I was in Government - was meant to be paid for by the Consolidated Fund, and CWA has not received that money. So, we are already talking about *un manque à gagner* of Rs250 m. per annum for the CWA under his stewardship.

The Ag. Prime Minister: I am afraid that cannot arise out of the question. This is not the question which was announced...

(Interruptions)

The question of subsidies...

Madam Speaker: Order! The Ag. Prime Minister will reply. He is giving the reply.

(Interruptions)

Please!

The Ag. Prime Minister: The question of subsidies is a Government decision, as suggested by the hon. Minister of Finance and Economic Development. It is true, but CWA must fend for itself. This is the key to the whole issue. Can we continue to have the Consolidated Fund just pumping money into a CWA which makes losses? Of course, if Government subsidises CWA and keeps on subsidising all parastatal bodies, they will all be buoyant in their figures. But I do not agree with what the hon. Leader of the Opposition has said.

Mr X. L. Duval: Madam Speaker, it is not a subsidy that I really mentioned; it is compensation. I will read what the Director of Audit had to say from the accounts of the CWA which, I am sure, as a reputable lawyer, the hon. Ag. Prime Minister has read.

“An agreement has been reached since the year 2013 between the Government of Mauritius and the CWA for the offsetting of the loans in default on a yearly basis against a subsidy of Rs200 m. following the revocation of the Central Water Authority (*Production of Drinks*) (*Fees and Other Charges*) Regulations 2011.”

This is here black on white in the accounts of the CWA. I want to ask the hon. Ag. Prime Minister why - I will not say deliberately - under his stewardship, the CWA accounts have been deliberately darkened by the withdrawal of this agreement which was there since 2013? This is my question. It is easy to say that it is ‘*en faillite*’, when you are actually not meeting your contractual obligations towards the CWA.

The Ag. Prime Minister: Well, I do not agree that we have been deliberately darkening the picture. The whole point is - what the hon. Leader of the Opposition is suggesting - that we should continue to develop the subsidy mentality of CWA. The Director of Audit comments are noted. They are here. We introduced the 6 m³. It is true that, at first, it was going to be paid from the Consolidated Fund. But then, Government decided that CWA had to fund it by itself. It is also true that the Ministry of Finance and Economic Development decided to remove the subsidy, but CWA must fund by itself.

Mr X. L. Duval: This is the whole point, Madam Speaker. The Rs50 m. - the social measure the hon. Ag. Prime Minister decided; I was in Government - is for the Ministry of Social Integration and Economic Empowerment to pay for that, not the CWA. If tomorrow he decides to give all the water of CWA free, then he will say it is “*en faillite*” and privatise it! This is what he has done!

The Ag. Prime Minister: Well, again, there is fundamental disagreement. What can I tell the hon. Leader of the Opposition! He thinks this way. I do not think this way.

(Interruptions)

Mr X. L. Duval: Madam Speaker, with regard to the tariff increase, we have been told by the hon. Ag. Prime Minister that 20% of all water distributed is lost, is not recovered because of commercial fraud, domestic fraud and faulty meters. Does the hon. Ag. Prime Minister, therefore, expect the good consumer, the one who pays his water to bear a tariff increase whilst 20% of the water of the CWA is lost in fraud and meter failings? Is that fair to ask a good consumer to pay for that?

The Ag. Prime Minister: We will have that debate when the question of the tariff increase is on the table. For the moment, first of all, these old meters are being changed.

(Interruptions)

78,000! He should get his figures straight. 78,000 meters! And more of them. We need to do this. Of course, people protest because they say, "I was paying Rs55, now I am paying Rs400." About the revenue water, I am not too sure the figure 20% is right.

(Interruptions)

I am not too sure. I said 20%, but I am not too sure that this figure is correct because I am correcting what I have said. There is no harm in correcting what I have said.

(Interruptions)

I am saying this because the World Bank Report and three reports give completely different figures.

Mr X. L. Duval: Madam Speaker, the meters are going to be changed, everybody is going to pay now. Why increase tariffs? I do not understand! Madam Speaker, on the question of non-revenue water, last week, the hon. Ag. Prime Minister told this House that it has increased, under his watch, from 50% previously to 60% non-revenue water now. Can the hon. Ag. Prime Minister provide the figures, how this has been calculated? Because apparently, this is one of the main parameters by which the private operator would be judged. Can the hon. Ag. Prime Minister circulate or table the figures?

The Ag. Prime Minister: Yes, that is a very interesting and good question. Yes, there are difficulties. As I have said, there are three reports which have suggested three different figures, the last one being what the Singapore Cooperation did in 2006 or 2007, I believe. I am not too sure. But I can, on occasion arising, on a proper question being put, come with the adequate information. For non-revenue water, the latest one that we have is the technical assessment which was done by IFC in the context of the water sector reform. They said they could not be sure of the exact percentage which is lost.

Mr X. L. Duval: This is why we would like the hon. Ag. Prime Minister to circulate the figures and the calculations. Madam Speaker, can I ask the hon. Ag. Prime Minister whether he will confirm that - it may not be immediately, but over some time - increases in water tariffs will be up to 100% and 150% for many consumers in Mauritius; that we are looking at a doubling or more of the cost of water for many, many consumers in Mauritius? Is that what is in the IFC modelling that the hon. Ag. Prime Minister is not tabling today? Is that what is being planned by himself?

The Ag. Prime Minister: No, that is not what is being planned.

Mr X. L. Duval: Can the hon. Ag. Prime Minister give us the quantum of the fees?

The Ag. Prime Minister: In two weeks' time.

Mr X. L. Duval: Madam Speaker, can I also ask a related question because the water bill also has billed for wastewater? Is the hon. Ag. Prime Minister looking also at a similar increase in wastewater tariffs as being proposed for the Central Water Authority?

The Ag. Prime Minister: That is not being contemplated for the moment.

Mr X. L. Duval: Madam Speaker, coming to the employees, we are talking about, I think, 1,200 employees at the moment, how many of those will be transferred to the new private operator?

The Ag. Prime Minister: I would prefer to await when we have finalised our discussions on IFC to give precise figures. For the moment, I would rather not. I will do this when we have our discussions with the trade unions, when we finalise everything. I am taking my time because, as the hon. Leader of the Opposition said himself, it is a very sensitive subject; we want to make sure that the rights of employees are protected. There will, of course, be transfers, but we have to manage that very properly, and I don't think, it is not even nice, to just talk about this out of the blue and bandy figures.

Mr X. L. Duval: It is not out of the blue; I presume the hon. Ag. Prime Minister has all the reports from the IFC to tell us how many staff will go to the new operator. It is not at all out of the blue, although there is nothing wrong with blue.

Now, Madam Speaker, may I ask the hon. Ag. Prime Minister whether he will confirm that upwards of 800 staff will be transferred to the new private operator?

The Ag. Prime Minister: I would rather not go into this issue at this stage. As I have said, the IFC report is under consideration and all matters are being discussed. Any statement I make could prejudice the whole question of reform.

Mr X. L. Duval: Okay! One last question before I open the floor!

Madam Speaker, I would like to ask the hon. Ag. Prime Minister, when we are transferring that many people to a new operator, we are transferring them with their length of service, we are transferring them with their pension rights, all this has to be paid to the new operator for it to take over.

So, instead of getting money from a new operator when it takes over the operations, we are going to have to pay him to cater for this or that - he is nodding. I am right in this, I am sure. So, my calculation, probably more than Rs1.5 billion will have to be paid by the taxpayers, by the consumers to the new operator just to take over the length of service of these 800 or more employees, just to take over the pension rights, accumulated rights of these people.

Madam Speaker: Yes, I understand, this is your question.

The Ag. Prime Minister: Madam Speaker, I am very sorry, but I am not going to be drawn in any speculation, pre-emption of this matter which remains highly sensitive. There are issues which are still under consideration, which are still under discussion. It would be highly dangerous and improper for me to make any statement or give any reply.

The time will come very soon when we will be able to discuss all this, when all the figures have been fixed in time, when we can discuss what happens to the pensions - a very difficult issue - what happens to the length of service and what happens to the transfers etc. We are discussing this. I understand that the hon. Leader of the Opposition would wish to have that information now, but we must make sure that the information is accurate and correct before we communicate it.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. In a statement made before this House on 04 July 2017, the hon. Ag. Prime Minister mentioned that the number of employees will have to be increased, some 1,400 to 1,800, and these 1,800 would be transferred to the new entity.

So, if I get it right from the hon. Ag. Prime Minister, CWA will be financing everything, all the infrastructure. The new comer will take all the employees of CWA, so, what is the change are we going to have, is it just a matter of replacing the Board of CWA by a Board of foreigners?

The Ag. Prime Minister: Well, CWA will continue to exist; it will continue to hold its assets. There will be a private operator; the hon. Member should not read what I have said in this way. The statement must be read the whole type.

He mentioned the employees. What I said was –

“According to the Bank, there will be a need for an additional 400 employees to achieve the service delivery improvements, bringing the total number of employees from 1,400 to 1,800.”

That was according to the Bank. What else?

(Interruptions)

The next sentence, that is –

“Employees will be offered the opportunity to join the private sector operator with additional incentives.”

But, of course, all this is a question of bargaining, of discussions and this is what is being done now with the IFC because we have got to set out all these conditions in the IFC.

I get a note now which was raised earlier on. Yes, we are also looking into the amendments of the CWA Act, whether this is necessary or not and, if so, to what extent they are necessary.

Again, we have three legal opinions which have been expressed, which are different; we must work on this.

The next sentence is that they will be offered the opportunity of joining the private sector. We need to make the conditions as interesting as possible for them.

Madam Speaker: Last question, hon. Leader of the Opposition!

Mr X. L. Duval: On the very thorny issue of procurement...

Madam Speaker: That is the last question.

Mr X. L. Duval: Yes, last question, procurement. The World Bank has, according to what the hon. Ag. Prime Minister has submitted himself, has blamed the cumbersome procurement procedures at the CWA as one of the issues that needs to be dealt with.

Can the hon. Ag. Prime Minister commit himself that we will not get into the saga of the CEB and all these subsidiaries which are bypassing the Central Tender Board and that there will be no changes to the procurement procedures that have been established at the Central Water Authority because that seems to be opening up the door that the World Bank has done?

The Ag. Prime Minister: I am very sorry. The saga exists in the minds of people who want to see a saga, when there is not even a *séga*. I do not know which island I am going to do this, but I am not going to go into this. There is no saga. There is a system of management which is in place, it is a policy decision. We may agree, we may not agree, of course, which is a different matter. But to say that this is done for the purpose of obviating procurement procedures, that is not correct. Now, what could be the procurement procedures of the private operator, we will see when we discuss. At CWA, we will see when we discuss. Yes!

Madam Speaker: Time is over! Hon. Mrs Selvon!

Mrs Selvon: Thank you. PQ No. B/189!

(Interruptions)

Madam Speaker: Hon. Chief Whip! Hon. Chief Whip, please, do not make provocations! Yes, hon. Mrs Selvon!

(Interruptions)

Hon. Chief Whip, what is the matter?

(Interruptions)

What is the matter? Please! Order!

(Interruptions)

Yes, hon. Ag. Prime Minister!

(Interruptions)

Order, please!

(Interruptions)

Hon. Ag. Prime Minister!

(Interruptions)

Hon. Bhagwan, please!

GOVERNMENT PUBLICITY – NEWSPAPERS – PUBLICATION

(No. B/189) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National

Development Unit, Minister of Finance and Economic Development whether, in regard to Government publicity, he will give a list of the newspapers the services of which have been retained for the publication thereof over the past three years, indicating the amount of money paid out thereto.

The Ag. Prime Minister: Madam Speaker, I am advised that this matter is sub-judice inasmuch as there is a case on precisely the same subject matter, the case of La Sentinelle Ltd. v/s the Attorney General which is still pending before the Supreme Court.

Madam Speaker: Hon. Mrs Selvon, do you have something to say?

Mrs Selvon: Nevertheless, I do have a question for the Ag. Prime Minister. Would the Ag. Prime Minister envisage matching the advertisement budget equally with a fund for scholarships for young professional journalists to study history, media laws and best professional ethical practices?

The Ag. Prime Minister: Well, that is very remote from what the hon. Member asked. Now, if the hon. Member makes a suggestion to that effect, I am sure, consideration will be given, but that is not the matter of Government publicity.

Madam Speaker: Let me just draw attention that the hon. Ag. Prime Minister has given me notice that the question may be *sub judice*. I have perused the documents, namely the plaint with summons, the defendant's plea and the fact that the case is now in shape and is awaiting to be fixed for trial, I am satisfied...

(Interruptions)

...I am satisfied that disclosure of the information here is likely to prejudice the outcome of the case.

(Interruptions)

I have allowed the question of hon. Mrs Selvon because she came to see me and her question had nothing...

(Interruptions)

... had nothing to do with *sub judice*.

(Interruptions)

So, we pass on to the next question. Hon. Henry!

AML CORPORATE SOCIAL RESPONSIBILITY FUND - BENEFICIARIES

(No. B/190) **Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** 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 Corporate Social Responsibility Fund of the Airports of Mauritius Ltd, he will, for the benefit of the House, obtain therefrom, information as to the amount of funds disbursed therefrom, since January 2017 to date, giving a list of the beneficiaries thereof.

The Ag. Prime Minister: First of all, let me say as a preliminary matter that Airports of Mauritius Co. Ltd is a private company, but in spite of this fact, I am providing exceptionally the details required because of its public element.

I am informed by the Officer in Charge of Airports of Mauritius Co. Ltd that an amount of Rs9.3 m., including administrative cost, has been disbursed from the AML Corporate Social Responsibility Fund from January 2017 to March 2018. There have been 73 project beneficiaries for CSR activities under the following categories –

- (a) alleviation of poverty;
- (b) disability;
- (c) abused victims support;
- (d) community based;
- (e) elderly;
- (f) education;
- (g) health, and
- (h) leisure and sports.

I am tabling a list of the 73 beneficiaries whose projects, I am informed, have ultimately benefited some 17,000 people island wide.

Mr Henry: Madame la présidente, je voudrais savoir du ministre quels sont les critères éligibles pour avoir accès à ce fonds?

The Ag. Prime Minister: I am trying to see if I get that information in the file. Well, what I see here is that the programme for the year 2017 was based on the requirements of the National CSR Guidelines, based on the four CSR objects. I cannot say more than that.

Mr X. L. Duval: Madam Speaker, CSR Guidelines prohibit the use of CSR funds for religious purposes - fair enough - but also for political purposes. Now, the information we have is that the CSR fund of AML Ltd. has been used mainly in Constituency No. 12

basically to further the political aims of the Government Members of Parliament of the region.

Madam Speaker: Hon. Leader of the Opposition, I am sorry, this is a statement. It is not a question, ask a question rather!

(Interruptions)

Mr X. L. Duval: I would like to ask the hon. Ag. Prime Minister whether he will not agree - because this is under the responsibility of the MRA, Madam Speaker – that the MRA has a tight inquiry into the CSR funds of AML Ltd so that we can actually see what is the real issue there and how taxpayers' money in the end has been used for political purposes in Constituency No. 12?

The Ag. Prime Minister: I have no information and this is the first time I hear of this. Now, that it is being used for political purposes would surprise me...

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

The Ag. Prime Minister: The matter is easy to determine. It is by looking at the list of projects and...

(Interruptions)

Madam Speaker: Order!

The Ag. Prime Minister: ... we shall see whether there are any political activities...

(Interruptions)

Madam Speaker: Order, hon. Bhagwan!

(Interruptions)

The Ag. Prime Minister: ... which have been financed with the CSR fund.

(Interruptions)

Madam Speaker: Hon. Bhagwan!

(Interruptions)

The Ag. Prime Minister: There are, of course, many ways to check this and if there is information of any improper use of this CSR fund for political purposes...

(Interruptions)

... then appropriate action should be taken.

Now, from what I have seen when I was preparing that file, everything is very social like remittance of blankets, donation of school materials and focus on education. Now, I do not know, perhaps people might see in this a political colouring, but I do not agree that there is a political colouring in this.

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Je voudrais savoir du Ag. Prime Minister, dans les R9.2 millions qui ont été déboursées, combien justement ont été allouées à la distribution des molletons?

The Ag. Prime Minister: Well, it is in the list which has just been tabled. The hon. Member will consult it and he will find it.

Mr Henry: Madame la présidente, je voudrais savoir du Ag. Prime Minister est-ce qu'il est au courant qu'il y a eu des protestations contre ces distributions de molletons et il y a beaucoup de gens qui se demandent quels sont les critères pour être éligible pour avoir ces molletons?

The Ag. Prime Minister: Well, every time...

(Interruptions)

... since I was a child, I remember each time that there is a distribution, there has been protest. People who do not get it they say they should have had it. It is traditional in Mauritius.

Now, as far as the receipt of a petition is concerned, I am not aware of any petition for this, but I know that a lot of money has...

(Interruptions)

Madam Speaker: Hon. Rutnah!

(Interruptions)

The Ag. Prime Minister: But if the hon. Member wants to know, especially on blankets, I will try and see what the situation is.

Madam Speaker: Next question, hon. Uteem!

**AFRICAN UNION CONVENTION ON PREVENTING AND COMBATTING
CORRUPTION - RATIFICATION**

(No. B/191) 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 African Union Convention on Preventing and Combatting Corruption, he will state where matters stand as to the proposed ratification thereof.

The Ag. Prime Minister: Madam Speaker, Government has, on 26 January 2018, approved that Mauritius ratifies the African Union Convention on Preventing and Combating Corruption.

Pursuant to Article 20 of the Convention, Government has also designated the Independent Commission against Corruption as the “National Agency” of Mauritius for the purpose of the Convention.

The ratification of the Convention by Mauritius will, however, be subject to reservations on two Articles namely, Article 8 and Article 21.

Article 8 of the Convention requires State parties to criminalise the offence of illicit enrichment. However, doubts have been expressed on the constitutionality of such an eventual proposal. Under the Good Governance and Integrity Reporting Act, provisions exist for the recovery and confiscation of assets which are unexplained. The civil proceedings may be instituted to recover and confiscate this unexplained wealth. It is not, therefore, proposed to criminalise the act of illicit enrichment in our law, hence our reservation on Article 8.

Insofar as Article 21 of the Convention is concerned, it provides that the Convention shall supersede the provisions of any treaty or bilateral agreement governing corruption between any two or more State parties.

Mauritius is already a party to both the United Nations Convention Against Corruption (UNCAC) and the SADC Protocol on Corruption.

There are inconsistencies and differences between the provisions of the United Nations Convention and the SADC Protocol on the one hand and the AU Convention on the

other hand. The latter Convention will take precedence over the UN and the SADC Protocol if no reservation is made to Article 21. For this reason, Mauritius will make a reservation on Article 21, such that in case of inconsistencies between the provisions of this Convention and the UN Convention, the UN Convention will continue to prevail.

The draft Instrument of Ratification, embodying our reservations on Articles 8 and 21 is currently being cleared with the Attorney General's Office.

Once the Instrument of Ratification is ready, it will be deposited with the Chairperson of the African Union, who is the depository of the Convention.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. I heard the hon. Ag. Prime Minister mention the two Articles where there are going to be reservations. But has the attention of the hon. Ag. Prime Minister been drawn to Article 11 of the Convention, which imposes an obligation on State parties to adopt legislative measures to make it an offense for corruption committed in the private sector as opposed to the public sector, as is currently the case with the Prevention of Corruption Act? So, may I know from the hon. Ag. Prime Minister whether the Government is prepared to make it an offence of corruption in the private sector also?

The Ag. Prime Minister: Yes, we have not made reservations on this Article. If the hon. Member recalls, as I recall, in 2002, when the Prevention of Corruption Act was discussed, the private sector was made the subject of an Article by saying, *grosso modo*, that when an agent of a private company does an act without the consent of his employer, then it could amount to an act of corruption. But since the Prevention of Corruption Act, we have seen how many large undertakings in the private sector have been privy, not only to money laundering as such, but also to corruption. We are not adverse to considering the private sector corruption.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: There has been a Model Law circulated, drafted by the United Nations Economic Commission for Africa, the Africa Anti-Corruption Model Legislation. So, may I know from the hon. Ag. Prime Minister whether the Government is considering adopting that Model Anti-Corruption legislation that has been prepared as a guide for all African countries to adopt?

The Ag. Prime Minister: Well, we shall have to consider. I am not in a position to make any comment on this at this stage.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Can I draw the attention of the hon. Ag. Prime Minister that Mauritius runs the high risk of being taken to task at the next AU Summit over alleged collusion between fraudsters and those who defrauded Angola of financial wealth? Is he aware that this matter may be raised at the next AU Summit?

The Ag. Prime Minister: Well, I understand there is a delegation coming from Angola to here in conjunction with a particular affair. I do not want to comment on this because I understand that currently the FSC has taken certain actions. I understand the FSC has taken action even yesterday, last night. It would be very dangerous to try and pass comments on this matter.

Madam Speaker: Last question, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. In the Convention and in the Model Law, there is one provision which requires any government and its procurement that does a lot of variation, if there is a material variation in the procurement, that this is sent immediately to the corruption authority. So, may I know from the hon. Ag. Prime Minister whether Government would also consider that all public bodies where there is a material variation from an approved contract, that the ICAC be notified automatically and investigate into this matter?

The Ag. Prime Minister: I know of so many cases of variations in public contracts - whatever it is. It is an interesting idea. It was, if I remember well, discussed when the PoCA was discussed in this House. It was not adopted, but now that time has passed, the Parliamentary Committee on the ICAC could well consider this as a first step in order to suggest amendments to the legislation. That would be the appropriate procedure for the Parliamentary Committee. It is a Parliamentary Committee, and that is its main duty to consider this. I am sure that the Members who are present here will pay attention to what the hon. Member has just said.

Madam Speaker: Next question!

SSR INTERNATIONAL AIRPORT - VIP LOUNGE FACILITIES

(No. B/192) Mr S. Abbas Mamode (Fourth 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 VIP lounge facilities of the Sir Seewoosagar Ramgoolam International Airport, he will state if the policy for the granting of access thereto by his Office has been reviewed and, if so, indicate the -

- (a) new terms and conditions thereof;
- (b) date of coming into operation thereof, and
- (c) persons who are entitled thereto.

The Ag. Prime Minister: Madam Speaker, in reply to PQ B/405, the hon. Prime Minister informed the House that the provision of VIP facilities to Government officials and foreign visiting dignitaries is an international practice to facilitate the movement of certain passengers at the airport. These included -

- (i) Heads of States, Prime Ministers and Ministers, all Members of the National Assembly as well as their spouse and children;
- (ii) visiting dignitaries;
- (iii) senior Government officials;
- (iv) Ambassadors, Heads of international organisations;
- (v) Heads of religious bodies;
- (vi) persons who have been decorated as GOSK or GCSK or equivalent;
- (vii) Chairperson and Commissioners and Members of the Rodrigues Regional Assembly;
- (viii) officers of the rank of Deputy Permanent Secretary and above, proceeding on mission, and
- (ix) other persons as per the discretion of the Prime Minister.

Furthermore, requests from other personalities to access the VIP lounge are also considered on a case-to-case basis and approved by the Prime Minister's Office.

In his reply, he also stated that the eligibility criteria were last reviewed and approved by Cabinet in 2000 and that the policy regarding access to VIP lounge at the airport was being reviewed with a view to ensuring more effective control on the utilisation, including the prevention of any misuse and abuse of the facilities of access.

Madam Speaker, I am informed that the Prime Minister's Office is still working on the review exercise and, once completed, same will be submitted to Cabinet for consideration and approval.

I am also informed that although the review exercise is still under way, strict control is being exercised regarding access to the VIP lounge. Moreover, like all other passengers, those who have been granted VIP facilities are also subject to security control put in place at the Sir Seewoosagur Ramgoolam International Airport.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Thank you, Madam Speaker. Since the Office of the Prime Minister is still working on the criteria, would the hon. Ag. Prime Minister consider allowing access to those who represent the country, *ceux qui font honneur à la nation mauricienne aient aussi accès au VIP lounge de Sir Seewoosagur Ramgoolam International Airport?*

The Ag. Prime Minister: Well, this remains within the discretion of the Prime Minister. As I have said, the VIP lounge is also accessible to such persons as per the discretion of the Prime Minister.

SIR SEEWOOAGUR RAMGOOLAM INTERNATIONAL AIRPORT - VIP LOUNGE FACILITIES – GRANT

(No. B/193) Mr S. Abbas Mamode (Fourth 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 VIP lounge facilities of the Sir Seewoosagur Ramgoolam International Airport, he will state the names of the passengers who benefitted therefrom upon request from the Office of the President, since June 2015 to 15 March 2018, indicating in each case the -

- (a) dates thereof ;
- (b) name of the person who submitted the request;
- (c) capacity in which they were granted such facilities, and
- (d) names and status of the greeters therefor.

The Ag. Prime Minister: Madam Speaker, according to records available, from 01 June 2015 to 15 March 2018, 377 passengers have been granted State and VIP lounge

facilities, both at the arrival and departure, at Sir Seewoosagur Ramgoolam International Airport, upon request from the Office of the President. A breakdown of the number of passengers granted such facilities is as follows -

- (i) 01 June to 31 December 2015 - 85;
- (ii) 01 January to 31 December 2016 - 160;
- (iii) 01 January to 31 December 2017 - 123, and
- (iv) 01 January to 15 March 2018 - 9.

These facilities were granted to eligible persons in accordance with established criteria and practices, as stated earlier in reply to PQ B/192.

I have been advised that it would not be proper to disclose name of persons having obtained these VIP facilities.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Madam Speaker, may I ask the hon. Ag. Prime Minister, with regard to Mr A.S., the well-known A.S., Mr Alvaro Sobrinho - it is public, it has been in the Press - whether he has travelled as many as 50 times through the VIP facilities? He has the name in his list. Whether the hon. Ag. Prime Minister can confirm that is, in fact, the real number?

The Ag. Prime Minister: I will have to check. Yes, I have a list. If the hon. Member asks me a particular question on this, I will answer. I need time to go through the list.

Madam Speaker: Hon. Rutnah first, then I come to hon. Bhagwan.

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Ag. Prime Minister confirm whether the person who is in charge of Global Quantum, Mr Bastos also has been, in the past or present, given facilities to travel through the VIP lounge?

The Ag. Prime Minister: I do not know. I need to go through the list. It is a very long list and I am unable to go through any name.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Madam Speaker, at least, if the hon. Ag. Prime Minister can table the list? He has a list in his possession; we will after do the groundwork.

The Ag. Prime Minister: I have already said in my reply that I have been advised that it would not be proper to disclose any name of persons who have been obtained. I have to act on the advice that I received.

Mr X. L. Duval: Can I ask the hon. Ag. Prime Minister what is the reason for the advice? What is secret with who requested, whoever for whoever and who went through the VIP? What is the secret about it?

The Ag. Prime Minister: I do not know. I have received an advice and I am acting on the advice; I cannot do otherwise. The hon. Leader of the Opposition knows that I cannot do otherwise. He has done that job himself! Many of us have done that job. I need to act on the advice that I received.

Madam Speaker: The Table has been advised that PQ Nos. B/194 and B/197 have been withdrawn.

ECONOMIC DEVELOPMENT BOARD - FRENCH NATIONAL - OCCUPATION PERMIT

(No. B/194) Mr J. C. Barbier (Fourth 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 one Mr P. R. M. G., a French national, he will -

- (a) for the benefit of the House, obtain from the Economic Development Board, information as to if the latter has been issued with an occupation permit, and
- (b) state if he is aware that the latter has been convicted twice by a French court of justice for swindling to the detriment of *Pole Emploi*, a French public institution, and, if so, indicate if consideration will be given for the revocation of the occupation permit.

(Withdrawn)

BEAU BASSIN & PETITE RIVIÈRE - NDU PROJECTS

(No. B/195) 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 Constituency No. 20, Beau Bassin and Petite Rivière, he will give a list of the projects implemented by the National Development Unit thereat, since March 2016 to date indicating the –

- (a) ongoing projects, further indicating the;

- (i) location, and
 - (ii) progress of work thereof, and
- (b) number thereof earmarked for implementation over the period July 2018 to December 2019.

The Ag. Prime Minister: With regard to part (a) of the question, the information sought has been compiled and is being tabled.

With regard to part (b) of the question, I am informed that a list of projects to be implemented for the Financial Year 2018/2019 is presently being worked out by the National Development Unit (NDU).

I am tabling the list as per part (a).

**STATE INVESTMENT CORPORATION - DIRECTOR GENERAL -
RECRUITMENT**

(No. B/196) 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 Mr P. B., Director General of the State Investment Company, he will, for the benefit of the House, obtain from the State Investment Corporation Ltd., information as to the –

- (a) date of recruitment thereof;
- (b) remuneration paid thereto, including the benefits drawn, and
- (c) past record of employment thereof thereat and at the Casinos de Maurice.

The Ag. Prime Minister: With regard to part (a) of the question, I am informed that - in fact, his name is Mr Manickchand Beejan - has been appointed Managing Director of the State Investment Corporation Ltd on 01 April 2018.

Concerning part (b) of the question, I am informed that in accordance with his contract of employment, Mr P. B. is drawing a monthly salary of Rs220,000 together with other benefits attached to the post such as car, petrol, driver ...

(Interruptions)

Madam Speaker: I think the microphone is not well set, please!

The Ag. Prime Minister: I am sorry. With regard to part (a) of the question, I am informed that Mr Manickchand Beejan was being appointed Managing Director of the State Investment Corporation (SIC) Ltd. on 01 April 2018.

Concerning part (b) of the Question, I am informed that he is drawing a monthly salary of Rs220,000 together with other benefits attached to the post such as car, petrol, driver and telephone allowances.

As regard to part (c) of the question, I am informed that Mr Beejan joined the SIC Ltd. in February 1986 and successively held the posts of Investment Executive, Senior Investment Executive, Investment Manager and Group Investment Manager.

I am also informed that during the period June 2000 to August 2002, he was assigned the position of CEO of SIC Management Services Co. Ltd., a subsidiary of SIC Ltd which then managed the six casinos.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Ag. Prime Minister whether he is aware that this Mr P. B. or Beejan, was, in fact, sacked by the SIC in the year 2002 or 2004 for having committed a fraudulent act? He was sacked by the SIC and he was paid a Severance Allowance at normal rate because he committed a fraudulent act at the SIC, at the casino?

The Ag. Prime Minister: I am checking the information. In which year? I see that he retired from SIC in September 2007. So, I have no information that he was dismissed from office.

Mr Baloomoody: Can I ask the hon. Ag. Prime Minister whether in his application form for this post, he mentioned the reason why he left the SIC in the year I have mentioned, 2004/2005?

The Ag. Prime Minister: Well, according to my information, he was not dismissed from his office, he resigned. That is the information that I have on the file and which is confirmed in my note.

Mr Baloomoody: Why did he resign?

The Ag. Prime Minister: I do not know why he resigned. Let me see!

(Interruptions)

Mr Baloomoody: He was forced to leave!

The Ag. Prime Minister: Well, I do not know about the forcing to resign, but I know that he resigned.

Mr Baloomoody: Can I ask the hon. Ag. Prime Minister whether in his application form he stated the reason why he resigned from the SIC before he was *embauché* again?

The Ag. Prime Minister: I do not have the application form, so I will not be able to answer.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I ask the hon. Ag. Prime Minister whether he can enquire and then discuss with the hon. Prime Minister that this person who has been appointed, Mr P. B., is threatening staff that has deponed against him when he was involved in corruption for the years mentioned and he is threatening all the staff that which have deponed against him, threatening them to be dismissed from their work?

The Ag. Prime Minister: Well, if that is true, that is serious. But if it is true, I expect the persons who are being so ill-treated to make a complaint to the Ministry of Labour and to do things about it.

I am being informed that he did not mention in his application the reason why he had resigned in 2007.

Madam Speaker: Hon. Rutnah, last question!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Ag. Prime Minister ascertain whether there was any disciplinary action taken as a result of the allegation of fraud by the SIC then or whether the ICAC or any other investigative authorities investigated in the allegation of fraud?

The Ag. Prime Minister: The question of bandying allegations against people, that is easy to do. I want to see the evidence on my file before I can make any comment. On the file, I see that he resigned. Now, if there had been a fraud which warranted imprisonment, well, the persons responsible in 2007 should have done what had to be done. There were Ministers at that time. There were Directors at that time. If there had been a fraud in 2007, I am sure the people would have taken action to criminalise this, but on the record, there is no evidence of this.

Madam Speaker: Last question, hon. Baloomoody!

Mr Baloomoody: We know that this gentleman was recruited last month. So, probably he is on probation. Can I ask the hon. Ag. Prime Minister to look again at his file, get his file from the SIC whilst he was there, see the reason why he had to resign and reconsider his application and, in fact, send him back to where he was and remove him from SIC, the more so that he is threatening trade unionist leaders there, who deponed, who adduced evidence against him at the time he was there.

Madam Speaker: Hon. Baloomoody, we have understood your question. Be brief, please!

The Ag. Prime Minister: No, that is for the Board of the SIC to discuss. I will take a record of the comments – because that is not the question - made by the hon. Member and that is all I can do. I will certainly not interfere in SIC.

Madam Speaker: Time is over! PQ B/206 has been withdrawn; PQ B/216 in regard to the professional syndics will be replied by the Attorney General, Minister of Justice, Human Rights and Institutional Reforms; PQ B/243 in regard to the Empowerment Support Scheme will be replied by the hon. Minister of Social Integration and Economic Empowerment. Hon. Osman Mahomed!

COMMONWEALTH GAMES - FUNDS DISBURSED

(No. B/197) Mr G. Lepoigneur (Fifth 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 recent participation of the Minister of Youth and Sports at the Commonwealth Games held in Gold Coast, Australia, from 04 to 15 April 2018, he will state the amount of funds disbursed in relation thereto in terms of –

- (a) costs of airfares;
- (b) *per diem*;
- (c) entertainment allowance;
- (d) cost of hiring chauffeur-driven cars, if any, and
- (e) any other associated costs.

(Withdrawn)

SOUTH AFRICA FAR EAST CABLE - BREAKDOWNS

(No. B/198) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Technology, Communication and Innovation whether, in regard to the South Africa Far East Cable, he will, for the benefit of the House, obtain information as to the number of breakdown thereof in 2017 which caused the slowing down of the operators' services, indicating the -

- (a) respective periods thereof;
- (b) reasons therefor, and
- (c) proposed arrival date of the third submarine cable.

Mr Sawmynaden: Madam Speaker, I have to inform the House that the South Africa Far East Cable is an initiative of a consortium of private telecom operators.

It would, therefore, be inappropriate for me to give any information regarding the operations of the SAFE Cable.

However, in view of the importance of the cable for internet provision, I will reply only to the parts relating to the breakdown. I have been informed that the breakdown of the cable occurred on 17 February 2017 and 05 December 2017. Both breakdowns were caused by the abrasion of the cable on the seabed. Repair works were effected to the cable and communication links were restored within the least possible delay.

As regards part (c) of the question, I wish to inform the House that there will not be a third cable only but a fourth one as well. It is expected that both cables will become operational in 2019.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. Can I ask the hon. Minister; he has mentioned that there will be a fourth cable; I believe he is referring to IOX and METISS. Can I ask the hon. Minister what measures have been taken to ensure transparency? We have had a lot of debate for the METISS cable with CEB FiberNet and Mauritius Telecom is signing with IOX. What processes, what due diligence have been ensured at the level of his Ministry so that we do not end up paying high prices because of that negotiation?

Mr Sawmynaden: Actually, both operators are private operators. I do not have any further information on that, but, definitely, with four cables coming in, completion will be there and all of them should align to the competition and see whether they will decrease their price or not.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Is the hon. Minister aware that we have one of the worst ping which is late and sea time in the world, as reported by the Press. Now, with the frequent breakdown, this gets worse and Internet connection is not cheap in Mauritius. Has the time not reached for us to review our price for the sake of a fair and reasonable tariff to the public and to businesses?

Mr Sawmynaden: Actually, as regards the price, it falls under the aegis of the regulator and also it depends on all the operators. I know that the regulator is doing some work on it.

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

Mr Osman Mahomed: I have an additional question?

Madam Speaker: You have one additional question? The last one!

Mr Osman Mahomed: Yes, thank you. Now, we have talked a lot about the METISS cable which is undertaken by CEB. Now, we have not have clear indication about once the Internet connection is delivered bulk from the CEB station and to the homes of the people. Since the hon. Minister has spoken about the fourth cable, can I know what is the last mile connectivity detail between the CEB sub-station to the individual home, which is going to cost billions of rupees? Which entity is going to invest into that?

Mr Sawmynaden: Actually, this question should go to the operator himself, I am not in a position to say - let the cable come to Mauritius first and then from there, we will see how it is going to be distributed amongst the households.

Madam Speaker: Next question, hon. Osman Mahomed!

ICT INCUBATOR CENTRE - OPERATIONAL

(No. B/199) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Technology, Communication and Innovation whether, in regard to the Information Communication Technology Incubators Programme set up under the aegis of the Mauritius Telecom and the National Computer Board, he will, for the benefit of the House, obtain information as to if it is operational and, if not, since when and why not.

Mr Sawmynaden: Madam Speaker, I am informed by the National Computer Board that there has been no incubator programme run by the latter in collaboration with Mauritius Telecom.

I am further informed that the National Computer Board operated an ICT Incubator Centre from 2004 to 2009, located in Jumamah Mosque Street, Port Louis. The ICT Incubator

Centre received funding from the World Bank from 2004 to 2007. As the Centre did not receive funding for the subsequent years, it was no longer operational.

As regards incubator projects run by Mauritius Telecom, the hon. Member is aware that Mauritius Telecom is a private company.

Madam Speaker: Hon. Osman Mahomed, do you have any question?

Mr Osman Mahomed: Well, there was this Ébène Accelerator project which was spearheaded by Government, then Minister of Finance, which had the objective of promoting young talents with a view to encouraging them to become entrepreneurs. Now, the current Government has scrapped this programme. Can I know from the hon. Minister what has it been replaced by and how is it going on ...

Mr Sawmynaden: This is why now we have the Mauritius Research and Innovation Council, where everything will fall under the aegis of this Council and in collaboration with the Ministry of Education where we are setting up the ICT polytechnics; permanent incubators will be set up there where young talents will be encouraged to come up with their projects and we are also signing MoUs with different countries where they have similar projects.

Madam Speaker: Yes!

Mr Osman Mahomed: Well, can I still ask the hon. Minister whether this programme with the scheme that he has mentioned is being led by the private sector and if that is the case, is he not afraid that young entrepreneurs who go there with their brainy ideas, will be the subject of intellectual property right thefts, thereby discouraging them to go there at all?

Mr Sawmynaden: Actually, there will be no theft, they will be protected and we will be coming soon with the new Mauritius Research and Innovation Council Act when we will have a debate on it, then the hon. Member will have time to give his views as well.

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

ICTA - VACANCIES

(No. B/200) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Technology, Communication and Innovation whether, in regard to the Information and Communication Technologies Authority, he will, for the benefit of the House, obtain therefrom, information as to the organisational structure thereof, indicating the number of existing vacancies, if any, at senior management level thereat.

Mr Sawmynaden: Madam Speaker, I am informed by the Information and Communication Technologies Authority (ICTA) that the Senior Management of the Authority comprises the Executive Director and five Directors as follows –

- Director of Engineering;
- Director of Service Regulation and Legal Affairs;
- Director of Finance and Administration;
- Director of I.T., and
- Director of Communications and Consumer Affairs.

However, the posts of the Executive Director, the Director of Service Regulation and Legal Affairs and Director of Communications and Consumer Affairs are presently vacant. As a merger exercise of the Independent Broadcasting Authority and the Information and Communication Technologies Authority is presently being undertaken, it is not proposed to fill these vacancies at this stage.

Mr Osman Mahomed: Thank you. Can the hon. Minister confirm to the House whether there has been three Executive Directors passing by the ICTA since the last General Elections: Dr. Oolun...

Madam Speaker: Do not mention names!

Mr Osman Mahomed: Yes. Can he confirm that there has been three Executive Directors who have been dismissed at the level of the ICTA or them leaving their positions since this new Government has taken Office?

Mr Sawmynaden: As I am aware, they were two, and then there was the last one who was recruited, but, unfortunately, he left after 3 days.

Madam Speaker: Hon. Osman Mohamed on this question? Yes, please.

Mr Osman Mahomed: Well, with regard to the Director of Engineering, Mr J. L., Madam Speaker will not allow me to mention the name. Can I mention the name, because it is a specific question on one person?

Madam Speaker: Usually, we do not allow names in this House because those who are not present cannot defend themselves.

(Interruptions)

But if it is in the public domain, then we allow, if it is already in the papers.

(Interruptions)

Is the hon. Member deciding on my behalf? Does he? It means that he is deciding on my behalf. I am sorry.

(Interruptions)

I am sorry, there is no point of order, please sit down! Yes, hon. Osman Mahomed, please do not mention names, but just give an indication!

Mr Osman Mahomed: Is the hon. Minister aware or is he prepared to find out and table the necessary document that I am going to evoke, that Mr J. L. who was the Director of Engineering at ICTA was unceremoniously sacked despite advice to the contrary from the Solicitor General's Office saying that, "the case appears not to warrant the extreme sanction of the summary dismissal of the officer"? Is the hon. Minister prepared to look into that matter and tell us why he was sacked despite adverse or contrary advice from the Solicitor General?

Mr Sawmynaden: Anyway, I will look into the matter, but I will inform the House that Mr J. L. did put a case in front of the Court for unlawful dismissal, but same has been withdrawn on 21 March 2018 and he is joining back the Authority.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Is the hon. Minister aware of what is going on at ICTA and has he conducted an investigation? First, the Chairperson is being slashed, now another employee is being thrown acid and tried to be burnt alive. So, can the hon. Minister enlighten the House about what is going on at ICTA?

Mr Sawmynaden: Actually, it is run by the Board. This is a problem with Human Resource, among them. We cannot say exactly what has happened. Now, the Police are enquiring in both cases. We are going to look into it. Definitely, security measures are being taken there so that this kind of incident does not happen again.

Madam Speaker: Hon. Osman Mahomed, last question!

Mr Osman Mahomed: Can I ask the hon. Minister, out of the ICTA Board members that he has himself personally nominated - they are four of them - who among them hold particular qualifications and expertise in ICT, more particularly in ICT regulations, which is the core business of the ICTA; who, among the four he has nominated?

Mr Sawmynaden: Actually, you have the Directors as well; all those who were already in place. But if the hon. Member comes with a specific question, I will ask for all the CVs and give the answer. Definitely, we have one or two who are qualified in IT.

Madam Speaker: Next question, hon. Osman Mahomed!

ICT SECTOR - GDP - CONTRIBUTION

(No. B/201) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Technology, Communication and Innovation whether, in regard to the Information Communication Technology sector, he will, for the benefit of the House, obtain information as to the reasons of the drop thereof in its -

- (a) contribution to the Gross Domestic Product, and
- (b) exports, including re-exports of goods and services for Mauritius.

Mr Sawmynaden: Madam Speaker, with regard to part (a) of the question, I would like to refer the hon. Member to the reply made to PQ B/992 at our sitting of 12 December 2017 wherein I explained lengthily how the ICT sector, despite at a lower growth, is still a strong contributor to the GDP.

Regarding part (b) of the question, the hon. Member would, no doubt, agree with me that the ICT sector in Mauritius has witnessed continuous expansion during the past years and is now a mature sector. The maturity of the ICT sector is reflected in the economic indicators like contribution to GDP, growth rate of the sector and growth in the export of goods and services.

Madam Speaker, we are also at the crossroads of digital transformation, which demands a review of software applications and services by local ICT companies to meet the new paradigm. There is, therefore, a restructuring exercise going on in the sector at the level of the industry players. This has definitely an impact on the different component of the sector, including export of goods and services.

As regards the re-exports of ICT goods, here we are referring to Smart TVs, Smartphones, there has been a reduction as these products are now being sourced by African countries directly from manufacturers and are, therefore, not being channelled through Mauritius.

Nevertheless, both the Government and the industry are confident that the ICT sector will continue to expand and become a strong pillar of the economy.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: The figures of the hon. Minister are different from mine, but I do not blame him because he is the fourth ICT Minister of this Government. Hon. Pravind Jugnauth was the first one.

Madam Speaker: Do not make statements!

(Interruptions)

Mr Osman Mahomed: He is the fourth Minister in three years. Now, GDP growth, Madam Speaker, according the last statistics, CSO figures, GDP contribution declines from 7.1% to 5.4%. Contribution to GDP is down from 5.8% to 5.7%. ICT export dropped by 61.9%, and ICT import dropped by 29.2%.

Madam Speaker: Hon. Osman Mahomed, let me tell you something. Several times, I have drawn attention that the object of asking a supplementary question is to have information from the hon. Minister concerned. Now, it is not the object of a supplementary question to provide information. Please, ask your question!

(Interruptions)

Mr Osman Mahomed: The reason why I mentioned this is because the hon. Minister painted a different picture, Madam Speaker. Anyway! Can I ask the hon. Minister whether he will not agree with me that the chaotic situation prevailing in the ICT sector, based on my previous equations, is a direct consequence of the incompetence of the Government in this sector at the moment?

Mr Sawmynaden: They were the one saying this was *un éléphant blanc*. Actually, this sector is contributing to the GDP and is still expanding. I have just mentioned that - long ago - the re-exports of ICT goods, we were referring to Smart TVs and Smartphones which are not transiting through Mauritius. This is why the figure decreased, but the business itself is still going. On the other hand, the operators in Mauritius had many problems in recruiting workforce to work in that sector. This is why, today, we have given the opportunity to address this shortage of ICT skilled persons. This Government has introduced a scheme for foreigners studying in ICT to work in the sector in Mauritius. Let me inform the hon. Member that in 2017 two big companies, two BPO operators like Convergys and Creditfix have just implanted in Mauritius. Actually, we are the first country in the world to have aligned ourselves with the GDPR. This is attracting more and more companies to invest in Mauritius. Let me also give the hon. Member the global index. The Global Security Index, Mauritius is 1st in Africa and 6th in the world.

(Interruptions)

In terms of Network Readiness Index...

(Interruptions)

Madam Speaker: Order!

Mr Sawmynaden: ...we are 1st in Africa and 49th in the world. E-Government Development Index, 1st in Africa, 58th in the world; Global Competitiveness Report, 1st in Africa and 45th in the world, and Global Innovation Index, 2nd in Africa and 64th in the world. I think the figures speak for themselves.

(Interruptions)

Mr Osman Mahomed: Yet again, Madam Speaker, according to Statistics Mauritius figures, last year, only 235 jobs have been created in the ICT sector as opposed to the 20,000 jobs the Rt. hon. Minister Mentor, when he was Prime Minister, stated in the Economic Mission Statement. Can I ask the hon. Minister to enlighten the House whether this is so because of the sloppiness in the sector or because training that he has mentioned is falling short of the pace that we have had to have in order to employ so many people in the sector?

Mr Sawmynaden: Actually, we did have a problem of resource in that sector. Many Mauritians do not want to work in that sector; do not want to work odd hours. The ICT sector is working 24 hours.

(Interruptions)

Actually, we are employing 23,000 people in that sector and that sector has a potential to employ 50,000 people.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister has just mentioned the shortage of staff. Isn't he agreeable that all the Ministers, including himself and those before him in this House, have promised an ICT Academy for years to train the Mauritians, and still we do not have this ICT Academy, and this is the reason why there is a shortfall in labour force in Mauritius in that sector?

Mr Sawmynaden: I think the hon. Member is not following the news. Actually, we have already opened up the ICT Academy of Oracle with UTM University. There was an ICT Academy which was opened by my Ministry and at the same time, the UTM was running the same thing. Why wasting two resources, have two different institutions on when we can all do the same thing under the Ministry of Education? We did not want to waste money. So, the

UTM is taking care of that. Oracle has already signed the agreement, and it will be in operation soon.

Madam Speaker: Hon. Uteem, do you have another question? No. Yes, hon. Osman Mahomed!

Mr Osman Mahomed: With regard to the drop in figures, can I ask the hon. Minister whether he does not consider that one of the reasons behind is the absence of marketing to attract big players in Mauritius in a sector that has a global worldwide potential of one trillion US dollars? Is he not of the opinion that there is a lack of marketing in the sector?

(Interruptions)

Mr Sawmynaden: Let me inform the hon. Member that now we have aligned ourselves with the GDPR and all the measures taken, especially Mauritius today is a reference in terms of security, in terms of cybercrime, and also we are setting up the regional capacity building centre of cybercrime for the COMESA countries in Mauritius. To do marketing actually, those investors and all those companies together with the Ministry have to go abroad and promote the country. The hon. Member will be the first one to say that the Minister is travelling! So, let the investors do their jobs, and we are giving them all the support so that they attract more and more clients in Mauritius.

Madam Speaker: I suspend the sitting for 1 hour 45 minutes!

At 12.57 p.m., the sitting was suspended.

On resuming at 2.57 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please be seated! Hon. Ameer Meea!

LINE BARRACKS - TRAFFIC BRANCH - AIR CONDITIONING SYSTEM

(No. B/202) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Licensing Office of the Traffic Branch at the Line Barracks, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he is aware of the absence of air conditioning system at the International Driving Licence Section, processing office and the waiting area thereof, and, if so, indicate if urgent remedial measures will be taken in relation thereto.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that the International Driving Licence Section, the Processing Office and the Public Waiting Area are located within the Licensing Office of the Traffic Branch at Line Barracks, Port Louis. The three abovementioned sections are fitted with 14 electric fans.

Given that the Licensing Office is housed in an old building with inadequate electrical load capacity, no air conditioner could be installed thereat. I am further informed by the Commissioner of Police that action has already been taken with the technical support of the Energy Services Division to upgrade the power requirement of the building and a new transformer and a stand-by generator of 200 KVA have already been installed.

Specifications for the acquisition of 14 air conditioners and 8 air curtains have been finalised and tenders would be launched shortly.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, I did not quite get what the hon. Minister Mentor stated, that the building is old and could not place air conditioner but, at the same time, there has been a procurement exercise for the purchase of air conditioners? Am I right to say that?

Sir Anerood Jugnauth: Yes, but what I have said is, whatever was wrong has been remedied and now it can be done, and it is being done.

Mr Ameer Meea: Madam Speaker, the idea behind this question is because the place where they are hosting this Licencing Office, the ceiling is with iron sheets. It is surrounded....

Sir Anerood Jugnauth: Please, put your question!

Mr Ameer Meea: It is coming. Do not worry! The ceiling is with iron sheets and even the surrounding, the walls are with iron sheets. You can imagine the high temperature in summer.

Madam Speaker: Do not make a statement, please. Ask your question!

Mr Ameer Meea: I myself have been there and I saw people fainted there.

(Interruptions)

It is a fact, I myself have been there. So, my question to the hon. Minister Mentor is whether he will try to improve the conditions there because every day it is cramped with people?

Madam Speaker: We have understood your question.

Sir Anerood Jugnauth: I have already answered that. The needful is being done. Now, I hope that when the hon. Member was there, he took that fainted man to hospital.

(Interruptions)

Madam Speaker: Next question, hon. Ameer Meea!

(Interruptions)

Mr Ameer Meea: In fact, it was not a man, it was a woman.

(Interruptions)

INTERNATIONAL DRIVING PERMITS – VALIDITY PERIOD

(No. B/203) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the International Driving Licence, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the extension of the validity period thereof from one year to three years and, if so, when and, if not, why not.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that the issue of International Driving Permits (IDPs) to Mauritians travelling abroad is governed by Regulations 57 and 58 of the Road Traffic Regulations 1954 against a prescribed fee of Rs800.

In line with Article 4 of the Paris International Convention relative to motor traffic made on 24 April 1926, an International Driving Permit is valid for the period of one year.

Upon expiry of an International Driving Permit, the driver has the possibility to re-apply for a new one.

Madam Speaker, I am informed that the validity period of one year of the International Driving Permit can be extended to three years or more provided that Mauritius ratifies the 1968 Vienna Convention on Road Traffic.

The ratification of the above Convention by Mauritius has implications insofar as our laws and regulations relating to Road Traffic are concerned.

As such, I am informed by the Ministry of Public Infrastructure and Land Transport that, in this connection, consultations are under way with stakeholders concerned, prior to the ratification of the Vienna Convention by Mauritius.

Mr Ameer Meea: Madam Speaker, I am happy to hear from the hon. Minister Mentor that we are going to ratify the Vienna Convention so as to allow the permit for three years.

But, in the meantime, each year every driver has to start the application from zero; each year, you have to submit your photograph, to fill a form, to pay Rs800 and you do the same thing every year.

My question to hon. Minister Mentor, in the meantime that we ratify the Vienna Convention, is whether he can see to it that we ease the procedures so as not to make this exercise cumbersome?

Sir Anerood Jugnauth: As the law is, it is simply impossible, we cannot do that. I never said that we are going to ratify the Vienna Convention, we said the matter is being looked into.

Madam Speaker: Next question, hon. Ameer Meea!

INSURANCE INDUSTRY COMPENSATION FUND – MANAGING COMMITTEE

(No. B/204) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to the Insurance (Industry) Compensation Fund, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) names of the members of the Managing Committee thereof, indicating the terms and conditions of appointment thereof, and
- (b) total amount of money –
 - (i) collected, and
 - (ii) paid to the beneficiaries thereof, since November 2016 to date.

Mr Sesungrur: Madam Speaker, the Insurance Act 2005 provides for the establishment of an Insurance Industry Compensation Fund and for the fund to be organised into sub-funds.

As at date, only the Hit & Run sub-fund has been set up under the Insurance (Industry Compensation Fund) Regulations 2015, which is effective as from 01 January 2016.

So, the setting up of the Hit & Run sub-fund, we have ensured that we remain relevant and effective by addressing an alarming problem. This Government is obviously very sensitive to the issue of hit and run cases in Mauritius.

With regard part (a) of the question, I am tabling the composition of the Managing Committee of the Insurance Industry Compensation Fund.

The members have been appointed under Section 4 of the Insurance (Industry Compensation Fund) Regulation 2015 and the conditions of their appointment are governed by Section 6 of the Regulations. An all-inclusive monthly fee of Rs20,000 is paid to the Chairperson and each member receives an all-inclusive monthly fee of Rs17,000.

Madam Speaker, as regards part (b) of the question, I am informed that the total amount collected as contribution from insurers from November 2016 to March 2018 was Rs53,200,797.

As at date, the Insurance Industry Compensation Fund has received 9 applications for payment of compensation. An amount of Rs100,000 has been paid to two applicants. Two other applicants were not eligible for the compensation according to the provisions under the Insurance (Industry Compensation Fund) Regulations.

The applications in respect of the remaining five cases are still under consideration.

Mr Ameer Meea: Madam Speaker, since its inception, that is, in 2016, answering to a past Parliamentary Question the then hon. Minister stated to the House - PQ No. B/911 - that Rs28 m. has been collected, and now we just heard the hon. Minister say that there has been collection of Rs53 m., which makes up a balance of Rs81 m. under the account of this Insurance Fund.

According to the schedule of compensation for physical injury, loss of hands, loss of all fingers 100 per cent, loss of both legs 100 per cent, loss of sight of both eyes 100 per cent, a compensation of only Rs150,000 is being paid. So, my question to the hon. Minister is whether he would revisit this schedule of compensation due to the fact that we have just heard that we have Rs81 m. in the account.

Mr Sesungkur: Madam Speaker, my hon. friend is right. In fact, we have Rs82,978,324 in the account. In fact, as the hon. Member may be aware, there was no permanent setup for the administration of the sub Fund. So, now we have taken action to recruit people and to take a proactive approach towards analysing those cases and I am sure

that with the appropriate setup, we will be able to satisfy more people and give satisfaction to the public.

Mr X. L. Duval: Madam Speaker, obviously, people are not applying to the Fund because they are only nine cases. The issue also is marketing the Fund and getting people to know and the hit and run cases must be available at the Police. So, is he going to ensure that at least there is a follow-up, coordination from the Police to the Ministry, to that Fund so that people can be advised of their rights?

Mr Sesungkur: Certainly, the hon. Leader of the Opposition is perfectly right. This is what we are doing. We are recruiting people and it will be for the management team to take proactive action vis-à-vis the public.

Mr Ameer Meea: Madam Speaker, the fund itself is it just an amount, a balance at bank or is it also managed? Does the Board have the power to manage the fund, that is, invest the fund in order to increase its revenue or balance?

Mr Sesungkur: No, the Board has a very strict mandate. They are not allowed to reinvest the funds so as to earn additional income. It is mainly to focus on the activities of compensating people.

Madam Speaker: Next question, hon. Ameer Meea!

IMMIGRATION SQUARE URBAN TERMINAL PROJECT - AMENITIES

(No. B/205) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Immigration Square Urban Terminal Project, he will state the –

- (a) infrastructural amenities/projects included therein, indicating the number of street vendors/hawkers to be accommodated thereat;
- (b) cost thereof, indicating the mode of financing, and
- (c) work progress thereof.

Mr Bodha: Madam Speaker, a Request for Proposal has been launched by my Ministry on 20 February 2018 for the development, modernisation and operation of the Immigration Square Urban Terminal.

In regard to part (a) of the question, the project will comprise, *inter alia*, the following amenities –

- (i) a modern bus terminal with at least 20 bays for alighting and boarding passengers;
- (ii) a taxi stand to accommodate at least 20 taxis;
- (iii) a Police Station;
- (iv) a Fire Station;
- (v) a dedicated hawkers' area to accommodate around 1,000 hawkers, as advised by the Municipality of Port Louis;
- (vi) commercial spaces;
- (vii) parking facilities;
- (viii) office space, and
- (ix) a business hotel.

Regarding part (b) of the question, I wish to inform the House that the project will be implemented on a design, build, finance, operate and maintain basis. Therefore, the cost of the project will depend on the design of the selected promoter and it will be borne entirely by the latter.

Madam Speaker, insofar as part (c) is concerned, the closing date for the submission of the Request for Proposal is 07 May 2018. After the closing date, the proposals will be evaluated and the selected promoter will be given two years to implement the project.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, in this project, everybody but more specifically, the hawkers have been taken for a ride. My Parliamentary Question ...

Madam Speaker: The hon. Member must put his question.

Mr Ameer Meea: ...No. B/374 dated 2015, that is, more than three years back, I will quote what the hon. Minister stated to the House –

“As a matter of fact, the Ministry of Public Infrastructure and Land Transport is currently working on the redevelopment of the Victoria and Immigration Square Bus Stations, with a view to converting these two sites into modern bus stations with provisions of commercial/office block and parking. Both complexes, (...), will provide space for the hawkers.”

It is the same answer that we just heard today after more than three years! So, my question, Madam Speaker, is: since all the hawkers have already been relocated and we know all the problems they are facing...

Madam Speaker: The hon. Member must not make a statement. He must ask his question.

Mr Ameer Meea: I am not making a statement, but it is just a fact.

Madam Speaker: The hon. Member has already explained!

Mr Ameer Meea: So, my question to the hon. Minister is: what is Government going to do exactly because every time there is a Parliamentary Question in the House, we just have *effet d'annonce* and nothing else?

Mr Bodha: Madam Speaker, the hon. Member is not right at all! First of all, we wanted to start with Victoria and the Request for Proposal has been done. The evaluation has been done. A consortium...

(Interruptions)

Madam Speaker: Hon. Ameer Meea, you have asked your question!

Mr Bodha: Madam Speaker, this is the first PPP Project where Government is giving the land for 60 years with private investment and the Request for Proposal has been done for Victoria. We are ...

(Interruptions)

Madam Speaker: Hon. Ameer Meea!

(Interruptions)

You have asked your question already! The hon. Minister has a right to reply!

(Interruptions)

Now, do not argue with me! Do not argue! I have said do not argue! From a sitting position, I will not allow you to make remarks!

Mr Bodha: So, we have done with the Victoria and we are going to finalise it in the coming weeks. Then, we started working on the Immigration Square but we have two issues on Immigration Square; the Aapravasi Ghat is a UNESCO World Heritage Site which means that we have a number of constraints as regards to development in that area. So, we have had

to work with the World Heritage Site of UNESCO. In fact, we have requested a consultant to advise us on what can be built and what cannot be built.

In the meantime, we have worked with the Police for the Police Station. We have worked with the Fire Services for the Fire Station. We have worked with the Municipality for the hawkers. I do not think that the hon. Member - he is focused on the hawkers...

(Interruptions)

...he is...

(Interruptions)

Yes, he is focused only on the hawkers.

(Interruptions)

Madam Speaker: Now, hon. Ameer Meea! Hon. Ameer Meea!

Mr Bodha: I am also focused on the hawkers.

Mr Ameer Meea: You are not!

Mr Bodha: I am!

(Interruptions)

Madam Speaker: Hon. Ameer Meea!

(Interruptions)

If you are not satisfied...

(Interruptions)

Hon. Ameer Meea, you will have the opportunity to ask another supplementary question. Right? You have already asked your question, the hon. Minister has the right to reply to your question. When you have your supplementary question, you will ask again, but do not interrupt him!

(Interruptions)

Do not interrupt him! Yes, please proceed!

Mr Bodha: Madam Speaker...

(Interruptions)

...the market for the 1,000 hawkers, the hon. Member was in the Municipality, he has worked with us in the Municipality of Port Louis to sort out the hawkers' problem, the MSM/MMM...

(Interruptions)

What has he done?

(Interruptions)

Madam Speaker: Hon. Jhugroo!

Mr Bodha: Does he think it is so easy to do that?

(Interruptions)

Madam Speaker: Hon. Uteem!

Mr Bodha: So, what I am saying is the 1,000 hawkers are one component of the project and the project is enabling us - the other components are enabling us to provide the facilities for the hawkers. With the hawkers, we would never be able to do the Terminal. So, we have been trying to set up a financial system that will allow us to provide for an attractive place for the hawkers at an affordable price. It is the other components which are allowing us to give the hawkers a proper environment and the idea is to give them the proper space, to give them the proper access, to encourage tourists to come over to Port Louis in the two urban terminals.

As regards to Victoria, the project is almost – we have only one issue, I think we are addressing this issue and it will be finalised in the weeks to come.

Madam Speaker: Hon. Ameer Meea, have you got supplementary questions? No. Yes.

Mr X. L. Duval: May I ask one thing to the hon. Minister? He mentioned, if I understand him well, that the Victoria Project is a PPP. So, it is being done under the Public-Private Partnership Act. Is this what he said?

Mr Bodha: In fact, it is a PPP in the sense that it is subject...

(Interruptions)

We are giving the land for 60 years, and the finance is coming from the private sector.

Mr X. L. Duval: It is an Act of 2004 that exists!

(Interruptions)

Mr Bodha: It is a lease. It is a joint venture.

Mr Ameer Meea: Madam Speaker, the question is specific. You, yourself, have ruled out, how many times, when we go out of subject. I am talking about Immigration Square. *Il est en train de noyer le poisson en parlant de Victoria Square.* My question is specific on Immigration Square. What is he doing for Immigration Square? He is talking about PPP for Victoria. He must just tell the House how the construction of Immigration Square is going to be financed.

Mr Bodha: We have launched a request for proposal.

(Interruptions)

The final date is 07 May and, after 07 May, we will evaluate the project and one promoter will be granted the project.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Twice in his reply, the hon. Minister has mentioned about 1,000 hawkers, when it is common knowledge that there are 1,200 hawkers. What is going to happen to the other 200?

Mr Bodha: I am going by the figures which have been given to me by the Municipality; 1,000 for Victoria and 1,000 for Immigration Square.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. It has been widely reported in the Press that there has been a meeting with the hawkers, where they have been told that the rental value would be Rs3,000 or Rs4,000. So, may I know from the hon. Minister will that be a component of the request for proposal that any promoter who will develop the terminal will be bound to offer 1,000 space to hawkers at a price of Rs3,000 or Rs4,000?

Mr Bodha: This is one of the conditions of the request for proposal.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Minister state whether, in relation to the hawkers at Immigration Square, he has received any complaints from them in the recent past?

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order! Hon. Members are losing the time of the House! Allow the hon. Minister to reply! Hon. Baloomoody, please! Hon. Rutnah! No crosstalking, please! Yes, hon. Minister! Please proceed!

Mr Bodha: Madam Speaker, when it comes to the hawkers, we have to come with facts. We have to tell them the truth and we have to tell them figures which will stand. At the beginning...

(Interruptions)

Madam Speaker: Hon. Ameer Meea! This is the last time I am giving you a warning now! Last time! If you continue to interrupt, then I will have to take action.

Mr Bodha: We have been talking to them regularly. In fact, 15 days from now, hon. Minister Mrs Jadoo-Jaunbocus met them, and I am meeting them as soon as we have the final design.

Madam Speaker: Hon. Jhuboo! Last question!

Mr Jhuboo: Thank you, Madam Speaker. In his reply, the hon. Minister stated that provision is being made for a fire station. Will he agree with me that, being given that the traffic is heavily dense and the terminal is crowded, for security and safety reasons, that fire station might cause a problem in the future?

Mr Bodha: We have considered this. But at the end of the day, we have a solution, that is, put a fire station on the outskirts of the city. Then, if something happens on this side of this city, you have to cross the whole city. So, you have to make a decision about it.

(Interruptions)

Madam Speaker: Hon. Jhugroo! Did anybody ask for your comment?

(Interruptions)

No, sorry, this subject has been sufficiently canvassed for 10 minutes! Next question, hon. Jahangeer!

LAGOONS – DROWNING - CASES

(No. B/206) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Tourism whether, in regard to our lagoons, he will, for the benefit of the House, obtain from the Beach Authority, information as to the number of reported cases of drowning thereat, since January 2018 to date.

(Withdrawn)

**CWA - RIVIÈRE DU POSTE WATER TREATMENT PLANT PROJECT -
IMPLEMENTATION**

(No. B/207) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Rivière du Poste Water Treatment Plant Project, he will, for the benefit of the House, obtain from the Central Water Authority, information as to where matters stand as to the implementation thereof.

The Ag. Prime Minister: Madam Speaker, I am informed by the Central Water Authority that the Rivière du Poste Project consists of two components, namely the upgrading and resiting of the intake structure along La Flora River and the review of the treatment process.

In March 2016, CWA awarded a contract to Servansingh Jadav & Partners Consulting Engineers Ltd and HydraTech/CTech Group, France, to carry out a feasibility study, design and preparation of bid documents. The contract duration was 18 months. I am informed by the CWA that it launched the bids for upgrading and resiting of the intake structure along the La Flora River. The closing date is 16 May 2018. Works are expected to start in July 2018.

As regards the review of the treatment process, I am informed that the consultants submitted an inception report in May 2016. However, the CWA engineers requested the consultant to increase the treatment capacity of the plant from 15,000m³ per day to 25,000m³ per day, thus changing the scope of the project. These greatly delayed the implementation of the project. I am now informed that the CWA intends to implement the project as per the original scope. It expects to launch the bids by July 2018 and works are expected to start by December 2018.

My Ministry is totally dissatisfied with this state of affairs and in particular with the questionable manner in which the scope of the project was modified. I understand that the Chair of the CWA shares my concern and will direct that an investigation be carried out.

Mr Jahangeer: Madam Speaker, given the importance of Rivière du Poste Filtration Plant, as it is serving Camp Diable, Rivière des Anguilles, Batimaraïs, Tyack and Souillac, will the hon. Ag. Prime Minister see to it that the project is implemented timely?

The Ag. Prime Minister: Yes.

Madam Speaker: Next question! Hon. Quirin!

COJI - BOARD MEMBERS

(No. B/208) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Comité d'Organisation des Jeux des Îles (COJI) 2019, he will, for the benefit of the House, obtain therefrom, information as to the -

- (a) names of the Board Members thereof, indicating in each case the total remuneration drawn since assumption of office to date, and
- (b) monthly salary and benefits of the Chief Executive Officer and of the General Secretary thereof.

Mr Toussaint: Madam Speaker, the Board of the COJI is made up of 11 members, with myself as the President. I am tabling the list of the Board members. Being given that two activities will be held in Rodrigues, a COJI Rodrigues, which operates under the main Committee, has been set up. I am also tabling its composition. I wish to inform the House that the Board members of COJI do not receive any remuneration for that purpose.

Madam Speaker, as regards part (b) of the question, the Chief Executive Officer of the COJI is paid a monthly salary and a travelling allowance as approved by the Board of COJI. Since COJI is registered under the Registration of Associations Act and is independent of my Ministry, it would not be appropriate to disclose the amount paid to the Chief Executive Officer. The General Secretary does not receive any remuneration.

(Interruptions)

Mr Quirin: Madame la présidente, c'est inconcevable! Ici, c'est l'Assemblée nationale! Nous sommes des élus. Nous venons avec des questions pour les honorables

ministres, et là ma question s'adresse à l'honorable ministre des Sports. Une question tout à fait simple, sans aucune arrière-pensée. C'est simplement pour récolter des informations, et le ministre refuse, se cache derrière l'autonomisme du COJI.

Madam Speaker: So, ask another question or the same question!

Mr Quirin: Mais c'est inconcevable ! Il est payé pour répondre aux questions, Madame la présidente. Il est payé pour répondre aux questions, tout comme on est payé pour poser des questions ! Si on ne peut pas répondre, qu'on démissionne ! Si le ministre n'a pas de possibilité, qu'il a peur de répondre, qu'il démissionne, Madame la présidente ! C'est une honte ! C'est une honte !

(Interruptions)

Absolument ! Madame la présidente, l'argent que reçoit le COJI provient du gouvernement, de l'Etat. Oui ou non ? Est-ce que le ministre peut répondre à cette simple question ?

(Interruptions)

Madam Speaker: Hon. Baloomoody!

Mr Toussaint: Madame la présidente, je n'ai pas exactement cette information avec moi, donc, je n'ose pas m'aventurer dans des sentiers compliqués.

(Interruptions)

Mr Quirin: Madame la présidente, est-ce que le ministre, en tant que président du comité organisateur des prochains Jeux des îles, qui auront lieu, ici, en 2019 - j'espère qu'il le sait - perçoit une allocation, oui ou non ? Si tel est le cas, quelle est la somme qu'il reçoit chaque mois ?

Mr Toussaint: Madame la présidente, je viens de répondre dans la partie principale que les membres du COJI ne reçoivent aucune rémunération.

(Interruptions)

Madam Speaker: Hon. Lepoigneur !

(Interruptions)

Mr Lepoigneur: Madame la présidente, si j'ai bien compris...

(Interruptions)

Madam Speaker: *Non!* You cannot say that!

Mr Lepoigneur:....le *Chairman* est payé...

(Interruptions)

Mr Lepoigneur : ... le *Chairman* est payé pour être à la tête de ce *Board*. Mais est-ce que les athlètes qui s'entraînent....

(Interruptions)

Madam Speaker : Please !

Mr Lepoigneur :...à raison de deux ou trois heures tous les jours, sont rémunérés par rapport à cela ?

(Interruptions)

Madam Speaker: Hon. Quirin! Bring down your tone! Bring down your tone, I cannot hear what the hon. Member is saying !

Mr Toussaint: Je n'ai pas compris la question.

Mr Quirin: *Nanien to pas comprend!*

Madam Speaker: Hon. Quirin, you are making noise!

(Interruptions)

Bring down your voice when you are talking from a sitting position! Bring down your voice so that we can hear what the hon. Members are saying!

(Interruptions)

Please, do not argue with me!

(Interruptions)

Hon. Quirin, please do not argue with me! I do not have anything to allow or not to allow! Questions and replies rest....

(Interruptions)

Hon. Quirin! Hon. Quirin! Hon. Quirin, please!

Mr Quirin: Yes, Madam.

Madam Speaker: I am drawing your attention to the fact that when you make comments from a sitting position, you disrupt the smooth running of the House. I cannot even

hear what the question was from hon. Lepoigneur and I do not think the hon. Minister has been able to grasp the question. Please!

Mr Lepoigneur: Merci, Madame la présidente. Donc, si j'ai bien compris le *Chairman* du *Board* est rémunéré, mais la somme n'a pas été dévoilée. Ma question est: étant donné qu'il y a les athlètes aussi qui forment partie de cela, ils s'entraînent à raison de deux ou trois heures par jour tous les jours pendant x temps, est-ce que, eux, ils ont un *token*, ils sont rémunérés par rapport à cela?

Mr Toussaint: Madame la présidente, j'ai bien peur que l'honorable membre n'a absolument rien compris de ce que j'ai dit dans ma réponse principale. Il a parlé de *Chairman of the Board*. La question c'est par rapport au *Chief Executive Officer (CEO)* du COJI qui, bien sûr, comme je l'ai dit dans ma réponse, perçoit un salaire.

(Interruptions)

Madam Speaker: Hon. Bhagwan, you have a question on this? Last question, yes!

Mr Bhagwan: Thank you, Madam Speaker. Can the hon. Minister inform the House, the country and the nation, and the persons involved in sports whether he, as Minister, has perceived any amount in participating in the activities of *COJI* as Chairperson or even as Minister, can he give us the amount, and if he does not have, make a statement at the next meeting and inform the House?

Madam Speaker: Hon. Bhagwan, I think, you should come with a specific question on this. The question

(Interruptions)

Please! Please! Can we have some order, please!

(Interruptions)

Now, no remarks from a sitting position! Let me give my ruling on this. Hon. Member, you have to come with a specific question. In fact, I think, there has been a hon. Member who sent a specific question on this, which is coming on the forthcoming agenda.

(Interruptions)

There is; I can tell you, as Speaker, I know. There is a specific question from a hon. Member on this specific issue and it concerns a specific question. Now, this question relates to the names of Board members, ...

(Interruptions)

...total remuneration...

(Interruptions)

...and Chief Executive and General ...

(Interruptions)

There is a specific question. That will come on the specific question.

Next question, hon. Quirin!

CLUB MAURICE COMPANY – BOARD MEMBERS

(No. B/209) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Club Maurice Company, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) names of the Board Members thereof, and
- (b) amount of funds raised since January 2016 to date, indicating the names of the beneficiaries thereof.

Mr Toussaint: Madam Speaker, the mandate of *Club Maurice* is to raise funds to support and assist athletes.

As regards to the other information requested, I am not in a position to reply for a private company. I would advise the hon. Member to consult the Statement of Accounts and other documents filled by *Club Maurice* at the Registrar of Companies.

Madam Speaker: Hon. Quirin!

Mr Quirin: Madame la présidente, la réponse du ministre prouve encore une fois son incompétence...

(Interruptions)

...et sa volonté de vouloir cacher ...

(Interruptions)

...à la Chambre des informations qui sont totalement faciles à donner. Je ne comprends pas cette volonté de cacher des informations à la Chambre, aux élus...

(Interruptions)

Madam Speaker: Hon. Rutnah ! Please!

Mr Quirin: C'est inconcevable, Madame la présidente ! Je n'ai plus d'autres questions pour un incompetent de la sorte !

Madam Speaker: *Non, non!* The hon. Member cannot make such remarks. Hon. Quirin, next question!

(Interruptions)

Hon. Quirin, next question!

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan! Hon. Bhagwan!

(Interruptions)

I suspend the sitting!

At 3.33 p.m., the sitting was suspended.

On resuming at 3.39 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please be seated! Next question hon. Quirin!

MASA - BOARD MEMBERS - FEES

(No. B/210) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Arts and Culture whether, in regard to the Rights Management Society, newly renamed as the Mauritius Society of Authors, he will, for the benefit of the House, obtain therefrom, for 2015, 2016 and 2017 respectively –

- (a) information as to the names of the Board Members thereof, indicating the total amount of money paid to each Member thereof in terms of Board and Committee fees, and
- (b) the list of committees thereof, indicating the respective terms and references thereof.

Mr Roopun: Madam Speaker, I am, with your permission, tabling the list of Board members of the Rights Management Society, now the Mauritius Society of Authors for years 2015, 2016 and 2017.

Details of the composition of the various sub committees are also included. The total fees paid to the members for the 3 years are being compiled by the MASA. May I also add, Madam Speaker, that, as the House is aware, following the amendments brought to the Copyright Act last year, 7 artists have to be elected to sit on the Board? Election is being held this Sunday, 22 April, under the supervision of the Electoral Commissioners Office following which a new Board will be constituted.

Mr Quirin: Madame la présidente, peut-on connaître la somme que le gouvernement donne à la MASA comme *annual grant* ?

Mr Roopun: I am afraid, Madam Speaker, the hon. Member should come with a specific question on that.

Mr Quirin: Madame la présidente, le ministre peut-il confirmer que les *fees* qui ont été payés à des nominés politiques et à des fonctionnaires uniquement, et cela en absence des représentants des artistes sur le *Board*, peut-il confirmer que ces *fees* ont été payés uniquement à des nominés politiques et à des fonctionnaires?

Mr Roopun: Madam Speaker, the details of the amount paid is being compiled as I stated and in due course, of course, if my friend comes with any additional question, I will be most ready to answer.

Mr Quirin: Madame la présidente, je ne demande pas au ministre de me dire les montants qui ont été payés. Ma question, je pense, est tout à fait claire et je lui demande de bien vouloir nous dire ici dans cette Chambre si les *fees*, qui ont été payés, ont été payés uniquement à des fonctionnaires et à des nominés politiques et non à des représentants d'artistes sur le *Board*.

Mr Roopun: Madam Speaker, fees are being paid as amount prescribed by the PRB and paid to members of the Board. All members of the Board are being paid whatever remuneration is provided for.

Madam Speaker: Hon. Bhagwan, yes!

Mr Bhagwan: Merci, Madame la présidente. Is the hon. Minister aware that there is a lot of frustration among the artist community with regard to the running of the affairs of the MASA and the artists are kept in the dark with regard to certain decisions which are taken? I

would like to know whether he has received any complaint, any communication from the artists and whether he intends to meet the Board to discuss this issue.

Mr Roopun: Madam Speaker, we came with an amendment to the law in November last and we have put much order in the House and this week itself we are going to have a new Board and, of course, I am going to meet the new members and try to see how we can pursue further the interests of artists.

Mr Quirin: Madame la présidente, des membres du personnel de la MASA qui siègent sur les comités techniques perçoivent aussi des *committee fees*, l'honorable ministre peut-il confirmer si ce procédé est légal ou pas?

Mr Roopun: Madam Speaker, at this juncture, I cannot confirm whatever information the Member is providing.

Madam Speaker: Next question, hon. Quirin!

Mr Quirin: Je n'ai pas d'autres supplémentaires ?

Madam Speaker: No, next question!

BEAU BASSIN POST OFFICE - MAIL DELIVERY

(No. B/211) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Technology, Communication and Innovation whether, in regard to the Beau Bassin Post Office, he will, for the benefit of the House, obtain from the Mauritius Post Office Ltd., information as to the number of staff attached thereat, grade-wise, indicating if there are delays in the delivery of mails in the said region and, if so, indicate the reasons therefor.

Mr Sawmynaden: Madam Speaker, the Mauritius Post Ltd is a private company governed by the Companies Act and its Board of Directors. Hence, it will not be appropriate for me to give any information relating to its staff and day-to-day management.

However, given the national importance of part 3 of the question, I will answer to this part of the question not exclusively for Beau Bassin Post Office but for the overall island. I am informed by the Mauritius Post that the delivery service at Beau Bassin and other regions of the country...

Madam Speaker: Hon. Minister, the question relates to Beau Bassin Post Office, either you reply to the question specific or not.

Mr Sawmynaden: Actually, I am answering for Beau Bassin and for the other regions as well.

Mr Quirin: I am not asking for other regions, I need only for Beau Bassin.

Mr Sawmynaden: Leave it for the other Members as well. The whole country should know.

(Interruptions)

You ask why I am giving for more.

So, it was temporarily affected during the months of January and February 2018 due to the bad weather conditions such as torrential rains and thunderstorms which prevailed in the Country on a prolonged period.

Furthermore, special leave was announced due to cyclonic condition on the 17 and 18 January and torrential rain on 25 January. So, with the shortened period of working days with several public holidays and weekends coupled with a huge flow of bulk post mail posting which contributed to the delay in the delivery of mails.

Mr Quirin: Madame la présidente, permettez-moi de dire que le prétexte qu'a servi le ministre pour parler du mauvais temps est tout à fait inapproprié.

Madam Speaker: Hon. Member, don't make a statement, ask your question!

Mr Quirin: Donc la distribution du courrier dans la région de Belle Étoile, Coromandel, Montréal et Belvédère, Madame la présidente, est faite de façon irrégulière depuis à peu près une année. Et peut-on savoir si ce problème sera vite réglé car plusieurs personnes, qui ont reçu leur facture en retard, ont dû conséquemment aller payer des amendes parce que le courrier n'est pas livré à temps avec tout le résultat, tout le problème que cela engendre ?

Mr Sawmynaden: Well, as I mentioned, actually this was mainly during these two months, because you did not expect a postman to go on a motorcycle with heavy rain putting his life at risk and some of them refused also to do it because they could not take the risk. And during the months of January and February, yes, it was shortened. This matter was raised as well under the Citizen Support Portal and also on the radio. If I can recall, the Communication Officer or Manager of the Mauritius Post did give an explanation live on radio. But, definitely, I will pass on the message to the Mauritius Post so that there won't be any delays in the future and people can get their mails, especially *leurs factures* on time.

(Interruptions)

Mr Quirin: Peut-on savoir s'il y a un relevé régulier qui est fait à partir du *Complaints Book* à la section des livraisons à la poste de Beau Bassin, cela afin de constater l'ampleur du mécontentement des résidents des régions que j'ai citées précédemment ? Est-ce qu'il y a un relevé qui a été fait, un constat à partir du *Complaints Book* ?

Mr Sawmynaden: As I mentioned to the hon. Member, this is a private office. I can only pass on the message to them.

(Interruptions)

Madam Speaker: The hon. Minister has not finished!

Mr Sawmynaden: Actually, they run their own business.

Mr Quirin: Peut-on savoir, Madame la présidente, pourquoi les facteurs qui vont à retraite, principalement à la poste de Beau Bassin, ne sont pas remplacés?

Mr Sawmynaden: How can I answer to this question?

(Interruptions)

They should be replaced, but I will also tell you that many young people nowadays do not want to work as postman.

(Interruptions)

Madam Speaker: Next question, hon. Uteem!

(Interruptions)

Hon. Baloomoody!

INDIA - SOCIAL HOUSING PROJECTS - GRANT

(No. B/212) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Housing and Lands whether, in regard to the construction of social low income housing units under any grant funding from the Government of India, since 2015 to date, he will, for the benefit of the House, obtain information as to the -

- (a) respective location thereof;
- (b) cost thereof;
- (c) expected selling price per housing unit;
- (d) expected completion date thereof, and

(e) intended beneficiaries thereof.

Mr Jhugroo: Madam Speaker, the Government of India is providing financial support for the construction of social housing projects in Mauritius comprising a grant of 20 Million US Dollar and a Line of Credit of 25 Million US Dollar granted to the Government of Mauritius.

Concerning part (a) of the question, I am informed that 656 housing units will be constructed at Dagotière and 300 housing units at Mare Tabac.

As regards part (b) of the question, I am informed that the estimated cost of the project is Rs1.5 billion. The project is, however, still at procurement stage in India and the closing date for submission of bids is 20 April 2018.

Madam Speaker, regarding part (c) of the question, I wish to inform the House that, at this stage, it will be premature to state the exact selling price per housing unit as same can only be determined once the project has been completed and all costs related to utilities and contingencies have been taken into consideration.

With regard to part (d) of the question, I am further informed that the project is expected to be completed within 18 months after award of the contract.

Madam Speaker, as regards part (e) of the question, only eligible applicants will be allocated a housing unit thereof as per the established criteria and procedures on which I had already elaborated in my reply to PQ B/16 for the sitting of 27 March 2018.

Mr Uteem: Madam Speaker, the hon. Minister mentioned the figure of Rs1.5 billion from India for the construction of 956 houses. Yet, last year, on 20 October 2017, his predecessor, hon. Showkutally Soodhun stated that, and I quote –

“L’Inde apportera son aide à hauteur de R 3.4 milliards pour 2,150 unités.”

So, why six months later, instead of Rs3 billion, the hon. Minister is only spending Rs1 billion and instead of 2,150 houses, he is going to construct only 956 units?

Mr Jhugroo: I cannot answer on behalf of my colleague who was here before. So, I am giving the exact information. They have been available today to the House.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: With respect to the procurement, the hon. Minister mentioned that the procurement is being done in India. Did I listen correctly?

Mr Jhugroo: India.

Mr Uteem: So, may I know from the hon. Minister why this is being done in India? Why are Mauritians not allowed to participate in that procurement exercise?

Mr Jhugroo: Madam Speaker, from information I gathered today, it is done by India and not by Mauritius because we have got line of credit and also a grant from India.

Mr Uteem: Concerning the last part of the question, “intended beneficiaries”, the hon. Minister mentioned that they would be according to laid down criteria. So, what assurance can the hon. Minister give that there will not be a ghettoization of these accommodations, especially in the light of what his predecessor said concerning certain people who were not eligible to get NHDC houses in La Source?

Mr Jhugroo: I had already mentioned in my last reply - I forgot which PQ - that everything has been sorted out. It is not like before, it was done by the precedent Government, where minors...

(Interruptions)

...were eligible to get a housing unit. But we have changed everything since January 2015.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. I did not quite catch from the hon. Minister’s reply. Is it going to be the NHDC that is going to handle all these constructions? Because NHDC is the executive arm of the Government in matters of social housing. And if that is the case, can I ask the hon. Minister what will become - Because this is grant money. Normally, NHDC borrows money to construct houses. -, whether the proceeds from the beneficiaries who are going to pay their monthly instalments will go into the account of the NHDC or it will go back to Government for future projects?

Mr Jhugroo: I think this question is not related. But never mind!

(Interruptions)

So, I will ask my friend to come with a specific question. But my hon. friend was, I think, a member of the Board. He is well aware how things are being done at the level of the NHDC.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, in relation to part (a) of the question, that is, “respective location thereof”, can I ask the hon. Minister whether, with regard to construction

of social low income housing units, any project has been launched in Constituency No. 3 or whether there will be any project in Constituency No. 3?

Mr Jhugroo: This is a very interesting question on behalf of my friend. So, with regard to the selection of sites, five sites were initially proposed for housing projects to be financed by the Government of India. I am giving the details. There was a first site at Camp Levieux - 2 *arpents* 40; Wooton - 10 *arpents*; Gros Cailloux - 5 *arpents* 76; Argy - 5 *arpents*; Petite Julie - 7 *arpents* 26. Total - 30 *arpents* 42. The NHDC Ltd, however, informed that the above sites have already been included in the tender for consultancy services. Thus, it was agreed that the same extent of land at different locations be proposed to the NBCC India Ltd. Following consultations with the various stakeholders, the planning and housing divisions of my Ministry favourably recommended two sites, namely at Dagotière and Mare Tabac, for the implementation of social housing projects...

(Interruptions)

I became Minister only last year...

(Interruptions)

Madam Speaker: No crosstalking, please!

(Interruptions)

Hon. Baloomoody!

Mr Jhugroo: Subsequently, these two sites were also found suitable by the NBCC India Ltd. These sites were acquired under the 2,000 *arpents* Scheme Government-MSPA Agreement, as per established procedures.

Madam Speaker: Hon. Uteem, next question!

UNIVERSAL PENSION – HIGH-LEVEL COMMITTEE

(No. B/213) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Committee set up to consider the reform of the universal pension, he will state -

- (a) the number of meetings held, and
- (b) if the Committee has submitted any report or recommendations as at to date.

Mr Sinatambou: Madam Speaker, there has been no committee set up to consider the reform of the universal pension per se. However, following a Cabinet decision taken on 19 August 2016, a high-level committee on pension reforms was set up under the chairpersonship of the then Minister of Social Security, National Solidarity and Reform Institutions, comprising the Attorney General, the Minister of Social Integration and Economic Empowerment, the Minister of Gender Equality, Child Development and Family Welfare, the Minister of Labour Industrial Relations and Employment, the Minister of Civil Service and Administrative Reforms and the Minister of Financial Service, Good Governance, and Institutional Reforms.

It also included representatives of the Ministry of Finance and Economic Development, a representative of the National Pensions Fund, two representatives of Business Mauritius, and four representatives of Trade Unions, namely two from the public sector and two from the private sector.

The aim of this Committee is to, *inter alia* –

- (i) have an in-depth examination of the existing pension system and understand how it would be impacted upon in the medium to long- term;
- (ii) look into ways and means to improve the Contributory Retirement Pension of private sector employees, and
- (iii) advise on the best mechanism to ensure the sustainability of our pension system.

The high-level committee on Pension Reforms met on three occasions, namely, 22 September, 12 October and 28 October 2016. Subsequently, a technical committee was set up on 28 October 2016 by the high-level committee under the Chairpersonship of the then Permanent Secretary of my Ministry comprising the Commissioner for Social Security of my Ministry, two representatives from the Ministry of Finance and Economic Development, a representative from the Ministry of Civil Service and Administrative Reforms, a representative from the State Law Office, a representative from Statistics Mauritius, two experienced economists, two persons with professional qualifications in the field of Pension, Actuarial Science and Fund Management, two representatives of Business Mauritius and two representatives of Trade Union.

The Terms of Reference of the technical committee are, among others, to -

- (i) examine the existing old-age pension system;
- (ii) analyse current trends in the number of Basic Retirement Pension beneficiaries and the cost of Basic Retirement Pension, and
- (iii) work out the lightly cost implications of Basic Retirement Pension in the short, medium and long-term, and
- (iv) make recommendations to the high-level committee.

This technical committee has met on five occasions, namely, 25 November 2016, 09 December 2016, 13 and 27 January 2017 and 17 March 2017.

Madam Speaker, in my reply to PQ B/39 of 28 March 2017, I stated that the technical committee would first focus on matters which are having a significant impact on the retirement benefit of Mauritians and on public finances, namely –

- (i) the contributory pension system under the National Pensions Fund, especially as regards the remuneration ceiling currently applicable, and
- (ii) the issues related to universal old-age pension.

As regards part (b) of the Question, I wish to inform the House that the Chairperson of the technical committee has come to me with a proposed set of recommendations to be circulated to the technical committee members for discussion.

I was, however, not too satisfy therewith and I have requested him to review the set of recommendations prior to circulation to the technical committee members.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister repeated almost verbatim what he stated in answer to PQ B/39. My question was very simple. In last year's reply, the hon. Minister himself stated that the technical committee is expected to meet again in April; that was April 2017. So, may I know from the hon. Minister why is it that since 17 March 2017, this technical committee has not met?

Mr Sinatambou: Madam Speaker, the hon. Member must pay more attention to my previous reply because it is not a verbatim reply. In my reply to PQ B/39, I also drew the attention of the House that this problem is a long- standing problem which requires in-depth analysis and examination.

Now, the Chairperson of the Committee has come up, as I said, and this was not in my reply of last time, with a proposed set of recommendations to be circulated to the technical committee members for discussion.

Indeed, when I gave my reply on the last occasion, it was contemplated that the technical committee would meet in April. However, the set of recommendations, that is, the options which were being proposed to me for onwards circulation to the committee members, was not to my satisfaction and I requested the Chairperson to review them prior to onward circulation.

Mr Uteem: Madam Speaker, I am terribly sorry to hear what the hon. Minister has said. If I understood correctly, there is a technical committee which was set up before he became Minister. This technical committee consists of very highly qualified people, and today, we hear that because the hon. Minister is not happy with what the Chairman of that committee is saying, so, the technical committee has no longer any *raison d'être*, it is not meeting. So, in other words, it is the hon. Minister who will come with any proposal! Why do we have a technical committee then?

Mr Sinatambou: That is not at all what I have said. What I have said is that, the subject matter of the options and recommendations to be actually circulated to the technical committee have to be reviewed. Now, maybe, I will make myself clearer because this is what too often happens, we lead this country into the wrong direction. If the House wants to know why I found the options and recommendations not to be to my satisfaction, it is because the options and recommendations which were being shown to me only concern cuts in expenditure for old-age people. And as a responsible Government, this Government is not prepared to lightly envisage cuts whatsoever in the payment of pensions to old-age people. If this is something which would happen, it has to be something which is nationally endorsed by everyone.

This Government does not believe that cuts should be made to the payment of pensions to old-age people, that is why I requested the Chairperson - and believe I was right in doing so - to go and review his recommendations, to go and review his options, and to go and consider other options than simply cuts, either cuts in pensions or extending the age of payment of pension. This is something which, to me, is not acceptable.

Madam Speaker: Hon. Dr. Joomaye!

Dr. Joomaye: Thank you, Madam Speaker. I would like to ask the hon. Minister if the technical committee has considered the effect of low birth rate in our country and its future impact on the payment of old-age pension.

Mr Sinatambou: Madam Speaker, in fact, this is why people should not just take lightly that this committee is just going to come up with a miracle solution. In fact, it is a matter, as I said last time in my reply to PQ B/39 to hon. Ganoo, it is a difficult and complex question, it is a long-standing issue ; the figures which I have are, in fact, incredible, extraordinary. The number of pensioners benefiting from Basic Retirement Pension is projected to increase from Rs197,000 in June 2016 to Rs354,500 in 2056, that is, an increase of 80%.

The actual amount of Basic Retirement Pension based on today's figures compared from 2016 to 2056 would increase by 93% and what happened is, that the technical committee said, well, let's cut expenditure to balance the figures. We are saying, there must be other avenues, look into them and they have agreed that there are other avenues which may be looked into and they are doing that.

Mr X. L. Duval: May we know what these other avenues are, Madam Speaker?

Mr Sinatambou: Well, first of all, doing the same exercise on economic growth. If our GDP growth is 3.3 % or 3.5% or 3.7% or 3.9% it has actually a consequence on the amount of money we can pay to our old-age pensioners.

If our birth rate increases from 1.4 % - which is what it is now - to 1.6, 1.8, there is a difference. The norm today in the world is 2.1. All these options had not been looked into and I have asked them to do so.

Mr X. L. Duval: Madam Speaker, may I ask what the hon. Minister is doing to increase the birth-rate?

(Interruptions)

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

(Interruptions)

Order!

(Interruptions)

Order!

Dr. Boolell: Madam Speaker, in the light of what the hon. Minister has stated on sustainability of pension scheme, can I ask him to submit a list of portfolio where investment has been made? We are talking about sound investment and I hope the investment which has been made is sound.

Mr Sinatambou: Well, I would request the hon. Member to come with a substantive question because, as a matter of fact, this is a committee which is chaired by the Financial Secretary. It is better that the hon. Member comes with a substantive question. I must inform the hon. Leader of the Opposition that I am contributing quite a lot in my family to do whatever has to be done.

(Interruptions)

Madam Speaker: Next Question, hon. Uteem!

CHILD PROSTITUTION - SURVEY

(No. B/214) 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 prostitution, she will state –

- (a) if a survey has been carried out to ascertain the extent of the proliferation thereof, and
- (b) the actions taken by her Ministry to address the issue since 2015 to date.

Mrs Jadoo-Jaunbocus: Madam Speaker, I am informed that two studies have been carried out in 1998 and 2001 respectively in order to ascertain the extent of proliferation of child prostitution in Mauritius and Rodrigues.

The Ministry ventured for a third study regarding the matter in 2014, but to no avail since there has been no responsive bid thereat. Nevertheless, actions have been ongoing to ensure that proper steps are taken to curtail and combat child prostitution as a social ill in the country. Then, I have a list of measures that have been taken such as –

- reviewing the existing legislation which is ongoing, which is being done right now;
- revisiting the institutional setup available for the provision of a continuum of care to victims of CSEC, inclusive of child prostitution;
- operationalisation of a full-fledged Residential Care for CSEC victims;

- maintaining and enhancing support provided by the day care drop-in-centre for CSEC victims, again;
- capacity building, it entails various interventions, and
- providing a full spectrum of thorough care and support inclusive of bio-medico, psycho-socio, economic, legal also to ensure lessening and removal of such trauma.

Madam Speaker: Hon. Uteem!

Mr Uteem: I am deeply troubled because answering to a Parliamentary Question as far back as 2014, the then Minister of gender equality and of children had stated that the Ministry was working on a National Child Protection Strategy and Action Plan and that was in 2014! Four years down the road, am I to take that this Government has done nothing to implement this National Child Protection Strategy and Action Plan?

Mrs Jadoo-Jaubocus: As it is, there are a number of actions that have been implemented and the Child Protection Act is being looked at. The whole provision of the law is being looked at and soon we are going to come with the Children's Bill. We are working on it, indeed, to address all those issues, including child prostitution as well as care for children in general in Mauritius and Rodrigues.

Madam Speaker: Hon. Uteem!

Mr Uteem: Madam Speaker, the Children's Bill has been talked of for more than seven years now, still coming! But is it not a problem that today victims of sexual abuse, children, juvenile prostitutes who are taken off the street, there is absolutely no *suivi* that is done by the CDU except for those who are put in shelters but for all those children who are put back in their home, there is absolutely no *suivi* made by her Ministry with regards to these victims of sexual exploitation.

Mrs Jadoo-Jaubocus: Incorrect! In fact, let me just clarify the point about the Children's Bill. It is not seven years but it is beyond that, over 10 years now that successive Governments have been trying to work on the Children's Bill and we are now, hopefully, finalising the Children's Bill. So, this Government is working on it!

(Interruptions)

Now, making broad statements that nothing is being done for children or victims of prostitution, the question was about child prostitution. So, I will answer on that. But what has

just been asked is broadly about all children who are subject to sexual abuse. So, I will focus the answer as regards victims of prostitution, those who have been involved there.

I have just listed out maybe the hon. Member has not heard everything, so, I will just read it out again. As I have said, there has been review of existing legislation, revisiting the institutional setup available but also there is capacity building for all those working with children, alleged victims or prone to child prostitution ranging from Government officials, civil society, NGOs, parents through *l'Atelier Partage Parents* and counselling sessions and children themselves through the school child protection clubs and children club and this is not just those who are subject to orders of the Court and are in shelters. They are across the country.

Then, there is also provision of full spectrum of thorough care and support, inclusive, as I have said, of bio-medico, psycho-socio, economic, legal, etc. to ensure lessening and removal of the trauma as well as development of resilience in children, victims of child prostitution and, that again, do not entail all those who are in shelters.

Now, there is conduction of sensitisation campaigns on the ill-effects of child violence, inclusive of child protection to children in schools, children clubs and school child protection clubs which are ongoing. There is also conduction of multimedia campaigns on ill-effects of child prostitution on a very regular basis.

There is also ensuring the development of safe neighbourhoods through the setting up, and they have been set up, a number of community child watch committees in high-risk areas.

There is also, Madam Speaker, provision of mentors to children who are prone to child prostitution because of their misbehaviour problems and inability of parents for adequate control. I can go on! So, do not just come and say nothing has been done...

(Interruptions)

This Government is working and will continue to work to protect our vulnerable children!

(Interruptions)

Madam Speaker: Order!

Mr Uteem: Madam Speaker, I will ask a simple question to the hon. Minister. Can she inform the House since 2015 to date how many times the CDU did whatever she said? How many children involved in prostitution are concerned by the measures she has just

mentioned? How many children who have been part of any prostitution have been visited by the CDU?

Mrs Jadoo-Jaunbocus: CDU on average receives about 5000 plus complaints per year. When we talk about...

(Interruptions)

When we talk about the cases of child prostitution, in fact, from all the figures collated and that is both from the *Brigade des Mineurs* and reported to CDU and through general complaints which means people who call on the hotline across the country in Rodrigues, in this year, there has been none! Last year, there was only one and the year before, if I am ...

(Interruptions)

Let me just find the figures. There were about one or two. Those are the figures. Now, the question is...

(Interruptions)

Madam Speaker: Hon. Uteem!

(Interruptions)

Yes.

(Interruptions)

Mr Uteem: Madam Speaker, she just said what she has been doing and now she is saying that there are zero people!

(Interruptions)

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. My question pertains to part (a) - survey. In the light of what the Ombudsperson for Children has so vehemently stated four days ago, and I quote –

“Children are consuming synthetic drugs as from the age of 11 and some even are involved in drug trafficking (...).”

Will this survey cover this aspect as well because in the long exposé that the hon. Minister has made she has not covered the main concern of the Ombudsperson for Children. Can I ask whether the survey will cover this?

Madam Speaker: Is the question of the hon. Member related to child trafficking? This question is related specifically to child prostitution! Hon. Ganoo!

(Interruptions)

Mr Ganoo: Can I ask the hon. Minister whether she has taken cognizance of the last Mauritius 2016 Human Rights Report which has been released recently, wherein it is said very clearly that child prostitution was nonetheless a problem? So, can I ask her how does she react to that and what measures does she envisage to take so that in next year's report we don't find such type of criticism and comments against the situation in the country with regard to child prostitution?

Mrs Jadoo-Jaunbocus: There might have been such a remark, of course, which we do take seriously. And as I have said, there are a number of measures - I am not going to list them again - that are currently being undertaken to look at the issue, to address the issue and nip it in the bud.

Now, as regards what we propose to do, obviously, as I have said, there are figures that had been reported at the Ministry. The Ministry does not make up figures. It does not come from thin air and I just quote it in Parliament. The figures that have been quoted are from reports made, are from old complaints received and they are all centred together with the *Brigade des Mineurs* and the CDU. And so far, the facts, the figures, as I have just stated, have been won last year and, so far, we are in April, there has been none. Obviously, we will look into this matter. As the hon. Member has said, it is a serious issue. We will, of course, treat it with the seriousness that it deserves, Madam Speaker.

Madam Speaker: Next question, hon. Hurreeram!

BUILDING & LAND USE PERMIT - APPLICATIONS

(No. B/215) Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the Building and Land Use Permit, she will state if consideration will be given for the advisability of reviewing the protocol for the processing of applications for the issue thereof to include a coordination mechanism to ensure that the constructions are planned and conducted in a holistic manner, encompassing topography, environment, security and safety, in the light of climate change and of the impact thereof and of growing environmental concerns.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): Madam Speaker, the processing of Building and Land Use Permits is not governed by protocol. It is governed under section 117 of the Local Government Act, and also as per the Building and Land Use Permit Guide.

It is to be pointed out that in accordance with our legislations and guidelines, prior to processing applications for a Building and Land Use Permit, all criteria such as topography of the land, environmental aspects, security and safety issues are taken into consideration by the Permits and Business Monitoring Committee set up under section 115 of the Local Government Act.

In fact, I am informed that when assessing an application for a Building and Land Use Permit, the Committee takes into consideration the strategies of the National Development Strategy of the Ministry of Housing and Lands, the policies of the Outline Scheme of the area issued by the Town and Country Planning Board, the Planning Policy Guidelines of the Ministry of Housing and Lands, and Environmental Guidelines issued by the Ministry of Environment. The House may also wish to know that there are specific policies regarding flood prone areas, wetlands and landslide prone areas. Moreover, clearances are also sought from several authorities such as the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, the Ministry of Agro-Industry and Food Security, the Road Development Unit, the Traffic Management and Road Safety Unit, and the Water Resources Unit.

To sum up, I can say that there is already a coordination mechanism among various institutions such as the Ministry of Public Infrastructure and Land Transport, Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, Ministry of Housing and Lands, the Mauritius Fire and Rescue Service, and the service providers to ensure that constructions are planned and conducted in a holistic manner.

Madam Speaker: Hon. Hurreeram!

Mr Hurreeram: Thank you, Madam Speaker. I thank the hon. Vice-Prime Minister for her reply. Will the hon. Vice-Prime Minister inform the House if the Permit Business Monitoring Committee will consider revisiting those constructions years after to see if the approved constructions are still under the same approved criteria? Because very often, they have changed, they have add-ons that change the topography and make them flood-prone.

Mrs Jeewa-Daureeawoo: Where we lack action, Madam Speaker, is the post-monitoring. I acknowledge that there is a serious issue with regard to post-monitoring, post-control. So, I have had meetings with all the local authorities in my office, and I am meeting them on a regular basis and see to it how we can improve the system so that the post-control is done in a proper manner. Because as it is now, some of the owners - I am not saying all - accelerate constructions during week-end and public holidays, knowing full well that authorised officers do not have site visits on those days. I have already spoken all the local authorities and see to it that post-control, monitoring control is being done in tightened way, and also during week-ends and public holidays.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: In relation to the constructions that are done during the weekends so as to avoid detection, would the hon. Vice-Prime Minister consider giving powers to the local authorities to actually pull down those illegal constructions rather than going through cumbersome process of Court application?

Mrs Jeewa-Daureeawoo: Well, I must say that the legal framework is here to deal with illegal constructions. We hear about pulling down and demolition order and also injunction order. But I think we have to tighten the measures and that if a person, any owner is having an illegal construction, action has to be taken immediately and this has to be addressed in a proper manner.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Can the hon. Vice-Prime Minister inform the House whether, during the review of the protocol for the processing of Building and Land Use Permit, it will be mandatory for all residential and commercial buildings to be equipped with lightning devices, that is, *paratonnerre*, given the change in climatic factor and lightning storms?

Mrs Jeewa-Daureeawoo: Well, the law already makes provision for clear and specific conditions with regard to the issue of permit. As I have said in my reply, the law exists, it is not a protocol. I take note of the hon. Member's suggestion and we will see.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Madam Speaker, I refer to the limb in this question "in the light of climate change and of the impact thereof and of growing environmental concerns." Is the

hon. Vice-Prime Minister aware that according to the latest World Risk Report of 2014, Mauritius is ranked as the 14th country with the highest disaster risk, and ranks 7th on the list of countries most exposed to hazards? Do we have a climate change action programme? Can the local administrations take that into consideration in granting Building and Land Use Permit in view of this very, very serious situation which is threatening Mauritius?

Mrs Jeewa-Daureeawoo: The hon. Member is right. This is a serious issue. The issue of climate change is being taken seriously by the present Government. That is why, in 2016, the Ministry of Housing and Lands developed planning policy guidelines with regard to development on slopping sites and landslide hazard areas. The Ministry of Environment has also developed other guidelines with regard to mainstreaming for climate change in construction planning. So, as you can see, the Government is fully aware of this serious issue, and the issue of climate change is included in the process of approving and issuing of building permit.

Madam Speaker: Next question, hon. Hurreeram!

RESIDENTIAL ESTATE & HIGH-RISE APARTMENT BUILDINGS - SYNDICS - LEGISLATION

(No. B/216) **Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Housing and Lands whether, in regard to the professional syndics the services of which are retained by co-owners of private residential estate or high-rise apartment buildings, he will state if consideration will be given for the advisability of reviewing the legal framework governing the managing and administrative roles and responsibilities thereof with a view to establishing the registration thereof with a view to promoting the integrity, transparency, accountability and professionalism thereof.

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Madam Speaker, the governing legislation for syndics of private residential estate or high-rise apartment buildings is the Code Civil. The current provisions in our Code Civil on *copropriété* were incorporated in our law in 1978, and were based on *la loi française du 10 juillet 1965 et son décret d'application du 17 mars 1967*. In August 2012 and November 2012, the Law Reform Commission produced two reports, namely the Report on “*Copropriétés des immeubles sociaux*” and the Report on a New Regime for “*Copropriété*” respectively. And the Law Reform Commission has made a number of recommendations. The Law Reform Commission has, in fact, suggested a new simplified regime for *copropriété*

and it has recommended that the present Articles 664 to 664-90 of the Code Civil be repealed and replaced with new provisions. The new proposed simplified regime contemplates the following, amongst others -

- (i) less formality as regards *la convocation des assemblées par lettres recommandées avec avis de réception, délais stricts, formalisme des délibérations de l'assemblée, du conseil syndical, etc.*
- (ii) rules which would be applicable would depend on the size and the type of use of the building;
- (iii) a special set of rules for *copropriété en difficulté* in order to avoid that they result in a state of *délabrement* or *insalubrité*;
- (iv) new legislation to provide for the administration of Smart City Projects for which the existing *Association syndicale* is not appropriate;
- (v) new legislation to make better provisions for management of Utility Services, namely, electricity, water and other such related services.

Madam Speaker, the reform of the *Code Civil* for purposes of making better provision for *copropriété* will also, as I have mentioned, concern Smart Cities.

In the Budget Speech 2017/2018, the hon. Prime Minister announced the following, and I quote from page 35 of the Budget Speech –

“The provisions in the *Code Civil Mauricien* relating to ‘*Association Syndicale*’ (*Syndics*) will be reviewed to ensure smooth administration of common areas in a smart city.”

In this connection, Madam Speaker, I am informed that the then Board of Investment, now Economic Development Board, launched a tender to retain the services of consultants for this task of the review of the *Code Civil Mauricien*. The services of *Le Conseil Supérieur du Notariat* as represented by INTERNOT and *Le Conseil Supérieur de l'Ordre des Géomètres-Experts* have been retained to assess the existing legal framework for *Association Syndicale* and to submit their recommendations on a proper and adequate legal framework as well as a legal framework which can be adapted to Smart Cities.

The consultants, namely, Me Didier Nourissat, *Notaire, Professeur Uperiné Marquez, Professeur agrégé à l'Université Paris 2, Panthéon-Assas* and Me Helene Frameo, *Notaire,*

Spécialiste du Droit de l'Urbanisme et de l'Environnement came to Mauritius from 12 to 14 February of this year.

Meetings have been held with various stakeholders during their visits and the consultancy works have already started and the recommendations of the consultants are expected sometime in July of this year.

So, Madam Speaker, the answer to the question is, yes. The legal framework will be reviewed in due course.

Madam Speaker: Yes, hon. Hurreeram!

Mr Hurreeram: Thank you, Madam Speaker. I thank the hon. Minister for his answer. You will agree there is a lot of money involved in the hand of the Syndics for the *copropriété*. Will the hon. Minister consider in that reform the professionalisation of the Syndics, namely, the background check, the necessity to have relevant qualifications, skills and experience, and training to carry out the functions efficiently in the interest of the *copropriété*?

Mr Gobin: Madam Speaker, in fact, all these fall under the responsibility of the *Association Syndicale*. I do not recall whether the Law Reform Commission has made recommendations on these specific matters raised by the hon. Chief Whip, but I will look into the matter.

Madam Speaker: Yes, hon. Hurreeram!

Mr Hurreeram: Very often, Madam Speaker, the *Syndic* will also come up with all sorts of regulations. Will the hon. Minister consider during that reform to put clear guidelines so as the *Syndic* does not impeach on the enjoyment of the property right of the co-owners?

Mr Gobin: Yes, once again, the functions of the *Syndics* are under the control of the *Association Syndicale*, but I prefer not cause prejudice to the ongoing works of the consultant. I can safely say that I am taking on board the suggestions of the hon. Member at this stage.

Madam Speaker: Next question, hon. Mrs Selvon!

REUNION ISLAND - MR J.M.D. B. - ALLEGED DRUG-RELATED CASE

(No. B/217) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in

regard to Mr J.M.D.B. who was arrested in Reunion Island in an alleged drug-related case, he will, for the benefit of the House, obtain the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto.

Sir Anerood Jugnauth: Madam Speaker, I am informed that the offence took place in Reunion Island in its jurisdiction and our police has nothing to do with that.

Madam Speaker: Hon. Mrs Selvon!

Mrs Selvon: Will the hon. Minister Mentor state who signed the passport of Mr B., an alleged drug trafficker?

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

Mrs Selvon: That is a specific question, Madam Speaker.

(Interruptions)

Madam Speaker: Hon. Dr. Boolell, you have a question?

Dr. Boolell: Is the hon. Minister Mentor aware that the police from Reunion refused to collaborate with the police authorities in Mauritius because that gentleman was helped to leave Mauritius with the full support of the police because the application for his passport was processed on a fast track basis and we know the consequences as to why the police from Reunion refused to collaborate with the police in Mauritius?

Sir Anerood Jugnauth: I am not aware of that.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the hon. Minister Mentor inform the House, the population whether the Commissioner of Police has been directly involved in that particular case in giving the clearances, and whether the files were sent to him and whether he had taken pains to check properly before giving his approval?

Sir Anerood Jugnauth: How will I know that? The Commissioner of Police did not tell me that.

Madam Speaker: Hon. Mrs Selvon, next question!

CONSTITUENCY NO. 1 - SWIMMING POOL & GYMNASIUM - CONSTRUCTION

(No. B/218) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in

regard to the proposed construction of a swimming pool and of a gymnasium in Constituency No. 1, Grand River North West and Port Louis West, she will state where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I am informed by the Municipal City Council of Port Louis that there is no project for the construction of a swimming pool in Constituency No. 1. However, there is a project for the covering of existing swimming pool at Les Salines, Port Louis. The contract for this work has already been awarded on 10 April 2018 and is expected to be completed within 4 months.

With regard to the construction of the gymnasium in Pointe aux Sables, I am informed that the construction of the building has been completed on 22 March 2018. I am informed that the gymnasium will be operational in about three months' time.

Madam Speaker: Next question, hon. Henry!

MINISTRY OF ARTS & CULTURE – MEASURES - 2017-2018 BUDGET SPEECH

(No. B/219) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Arts and Culture whether, in regard to the measures announced for implementation by his Ministry, as announced in the 2017-2018 Budget Speech, he will state where matters stand as to the implementation thereof.

Mr Roopun: Madam Speaker, in a nutshell, I wish to inform the House that the implementation of the main measures announced in the Budget Speech 2017/2018 relating to my Ministry is ongoing and includes, *inter alia* –

- (a) the setting up of a National Arts Fund, the Managing Committee has already been constituted and has met on several occasions. Mechanisms and guidelines regarding the financing of the project schemes and events relating thereto are being finalised;
- (b) a Media-Tech is being set up as a National Library. The National Library is already in possession of audio material for the period 1999 onwards. The launching is scheduled in June;
- (c) a first national award ceremony will be held in May 2018 in recognition of the local artists who have made outstanding achievements. On 19 March 2018, members of the public had been invited through Press communiqués to propose nominees for the awards. To date, 129 proposals in the fields of music, visual arts, cinema, literature, theatre and dance have been received

- from members of the public and from various institutions falling under the aegis of my Ministry. A selection panel will shortly be set up, and
- (d) with a view to setting up of a *Village des Artistes* at Batterie de l'Harmonie, my Ministry through the National Heritage Fund have already awarded a contract to secure the site. Works are expected to be completed by the end of this month. An expression of interest for the preliminary study and survey for this project is being finalised and will be launched shortly.

I wish to inform the House that several private promoters in the region have shown interest to develop the *Village des Artistes*.

Furthermore, Madam Speaker, in the annex to the Budget, mention is made of several other projects to be financed by the Loto Fund, amongst which the rehabilitation and restoration of heritage sites by the National Heritage Fund.

I am informed by the National Heritage Fund that five projects have been completed while the remaining nine are in progress.

As regard to the construction of a building to house the National Archives Department and the National Library, the Terms of Reference for a consultant to work out the design of the project is ready. Tender will be floated shortly by the Exim Bank of India.

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Le ministre vient de parler de village des artistes à Batterie de l'Harmonie. Est-ce que le ministre est au courant que l'accès même à ce site n'est pas praticable ?

Mr Roopun: Madam Speaker, as far as I recollect, we are working on an access road and, in fact, local promoters there are contributing so that we can have a proper access to all the sites in the region.

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Je n'ai pas entendu le ministre parler de l'endroit pour le concert qu'ils avaient promis aux artistes, on a rien entendu dessus.

Mr Roopun: Madam Speaker, the question is a very long one and I stress on measures announcing the Budget Speech, implemented by my Ministry.

Mr X. L. Duval: Madam Speaker, we have not heard anything about the slavery museum. Can the hon. Minister tell us what happened to that?

Mr Roopun: Even if this is not a measure announced in the Budget, I may inform the hon. Leader of the Opposition that we launched an Expression of Interest for Consultants and we received 5 offers. This is being considered now by the Bid Evaluation Committee.

Mr X. L. Duval: Can I ask the hon. Minister what building has been identified for the museum?

Mr Roopun: Old Military Hospital.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: The hon. Minister has been talking of the *Batterie de l'Harmonie* which is in Black River. Can he tell us when last did he go there, if there is still any *Batterie de l'Harmonie*?

Mr Roopun: Yes, in fact, I went there before the last Budget and I agree with the hon. Member, I know why he made such a remark, but, in fact, this is the reason why we have secured the site and we wish now to enlist the support of a private promoter to try to see how we can develop the site.

Madam Speaker: Next question, hon. Ramano!

QUATRE BORNES - TRAFFIC MANAGEMENT SCHEME - IMPLEMENTATION

(No. B/220) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Traffic Management Scheme elaborated by the Traffic Management and Road Safety Unit to address the acute congestion problem in Quatre Bornes, he will state where matters stand as to the implementation thereof, especially, with regard to the long term measures identified in relation thereto.

Mr Bodha: Madam Speaker, in the wake of the Metro Express project, the Road Development Authority intends to implement the Construction of a Direct Link between Motorway M3 and Hillcrest Avenue. This project will serve as an alternative route for traffic entering and exiting Quatre Bornes via Motorway M1. The concept design is being finalised. Land acquisition is on progress and the project will be budgeted in the next Financial Year. The works comprise of the following –

- (i) construction of two new grade separated junctions at Hillcrest and Motorway M3 respectively, and

- (ii) construction of a new link road connecting the grade separated junctions.

Presently, access from Motorway M1 to Quatre Bornes and its surroundings is provided mainly by the St Jean Interchange. This Interchange connects St Jean Road and Port Louis-St Jean Road. It also serves as a major access point to complexes such as Trianon Shopping Park and Emerald Park which generate high influx of traffic. The St Jean Interchange is currently operating beyond capacity, during peak hours, with subsequent queuing along Motorway M1 and the main roads.

In addition, the Road Development Authority intends to provide an additional access to Quatre Bornes and a bypass between St Jean Interchange and St Jean Road.

The project objectives are as follows –

- to reduce traffic congestion;
- to decrease in travel time;
- enhancements in road safety;
- savings in vehicle operating cost, and
- cater for additional traffic due to the future development in the region, especially with the coming into operation of the Metro Express.

Madam Speaker, furthermore, I wish to inform the House, that a Traffic Modelling Unit has been set up at the TMRSU with the assistance of a Korean Expert who has wide experience in the field and is conversant with the state-of-the-art technology on traffic management.

In that respect, arrangements are being made to procure a Traffic Modelling Software and there has been a purchase of a drone to monitor traffic flow and congestion in the regions of Quatre Bornes. Appropriate Traffic Surveys have already started along St. Jean Road and the surrounding main arterials roads with a view to propose appropriate traffic management schemes to minimise disruption to traffic flow.

Madam Speaker, in my reply to PQ B/736 at the sitting of the National Assembly on 20 October 2015 and PQ B/379 at the sitting on 03 May 2016, I informed the House of measures to be taken in relation to the highly congested area of Quatre Bornes. The TMRSU has informed me of the status thereof –

- (i) conversion of zebra crossing along Candos-Vacoas Road near La Louise Junction;

- (ii) extension of the left filter lane along St Jean Road near its junction with Tulipes Avenue;
- (iii) conversion of zebra crossing into a Pelican crossing at Palma Road;
- (iv) provision of traffic lights at major road junctions along St Jean Road which will be implemented with the advent of the Metro;
- (v) land acquisition procedures for the construction of a new lay-by for the bus along Candos-Vacoas Road;
- (vi) restrictions on turning movements along roads where traffic flow will be reversed, namely d'Epinay and Osman Avenues;
- (vii) a new traffic management set-up in the region of Berthaud Avenue with a view to re-route buses along Odette Ernest Avenue and Murphy Avenue is being studied, and
- (viii) Also we have considered, Madam Speaker, the extension of the existing left filter lane along St Jean Road at the signalised junction at la Louise for traffic heading towards Candos that is being studied. But, at the same time, I would like to add, Madam Speaker, that we are working on the La Vigie/Henrietta/Beaux Songes Road so that all the traffic from the south going to the west will no longer go through Quatre Bornes.

Madam Speaker: Hon. Ramano!

Mr Ramano: Merci, Madame la présidente. Ces mesures ont été annoncées depuis 2015 mais la situation est toujours chaotique dans le centre de la ville. Madame la présidente, il n'existe pas moins d'une quinzaine de *traffic lights* rien que sur la route royale de Quatre Bornes et les habitants doivent parcourir rien que 4 ou 5 km pour accéder à l'hôpital Victoria et cela leur prend environ une trentaine de minutes actuellement avec le danger que cela représente. Est-ce que le ministre est d'accord pour revoir en urgence cette situation ?

Mr Bodha: Mon honorable collègue a raison. S'il y a une urgence, je vais, bien sûr, m'en occuper, mais ce que je voudrais expliquer c'est qu'à Quatre Bornes c'est un projet très complexe et nous voulons, à tout prix, trouver les meilleures solutions justement avec les travaux du métro qui devraient commencer à partir de 2019. Mais puisque mon collègue évoque la possibilité qu'il y ait *a Certificate of Urgency*, je vais voir la disposition concernant synchronisation des feux.

Madam Speaker: Hon. Dr. Boolell !

Dr. Boolell: Notwithstanding the palliative measures announced by the hon. Minister, the Minister, of course, has stated that the problem is acute on chronic. Can I press upon him to expedite, otherwise it will be difficult for Metro Express to come on track and what we have seen, Roland Armand is a foretaste of what is going to come; there will be dissent into social chaos.

Mr Bodha: Madam Speaker, the hon. Member asked a question last week, about whether we are coming to explain to the people of Quatre Bornes how the project is going to be implemented. I have answered and I have explained to him in that answer that what we are doing today in Rose Hill, where you have a Committee sitting every day, and we have taken care of most of the issues on a day-to-day basis.

I totally agree that this is the system that we have to implement in Quatre Bornes, but as soon as we have all the information, we are coming to Quatre Bornes to explain how the Metro is going to be implemented. What I would like the hon. Member and my hon. Colleague as well, we would like to have a *force vive* interfacing the technical people, which we have not been able to have in Rose Hill, because those who were in Rose Hill, they were dead against the project. They did not want to help us to implement the project.

(Interruptions)

Yes.

Madam Speaker: Please! No crosstalking, please!

(Interruptions)

Hon. Minister, no crosstalking! Please proceed!

Mr Bodha: Hon. Bhagwan has been very helpful, coming forward with a number of issues so that we could make the efficacy of this committee better, and I thank him for that.

(Interruptions)

Today, in Rose Hill, except for the resurfacing which is sub-standard – my colleagues are here ...

(Interruptions)

No, on the contrary! The issue of lighting, the issue of signage, the issue of Police assistance - I think I would like to thank the hon. Prime Minister; he is not here - and as I have explained

in the answer to hon. Dr. Boolell, what we have done in Rose hill, we will have to make it better for Quatre Bornes.

Madam Speaker: The Table has been advised that PQs B/240, B/241, B/242 and B/243 have been withdrawn.

HERITAGE CITY PROJECT – FUNDS DISBURSED

(No. B/240) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Financial Services and Good Governance whether, in regard to the Heritage City Project, he will state the total amount of funds disbursed in relation thereto since 01 January 2015 to date.

(Withdrawn)

VIP VEHICLE FLEET - MAINTENANCE & REPAIRS

(No. B/241) Mr A. Duval (First Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the VIP vehicle fleet at the VIP Car Pool Unit, he will, for the benefit of the House, obtain from the Commissioner of Police –

- (a) a list thereof, indicating the make, model and purchase price thereof, and
- (b) information as to the amount of money spent on maintenance and repairs thereof since 01 January 2015 to date.

(Withdrawn)

AGALEGA - INDIA & MAURITIUS - AGREEMENT

(No. B/242) Mr A. Duval (First Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the agreement signed between India and Mauritius in relation to Agaléga, she will, for the benefit of the House, table the confidentiality clause thereof and, if not, why not.

(Withdrawn)

EMPOWERMENT SUPPORT SCHEME - BENEFICIARIES

(No. B/243) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Empowerment Support Scheme, he will state the

number of beneficiaries on payment of a monthly subsistence allowance thereunder, indicating the total amount of funds disbursed since 01 January 2017 to date.

(Withdrawn)

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.

(4.48 p.m.)

PUBLIC BILL

Second Reading

THE JUDICIAL AND LEGAL PROVISIONS BILL

(No. I of 2018)

Order read for resuming adjourned debate on the Second Reading of the Judicial and Legal Provisions Bill (No. I of 2018).

Madam Speaker: Hon. Rampertab!

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Madam Speaker, first and foremost, let me thank the hon. Attorney General, Minister of Justice, Human Rights and Institutional Reforms for bringing forward the series of amendments to the Judicial and Legal Provisions Bill, which was long overdue.

Madam Speaker, indeed, our judicial administration faces numerous challenges and, undoubtedly, the amendments being proposed in this Bill will have a direct impact in improving its day-to-day running.

Madam Speaker, we all know how our prisons have been under increasing pressure from many fronts for many years, and we should congratulate this Government's initiative for proposing a pragmatic solution to try and help resolve the overpopulation issue. The proposal

to increase the CSO eligibility threshold to Rs50,000 will indeed allow more sentenced individuals to be eligible for Community Service Orders. Hence, given the expected hike in the evaluations to be performed by probation officers, proper staffing and equipment, I am sure, will be provided to meet the increased request. However, Madam Speaker, it is essential that the review threshold eligibility be administered in the strictest way possible. However, it is unthinkable that CSO could be given to individuals sentenced under the Dangerous Drugs Act or any offences related to child or human trafficking or domestic violence, for example. Hence, I would urge the hon. Attorney General to give due consideration to address this potential concern.

Madam Speaker, another solution which could be considered with the issue of prison overpopulation is to introduce the widely used electronic tagging, which is considered as a better substitute to custodial sentencing for first time offenders convicted for minor offences as in the UK and US. Madam Speaker, electronic tagging is not a magic formula, but will definitely ease the overcrowding issue.

Madam Speaker, our Supreme Court Judges and Magistrates in District Courts and Intermediate Courts, and officers deserve the utmost respect for working under immense pressure and ensuring that cases are heard and processed efficiently, hence avoiding any backlog. Madam Speaker, each person present in the courtroom should display a respectful conduct to maintain the dignity of the Courts and its deliberations.

Madam Speaker, this amendment will act as a powerful tool to rightfully punish any person who thinks that they can disrupt any court proceedings or insult any Judge or Magistrate or Court Officer without being left unpunished. Such an amendment will ultimately serve to protect and preserve the decorum of the Court, which it rightly deserves.

Madam Speaker, once this is implemented, I would appeal to the hon. Attorney General to share their statistics on the number of individuals who have been sanctioned through this amendment and to consider increasing the fine and imprisonment for individuals who have been outright verbally or physically disruptive against any Supreme Court Judge, Magistrate or Court Officers.

Madam Speaker, as I mentioned earlier, our judicial administration is dedicated in its role for ensuring that justice is delivered efficiently. Hence, Court proceedings cannot be run smoothly in absence of key witnesses. However, it is often confronted to situations where witnesses summoned willingly refused to appear before the Court without any valid reason or

appear, but refuse to testify. This is indeed a definite case of disrespect against the Court and, as such, must be duly punished.

I congratulate the hon. Attorney General, Madam Speaker, for introducing, I believe, robust fines and imprisonment period for such individuals.

Madam Speaker, the time of the Court is precious and cannot be disrespected by anyone, and this blatant abuse of the system should now stop. This Government is really determined in its intention to improve the Courts administration and fully understands that time is equal to justice. Hence, a period of imprisonment not exceeding two years and a fine not exceeding Rs100,000 is fully justified, Madam Speaker.

Madam Speaker, we have recently very proudly celebrated our 50th Independence anniversary and we are marvelled by how our fellow citizens were united in these festivities. We cannot afford to harm in any way this exceptional sense of patriotism and unity. Hence, I welcome the fourth amendment proposed in this Bill, which explicitly mentions the misuse of electronic means of communication to steer racial hatred.

Madam Speaker, social media is increasingly replacing the traditional means of communication and is, unfortunately, ill-used by certain individuals to emit views which are completely opposite to our nation's core value of unity in diversity. The actions of such individuals have, in the past, led to national outcries and could have led to deeper wounds if they had not been nipped in the bud.

Madam Speaker, this Government is resolute in its intention to prevent such incidence from happening by introducing the criminalisation of offences which have been perpetrated through electronic means and platforms. However, the challenge remains how to ensure an effective implementation. Indeed, Madam Speaker, the Cybercrime Unit must be reinforced with better tools and training so that potential perpetrators can be tracked down, monitored and condemned by Courts as using sections 206 and 282 of the Criminal Code.

Madam Speaker, I honestly think that the fines associated to these serious crimes must be eventually increased to reflect the gravity of the acts. Madam Speaker, I would also like to briefly comment on the amendment 5, which interestingly appears to be a straightforward proposal, but which will make quite a lot of difference in practice. Indeed, the extension of the time frame to 24 months will give greater flexibility for payment of fines and is in line with the general increase of all major fines. However, Madam Speaker, we need to consider whether fines below a certain amount should be eligible for this extension. For example,

traffic offences related fines are not hefty enough to be paid over 24 months. It is essential that the floodgates to abuse of this extension are not opened. The challenge here, Madam Speaker, is to determine the eligible offence types and the correct threshold to be applied.

Also, I would like to appeal to the hon. Attorney General to ensure that the fine collection system is efficient and up-to-date. No excuses should be given to fine payers for avoiding payments due to any inefficiency in collection and follow-up. In case fine payers have stop making any payments for protracted periods, the Court should consider converting the fine into a prison sentence as a due punishment.

Madam Speaker, this Government, under the Prime Ministership of hon. Pravind Kumar Jugnauth, has accelerated our country's pace of socio-economic transformation. This Bill is a concrete example of this Government's unflinching commitment in meeting the challenges being faced by our country on the path of its transformational journey.

Once again, Madam Speaker, let me congratulate hon. Maneesh Gobin, the Attorney General, Minister of Justice, Human Rights and Institutional Reforms for leveraging his rich experience as a magistrate in bringing forward this Bill, and I trust he will be proposing more legislation in the future to help create a robust, efficient and modern judicial administration.

Thank you.

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

At 4.57 p.m., the sitting was suspended.

On resuming at 5.37 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Ganoo!

(5.37 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Thank you, Mr Deputy Speaker, Sir. I am so happy that you are in the Chair, Mr Deputy Speaker, Sir.

The Judicial and Legal Provisions Bill is to the Attorney General what the Finance Bill or perhaps the Finance (Miscellaneous Provisions) Bill is to the Minister of Finance. This is the reason why, from time to time, the House is called upon to adopt such a Bill.

Those of us who have been in this House for some time must have surely seen a few of them in the past because the Judicial and Legal Provisions Bill, Mr Deputy Speaker, is an instrument which allows the Government, Parliament, everybody to plug in the different

loopholes and shortcomings in our legal arsenal in order to approve our different Statutes. With the passage of time, as a result of observations made in the different judgements in the course of our day to day practice with novel situations arising in our society, the need for revising some of our laws to introduce new provisions becomes inevitable, but it is clear, more often, it is as a result of the pronouncement in our different Courts that we have to respond to these observations made in the several judgements that we come up with such a Bill, Mr Deputy Speaker.

Several proposals made into the Bill today are commendable. But, although this is the case, I cannot, unfortunately, say whether this Bill will fulfil its final objective of improving the administration of justice, as is mentioned in the Explanatory Memorandum of the Bill, Mr Deputy Speaker.

But, let me come to the first Clause in this Bill, which purports to amend the Community Service Order Act. This increase in the threshold from Rs30,000 to Rs50,000, Mr Deputy Speaker, which is, in fact, Clause 2 of the Bill, will enable the accused to benefit from a Community Service Order and this is, indeed, a positive measure. By increasing this threshold, it is evident that more accused parties will now avoid imprisonment. And it is precisely why this Community Service Order was proposed in the days that the MMM/MSM Government was in power. I remember Mr Sam Lotun was then the Minister of Social Security. The Community Service Order was, therefore, a sanction designed by the legislator to avoid imprisonment. It was a recourse given to Magistrates to have the possibility to wield when they have to consider imposing a non-custodial sentence barring a fine or a Probation Order. And to fully understand the usefulness and relevance of a Community Service Order, Mr Deputy Speaker, I think, I can do no better than to refer to what was remarked by the Learned Judges in the famous case, which I am sure you know, of *Sheik Heerah v The State*, a case of 2012, and I quote –

“That a prison sentence is normally appropriate where an offender is convicted for serious offences, of that there is no doubt. But the level at which the offence should be placed on the scale of offences in terms of the degree of seriousness must not be ignored. Furthermore, not all candidates who fail the test of monetary penalties, or Probation or a Conditional Discharge Order become automatically candidates for prisons. A custodial sentence used to be once the only option for offenders who fail such tests after the Court had ruled out a fine, a Probation or Conditional Discharge Order. However, for this category of offenders, Parliament, in its wisdom, has now

added one invaluable and intermediate regime between the custodial option and the non-custodial option: that is, a suspended prison sentence under the Community Service Order Act.”

I am still quoting, Mr Deputy Speaker.

“Courts should refrain from imposing custodial sentences as a matter of reflex and indiscriminately in all cases where Fines and Probation Orders and Conditional Discharge Orders are not found appropriate. Serious consideration should be given to that intermediate option inasmuch as ‘the deprivation of liberty through a custodial sentence is the most severe penalty available to the Courts and the proper punishment for the most serious crimes’ (...).”

I think, these few lines which I have quoted from the judgement of Sheik Heerah sums up everything, Mr Deputy Speaker.

Similarly, the increase in the time limit for the payment of a fine from 12 months to two years is, to my mind, equally commendable, Mr Deputy Speaker. Presently, as we know, Section 147 of the Criminal Procedure Act stipulates that the time fixed for a fine shall in no case exceed 12 months.

Those of us who are at the Bar, very often, we come across cases where Magistrates, in order not to impose imprisonment, choose rather to impose heavy fines on accused parties. This has been the trend in the recent past in many drug dealing cases, Mr Deputy Speaker.

So, this present Clause, Clause 6 (e) in the present Bill, by allowing accused parties to pay their fines during a term of two years will definitely enable these parties to benefit not only for the longer period of time to pay such fines but will, of course, allow them to avoid imprisonment.

Mr Deputy Speaker, Sir, the statistics with regard to this issue is indeed shocking. According to the Mauritius Prisons Service statistics of 2016, we observed that for the year 2016, 1,024 detainees were convicted as per fine. 1,024 detainees were convicted for not paying their fines.

In 2008, 1,267 accused parties were convicted as per fine. For the years 2009 and 2010, the statistics were 1,394 and 1,410 respectively for those both years. So, for 2016, it was 1,124; 2008 it was 1,267; 2009 it was 1,394 and for 2010 it was 1,410 detainees who were convicted as per fine, Mr Deputy Speaker, Sir.

Therefore, with the adoption of this measure provided for in the Bill, detainees will be granted a longer period of time to pay their fines in order to avoid imprisonment and this will, inevitably, decrease the number of detainees in our prisons, which will be certainly more beneficial for the detainees themselves, for their families, for society at large and for the economy of this country, keeping in mind the cost of a prisoner per day to the taxpayer, Mr Deputy Speaker, Sir.

I feel personally elated, Mr Deputy Speaker, Sir, because I recall I had made this very proposal in a supplementary question which I put to the former Prime Minister when a Parliamentary Question was put to him concerning a question on the Commission of Inquiry on Drugs in April 2015 by hon. Quirin and the supplementary which I addressed to the then Prime Minister was precisely on that issue. Let me read it for the benefit of the House, and I stated the following -

“I am sure that the Rt. hon. Prime Minister knows that the Criminal Procedure Act specifies that the delay to pay a fine is 12 months so that many accused parties and consumers (...).”

I was talking of drugs, of course.

“(...) are sometimes inflicted a high penalty in terms of fine, but they cannot pay the fine within the delay of 12 months so that, therefore, they are sent to jail. Can the Rt. hon. Prime Minister consider the possibility of advising so that these specific sections of the Criminal Procedure Act be amended to extend the delay to allow consumers to have a longer period of time to pay the fine imposed to avoid them being sent to prison?”

This was my question in 2015, Mr Deputy Speaker, Sir, and I am glad that today the hon. Attorney General has taken on board this very humble suggestion because it is good for everybody, as I have just explained. But I must say that I am amused to read what was the answer by the then Rt. hon. Prime Minister to my question, which was put in good faith and for the benefit of the country. The then Prime Minister said -

“Personally (...).”

As usual, *d'une façon lapidaire comme il a l'habitude de le faire* – this is what the Rt. hon. Prime Minister said -

“Personally, I don’t think it is necessary to do that. If they can’t pay the fine in one year, they will have to undergo imprisonment.”

But, fortunately, this is something of the past. What matters today is that the necessary amendment has been made for the good of everybody.

Mr Deputy Speaker, Sir, likewise, when the Bill proposes to amend section 67A of the District and Intermediate Courts (Criminal Jurisdiction) Act by deleting the figure "3" and replacing it by the figure "10", I am sure, you will have already understood to what I am referring, Mr Deputy Speaker, Sir. As we know, this Bill will also now make it possible for information lodged before District Court to contain more than 3 counts, *plus de 3 charges*, because the limit is 3 now, henceforth, we are amending the District and Intermediate Courts (Criminal Jurisdiction) Act and replacing the figure “3” by the figure “10”. Henceforth, an information lodged before a District Court may contain a maximum of 10 counts, *10 charges*.

Mr Deputy Speaker, Sir, we are all aware of the present congestion and the heavy workload of the Intermediate Courts today. As legal practitioners, we can physically see in the morning when we go to the Intermediate Courts, the number of litigants in the corridors of the Intermediate Courts. Undoubtedly, this workload will now be shared by our District Courts since they will now be able to hear criminal cases, even if more than three counts are preferred against accused parties and it is another good measure, Mr Deputy Speaker, Sir.

I had mentioned earlier - this is my fourth point - the need to amend some of our Statutes due to the pronouncement made in the different judgements by our Judges and Magistrates sometimes. I am coming to the issue of accused parties who have been sentenced to a term of imprisonment or penal servitude where they will be given now full credit for the time they have spent in custody by deducting that time from the length of imprisonment or penal servitude.

In fact, in the Bill that we are now reflecting upon, there are a few clauses which deal precisely on that issue. Mr Deputy Speaker, Sir, as we know, there is, firstly, the Criminal Appeal Act which is providing for the Court to give full credit for the time the accused spent in custody by deducting that time from the term of imprisonment or penal servitude imposed. This is the Criminal Appeal Act and we are also amending, as we know, the Criminal Procedure Act also for the same reason, the District and Intermediate Courts (Criminal Jurisdiction) Act also. So, three enactments are concerned with this question of deducting time spent in imprisonment or penal servitude.

So, Clause 4 of the Bill is amending section 16 of the Criminal Appeal Act. Clause 6 (c) of the Bill is amending section 135 of the Criminal Procedure Act and Clause 7 (c) is amending the District and Intermediate Courts (Criminal Jurisdiction) Act. All these amendments, Mr Deputy Speaker, Sir, are in line with the judgements and observations made by the Privy Council in the cases of Callachand delivered in 2008 and the famous case of Kamasho of 2016.

This point has already been made last Tuesday and I will not dwell upon it lengthily, Mr Deputy Speaker, Sir, but suffice it to say that in the case of Kamasho, it was clearly stated, and I quote that –

“The principles that can be culled from the decisions of the Judicial Committee in Callachand and in the case of Dookhy are as follows: credit is to be given for time spent in custody whether pending trial or pending appeal.”

And Callachand clearly stated, and I quote –

“Any time spent in custody prior to sentencing should be taken fully into account, not simply by words but by means of an arithmetical deduction by assessing the length of a sentence that is to be served on the date of sentencing.”

With regard to the time spent pending appeal because we are talking of two situations, Mr Deputy Speaker, Sir, pending trial – somebody is in custody and has been kept on remand, waiting for his trial, pending trial and we are also talking of the time spent pending appeal. So, with regard to the time spent pending appeal, this is what the Judicial Committee observed, Mr Deputy Speaker, Sir -

“Except in the case of a frivolous appeal, an appellant is entitled to credit for the whole of the period spent in custody pending his appeal.”

So, in fact, we are translating these observations made by the different Judges in these cases I have just mentioned and we are giving these observations legal form in the three enactments that we are amending today, Mr Deputy Speaker, Sir.

But when we affirm, Mr Deputy Speaker, Sir, when we are stating that the judgment of Callachand, which was delivered in 2008, advocated the principle of full credit for time spent pending trial or pending appeal, it is a matter of regret, in fact, that the legislator did not intervene as from 2008 in the light of such clear and unambiguous observation of the learned Lords in order to provide a statutory basis, as in the case of the UK, for the quantum of the

credit to be given for time spent in custody. It is highly regrettable, Mr Deputy Speaker, Sir, that this amendment is long overdue because since 2008 observations have been clearly made, without any ambiguity, by the learned Lords, that we should provide a statutory basis for the quantum of the credit to be given for time spent in custody.

Therefore, Mr Deputy Speaker, Sir, from now on, with the amendments brought in this Bill, our Courts will be able to act on these new statutory provisions.

Another example, Mr Deputy Speaker, Sir, where we are incorporating in our Statutes, where we are amending the law today in respond to observations and judgements delivered by our judiciary, is to be found in clause 6 of the Bill, with regard to the new section 132A, which is entitled 'Hearing on sentence'. This new amendment to the Criminal Procedure Act, Mr Deputy Speaker, Sir, is now imposing a duty on the Court to afford an opportunity to the accused party to adduce evidence in mitigation and to hear any relevant matter to the facts and circumstances of the offence before imposing a sentence.

This also has come to clear matters, Mr Deputy Speaker, Sir. Things are clear now. The Court, therefore, before imposing the sentence, is obliged to afford an opportunity, is bound to afford an opportunity to the accused to adduce evidence in mitigation and to hear any relevant matter to the facts and circumstances of the offence before imposing the sentence.

On this issue also, Mr Deputy Speaker, Sir, we have a long spring of cases which have in the past advocated this proposal; the cases, which I am sure friends of the Bar know, of Gopaul [1996], Tarachand in 1971, and a few others. And in the case of Gopaul, the Supreme Court observed as follows. This is what the Supreme Court said -

“We have obviously no sympathy at all for the appellant, who no doubt deserves to be severely punished for he was not at his first offence. But given that the trial did not hear evidence as to the circumstances of the offence and that the appellant was never given an opportunity to call for evidence in mitigation, we shall intervene and quash the custodial sentence imposed by the learned Magistrate.”

So, this is abundantly clear when we read these few lines in the judgement. And today, we are legislating again to translate the observations made, the guidelines given to us by the Supreme Court and we are, therefore, legislating to amend the Criminal Procedure Act.

In the case of Kallee against the Queen also, Mr Deputy Speaker, Sir, a case of 1970, the Supreme Court quashed the judgement of the Court below and ordered that the sentence passed be set aside and observed that the practice of not affording an opportunity to the accused to adduce evidence in mitigation was contrary to natural justice and amounted to a serious breach of safeguard which the subject ought to enjoy when faced to a criminal charge.

But, on the same issue, Mr Deputy Speaker, Sir, when I am making these comments regarding this particular clause, I would like to draw the attention of the Attorney General. In fact, whether there was any use of introducing this particular clause because such a provision already exists in our law. Indeed, when one reads section 72 of the District and Intermediate Courts Criminal Jurisdiction Act entitled 'The hearing', this provision in our law already entitles the accused to show cause why he should not be convicted. And it is only after hearing such evidence is necessary to show the facts and circumstances of the case that the Magistrate shall pass his sentence.

Mr Deputy Speaker, Sir, what I am trying to argue is that section 72 of the District and Intermediate Courts Criminal Jurisdiction Act also deals with this issue in providing that the accused should show cause why he should not be convicted and the Magistrate has to hear evidence before passing his sentence.

Mr Deputy Speaker, Sir, many of the amendments proposed today, as we have just seen, are related to the issue of sentencing. The issues pertaining to sentencing are scattered in various Statutes, in various Acts in our Statute Books Mr Deputy Speaker, Sir. The issue about hearing evidence, the issue about time spent pending trial or in custody, the question of previous convictions, and many other issues which are important factors for our Courts to decide what sentence to impose upon accused parties are scattered in different pieces of legislation. The Courts Act, the Criminal Procedure Act, the Community Service Order Act, even our Criminal Code, Mr Deputy Speaker, Sir.

I think there is need to put order in the house. What I mean by that, Mr Deputy Speaker, Sir, is that there are, strictly speaking, in our judicial system, no guidelines with regard to sentencing. Considering this situation, I am asking the question: isn't it the time proper now either to have one single Act which will address the problem of sentencing or an Act which will set up a framework for sentencing decisions taken by the Courts? In UK, Mr Deputy Speaker, Sir, the Criminal Justice Act of 2003 sets out a number of factors that the Court must take into account when passing sentence. The weight to be attached to each of

these factors in each case is, of course, a matter for the Judge, for the Magistrate, for the sentencer. And true it is, Mr Deputy Speaker, Sir, Parliament specifies the maximum sentence for particular offences. In a way, Parliament indicates its view of the seriousness of the offence.

But, nevertheless, Mr Deputy Speaker, Sir, the point I am making is that we should have perhaps thought about, just as in the UK, coming up with a Sentencing Council - and I think this was referred to by my friend hon. Rutnah - which will better the process of sentencing by providing guidelines, guidance, including sentencing guidelines, which will ensure a sentencing level in all cases. And the sentencer has to consider these guidelines, Mr Deputy Speaker, Sir.

Therefore, these sentencing guidelines will help Judge and Magistrates to decide the appropriate sentence for the offence and this for the sake of consistency and uniformisation.

Mr Deputy Speaker, Sir, I will now come to another important amendment which is being made to this Bill and this is the clause concerning witnesses who refuse to give evidence after being served with summons before the Supreme Court or other Courts. Again, those of us who had read carefully the Bill will see that the sentence has been increased. Mr Deputy Speaker, Sir, the penalty is now imprisonment not exceeding two years and a fine not exceeding Rs100,000 when somebody who has been served with a summon refuses to give evidence in Court. These new provisions purport to cure a defect in our law wherein the fine imposed for refusing to give evidence was only Rs2,000 before.

Mention has been made last Tuesday when we were debating the Bill in this House of a case wherein a witness had refused to give evidence and that witness was fined only Rs2,000. When this took place, people at the Bar, friends at the Bar, the Press and the public in general, it was a wake-up call, as if, Mr Deputy Speaker, Sir. I must again on this issue, Mr Deputy Speaker, Sir, also recall that in June 2010, I asked the House and Government - because I was in the Opposition in 2010, of course - and the Minister of Justice to reflect on the situation and this is what I stated in the House.

Mr Deputy Speaker, Sir, you will remember again in this very House after a witness *avait refusé de déposer en Cour Intermédiaire*, there was no case against the accused. Again in a PNQ, the hon. Leader of the Opposition asked a question about drug trafficking and I stood up to ask the hon. Prime Minister whether we will not have similar cases. We must be fearful that many witnesses will adopt the same attitude and will declare that they do not want

to say anything. They will not depone, no evidence will be adjured against the accused and drug related cases especially will be dismissed. Mr Deputy Speaker, Sir, many cases have been dismissed now that the witnesses will adopt a similar attitude and say: *'Misier Maziztra mo pa pu dir ou nanien, mo pa pu koz nanien; mo pa konn nanien dan sa zafer-la.'* And I went on to say, Mr Deputy Speaker, Sir, amendments have to be brought to cater for this new situation. I am asking the hon. Prime Minister to expedite matters.

Fortunately again, today, Mr Deputy Speaker, Sir, this defect has cured in our law the refusal to answer a question now when a summon has been served and a witness will entail this new sanction of Rs100,000 and imprisonment not exceeding two years. But, having said that, Mr Deputy Speaker, Sir, I must remind the House also that in the Dangerous Drugs Act, there is a similar provision. I do not know if you know that, Mr Deputy Speaker, Sir, because even we do not know everything in all the Statutes, but Section 42 of the Dangerous Drugs Act reads as follows –

“42. Giving false statements or false evidence

- (1) Any person who, in connection with any drug offence or for any other purpose relevant to this Act –
 - (a) knowingly or recklessly makes a declaration or statement which is false or misleading;
 - (b) knowingly produces or makes use of any declaration or document which is false or misleading;
 - (c) causes a person, whether directly or indirectly, to make a declaration or statement which is wholly or partly false or misleading;
 - (d) causes a person to alter the content of a previous statement (...).”

That is, you put pressure on somebody to change a statement in Court.

“(...) or declaration with a view to avoiding the prosecution of another person, shall commit an offence.”

That offence, Mr Deputy Speaker, Sir, the punishment is -

“(4) Any person convicted of an offence under subsection (1), (2), or (3) shall be liable to a fine of not less than 10,000 rupees and not exceeding 100,000 rupees together with a term of imprisonment of not less than 2 years and not more than 10 years.”

Therefore, in a drug case when the witness gives false evidence or puts pressure on somebody to change statement, the sentence is minimum of Rs10,000, maximum of Rs100,000 plus *obligatoirement* together – we know what ‘together’ means according to the Interpretation and General Clause Ordinance, that is, the Magistrate has no choice, he has to impose the fine and imprisonment of not less than two years and not more than 10 years.

I am addressing this issue, Mr Deputy Speaker, Sir, to request the hon. Attorney General, very humbly, to amend the Dangerous Drugs Act because in this section 42, which I have just read, this section does not cater for situation when the witness refuses to answer question. It is only when he gives false evidence, not when he refuses to answer question. So, in the Dangerous Drugs Act, if the amendment is made when a witness refuses to answer a question, the punishment is heavier than the one we are dealing with in our Bill.

I make an appeal to the hon. Attorney General to amend the Dangerous Drugs Act, so that in the case of witness refusing to give evidence and not only giving a false statement or false evidence, he should be amenable to prosecution under Section 42 of the Dangerous Drugs Act and in that case the punishment is not only a fine, but also imprisonment.

Mr Deputy Speaker, Sir, I would like to come to Clause 5 of the Bill, which amends the Criminal Code with regard to the offence of outrage against public morality and also Section 5(b) which repeals the relevant section dealing with stirring up racial hatred.

I will deal with these two sections at the same time, Mr Deputy Speaker, Sir, and this will be the last point that I am going to make. I am commenting on Clause 5 of the Bill, which purports to repeal Section 206 of the Criminal Code and replacing it by a New Section 206, which has already been amended wherein the hon. Attorney General has already circulated amendment concerning that particular amendment and also Section 282 of the Criminal Code stirring up racial hatred, Mr Deputy Speaker, Sir.

What shall we say on these two precise amendments, Mr Deputy Speaker, Sir? There is a lot to say and I will not repeat what has been said before me. I will try to avoid doing that, Mr Deputy Speaker, Sir, since, I think, I have already taken up my time. But those two clauses, those which we are now looking at, are not only recasting the way in which the

provisions in our previous law were framed or these two amendments are not only reviewing the two offences so as to criminalise such offences when they are now being committed through electronic means and providing stiffer penalties, we are, in fact, Mr Deputy Speaker, Sir, touching on more profound issues.

What we are doing, we are realising, we are conscious now that the electronic media, that the Internet cannot operate in a legal and even in ethical vacuum. And *les internautes* must not act with impunity. Twitter, Facebook or other social network sites, Mr Deputy Speaker, Sir, we know, can spread rumours, can spread lies, can spread fear and can spread hatred within seconds. A fake story can be believed and can provoke hundreds of people or millions by this story going viral.

Mr Deputy Speaker, Sir, concerning the offences of stirring up racial hatred or causing an outrage, Mr Deputy Speaker, Sir, and the offence of outrage against public and religious morality, in different countries, different laws exist. In the USA, for example, under the first amendment, it is not a crime to stir up racial hatred.

In Europe, Criminal laws against such forms of racial and religious offences have been held as consistent with free speech guarantees and, therefore, not protecting people who incite others to crime or to disturb the public peace. But, Mr Deputy Speaker, Sir, the rationale, the *raison d'être* of these amendments, of course, lies in the technological advances, which is due to the revolution in electronic communication. We have to regulate the regimes for the web; we have to regulate as responsible lawmakers, Mr Deputy Speaker, Sir, be it Facebook, twitter or YouTube because, as I said, their capacity to cause prejudice by way of inculcating or diffusing hatred, insults and other offensive ways.

But when we do that today, Mr Deputy Speaker, Sir, we are amending the law in the face of a new situation, but we need also to take stock of the fact that the provisions in our Criminal Code are out-dated, are anachronistic. They are inspired from English criminal offences which have long ever been abolished. When we look at our Criminal Code, we come across offences which have been abolished in the UK, Mr Deputy Speaker, Sir, out-dated offences, which we still have, unfortunately, in our Statute Books, which are remnants of an obsolescent criminal law, Mr Deputy Speaker, Sir.

Having said this, when we look at this section in the Criminal Code, stirring up of racial hatred, we have been born in this country and most us will die in this country, this is our Motherland, we are all patriots, Mr Deputy Speaker, Sir, we have to nurture the racial

harmony in our country, and this is why, I think, we must all give a helping hand in order, Mr Deputy Speaker, Sir, to preserve the unity and harmony in this country.

So, we all have to fight against those who stir up racial hatred, those who commit outrage against religious morality in our country. But we also have to do the necessary *toilettage* in our old enactments, anachronistic pieces of legislation.

Mr Deputy Speaker, Sir, I was going through the report of Mr Robertson on this particular issue and other issues, of course. You will remember that he had made a report on media law and so on, but, of course, the offences we are dealing with today are pertinent to the report which he made and he commented upon this particular aspect of the law, Mr Deputy Speaker, Sir. He said, according to him, this section, that is, section 282, in amending it, Mr Deputy Speaker, Sir - and this is his opinion - he said, according to him, we all know who Mr Robertson is and he said - when we read section 282 -

“Any person who, with intent to stir up contempt or hatred, any section or part of any section of the public distinguished by race, caste, place of origin, political opinion, colour, creed or sex.”

According to him, Mr Deputy Speaker, Sir, he said we should have removed the word “contempt” so that stirring up of hatred should be the only crime. So, he has suggested that the word “contempt” is redundant, is a *surplusage* and we should perhaps have kept only “with intent to stir up hatred against any section or part of the public”. But he also opined, Mr Deputy Speaker, Sir, that we should have done away with the words “creed” and “political opinion”. And it was interesting what he said, Mr Deputy Speaker, Sir. He said citizens should be free to attack the political opinion of others as vigorously as they like and should also be able to criticise creeds of core subject to our law dealing with religious hatred. That is, there is no point of keeping, in our law, that it is an offence for somebody to stir up hatred or against any section or part of any section of the public distinguished by political opinion. We should be free to attack anybody for his political opinion, of course, *dans le cadre démocratique* of our country.

So, let us do away with the word “political opinion”, with the word “creed”. This is what Mr Robertson has suggested in his report, Mr Deputy Speaker, Sir. I think it is a sensible suggestion, but, Mr Deputy Speaker, Sir, when we read the title of this clause “Stirring up racial hatred”, we see that, in fact, it does not only deal with racial hatred. It deals, for example, with stirring up hatred against people distinguished by their political

opinion, by their place of origin or by their sex. And I was wondering, Mr Deputy Speaker, Sir - and I am looking at the hon. Attorney General; I am sure he is listening to me - whether we shouldn't have included after the word 'sex', the words 'sexual orientation'. I am serious.

(Interruptions)

Because I was just making reference to a question I asked about the Human Rights Report which has just been published concerning Mauritius. And we will see in that Report that there is a particular chapter or section on people of different sexual orientation. The hon. Attorney General is nodding, is approving what I am saying. I have got the Report with me. Lesbian, gay, bi-sexual, transgender and intersex are victims of verbal abuse or violence. They are subject to verbal abuse and violence - this category of persons. So, is it not our duty, as a mature democracy, Parliament, to protect also this group of persons? So, this is why I think that after the word 'sex' we should have included 'sexual orientation'.

In our Equal Opportunities Act - I am sure the hon. Attorney General knows about it. He is nodding with approval again - Mr Deputy Speaker, Sir, we talk of sexual discrimination on the basis of sexual orientation. Therefore, why should we allow people to stir up hatred against any section or part of the public distinguished by race, caste, place of origin, colour, sex or sexual orientation? It fits in so well, Mr Deputy Speaker, Sir.

With regard to the offence of outrage against public and religious morality, Mr Deputy Speaker, Sir, Mr Robertson also observed that the term 'religious morality' is vague, abstract, to serve as an element of a criminal offence, and he says -

“Public morality could include religious morality because public morality would include accepted moral precepts that derive from religious perception and teachings.”

Mr Deputy Speaker, Sir, on the same subject, I just want to also inform the hon. Attorney General that there is perhaps a lacuna in these two amendments. According to me, in both cases, the amendments proposed should have also punished a person who has, in his possession, written or any other material which is threatening, abusive or insulting, or who has in his possession a recording of visual images and sounds which are threatening, abusive or insulting if he intends to stir up racial hatred. The point I am making is that we should also have punished somebody who is in possession of written or other material which is threatening, abusive or insulting. And even in the case of stirring up racial hatred, the accused party commits an offence, according to our law, if he intends to stir up contempt or hatred.

But in other jurisdictions, the offence is also committed by the accused party if having regard to all the circumstances, racial hatred is likely to be stirred up.

Mr Deputy Speaker, Sir, I will not follow my other friends and colleagues who, last time, when they commented on this Bill, have argued that the object of the Bill is to improve the administration of justice, and many suggestions were made in that regard. I do not intend to propose what, according to me, are the priorities and the measures to be taken for a better administration of the justice system. That will take too much time, Mr Deputy Speaker, Sir. But suffice it to say that one of the most urgent and important reforms to be brought to the administration of justice of this country, according to me, once for all, set up a separate Appellate Court in order to put an end to the promiscuous and conflicting situation in our Judiciary. Lord Mackay had himself observed that it would be right to divide the Supreme Court into two sections, a Court of Appeal Section and a High Court Section, in order that the Judges exercising the appeal jurisdiction should be freed from consideration of cases at first instance. That is what he said, and I quote -

“It would be right to set up a Court of Appeal Section of the Supreme Court to which appeals from every level of Courts in Mauritius, the High Court Section of the Supreme Court, the Intermediate Court, the District Court, should be taken, and we so recommend.”

This would have enhanced the status of our Judiciary and would have brought the legal system of our country to a level of maturity, with a wider perspective. Lord Mackay even proposed that the Court of Appeal Section should be using this old building of the present Supreme Court. The present Supreme Court will be going to another accommodation, and I take it that the new accommodation at Edith Cavell Street, the new Supreme Court, will be able to accommodate the High Court, Mr Deputy Speaker, Sir and the Appellate Court will be accommodated in the old Supreme Court of today.

Mr Deputy Speaker, Sir, this is the Supreme Court. The Intermediate Court, we are aware of the present state of affairs today; the congestion. Why our Intermediate Court is centralised in Port Louis - I just referred to that - forcing litigants all over the island to come to Port Louis and go back to their different villages and regions from where they reside, causing a lot of inconvenience? The workload is so heavy now that Magistrates of Intermediate Court have to share Courts. I suppose you know that, Mr Deputy Speaker, Sir. Magistrates have to sit in their Chambers and wait for their colleagues to finish with their

cases at 12 and then they will start using that same very Court to start working, Mr Deputy Speaker, Sir, because of the increasing amount of civil and criminal matters before the Intermediate Court. In fact, Lord Mackay, again in his report, suggested that there should be four additional regional divisions, in four different parts of our country, serving the island, provided the suitable building and facilities are provided for.

Thirdly, Mr Deputy Speaker, Sir, the modernisation of our judicial system should continue. A lot of progress has been made, but the exigency and the amount of work and new requirements; the process must go on. I am saying that, Mr Deputy Speaker, Sir, because it is astounding, for example, that our Bail and Remand Court, which today deals with thousands of cases, again when you go to the BRC you will find 10 lawyers, 12 lawyers sitting and waiting for their turn. There is so much work there. I am not asking for a second BRC. I leave that to the Master and Registrar to do that, Mr Deputy Speaker, Sir. But the point I wish to make is that our BRC today is still not yet computerised. I am sure you know that, Mr Deputy Speaker, Sir. Although the establishment of a new Bail and Remand Court has proved to be very efficient and productive, it is a matter of regret that the modernisation of this Court is still unfinished.

For our District Court, Mr Deputy Speaker, Sir, I have two points. I think, today, the problem with our District Courts, *il y a deux maux*, two evils, Mr Deputy Speaker, Sir. The first one, a case should be brought within a reasonably short time. A case should be lodged before the District Court within a delay, for example, of six months, of the date of the occurrence of the offence, Mr Deputy Speaker, Sir. I know of a case. One week ago, somebody came to see me. That was a contravention. He was talking on his phone whilst driving. After six years, he received his summons. *Après six ans, M. le président!* And this is not a lie! So, this is not justice. This is why Lord Mackay proposed - he did that, and I am reiterating what he suggested - that there should be a time limit for complaint, Mr Deputy Speaker, Sir. And the other thing - I think somebody said that before me - we should, Mr Deputy Speaker, Sir, go on with recording of proceedings before the District Courts, because the magistrates have to recall word by word, and Lord Mackay again talked about our talented young magistrate before the District Courts wasting their time writing word by word when, in fact, we should have a recording of the proceedings.

Mr Deputy Speaker, Sir, the road which leads to complete and perfect reform in our Judiciary is a long and tortuous road. We have made a lot of progress, but we still have a long way to go. Lord Mackay Report has been very helpful. We can only wish, Mr Deputy

Speaker, Sir, for the Judicial and Legal Provisions Bill comes very often before this House, more often than it has done in the past so that this country is provided with an administration of justice that it rightly deserves.

I am done.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Gayan.

Mr Gayan: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Dr. Husnoo rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Ag. Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 24 April 2018 at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo) rose and seconded.

The Deputy Speaker: The House stands adjourned.

MATTER RAISED

The Deputy Speaker: Hon. Hurreeram!

ENVIRONMENTALLY SENSITIVE AREAS - PROTECTION & CONSERVATION

Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. The specific matter which I am raising today is addressed to the hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development and concerns the protection and the conservation of Environmentally Sensitive Areas (ESAs) in the Republic of Mauritius.

Mr Deputy Speaker, Sir, ESAs comprise our rivers, wetlands and marshlands, beaches, lagoons, mangroves, islets, forests and coral reefs. My appeal today to the hon. Minister focuses on the necessity to manage our natural resources for the long-term rather than the short run. We often state that our country does not have natural resources like other African Nations, but I believe that we should have to change our mindset. We need to view

our environment and its various ecosystems, our biodiversity, our fauna, our flora and the various ESAs as our natural assets. We cannot and must not set aside the fact that we depend on our natural resources for our supply of water, for our food through agriculture and fisheries, for our health through clean air and water, and to sustain our economy.

On the one hand, with the various infrastructure and development projects being carried out across the country, Mauritius has become *un vaste chantier*.

On the other hand, our country, as a Small Island Developing State, with its limited land mass and natural resources coupled with a high ratio of coast line to land area is facing the growing threat of climate change. It is a fact that our island is susceptible to natural hazards. We often tend to neglect our vulnerability to rising sea level, ocean temperatures and acidification.

Since the start of the year, we have witnessed some extreme weather conditions in the form of heavy and torrential rainfall leading to flash floods, violent thunderstorms as well as electric storms, which have impacted negatively on our citizens. The rain has enabled us to understand the linkage between groundwater, surface water, wetlands, and the river catchment area. The abnormal rate of rainfall has affected the hydrological process within the ecosystem services, disrupting water provision and flooding roads and houses.

Mr Deputy Speaker, Sir, our country should not have to choose between economic development and environmental protection. What we should aim as a responsible Government is to balance economic growth with environmental and resource sustainability. We have to make our economy more resilient to climate change, by not only protecting and conserving our ESAs but by leveraging our natural resources for the socio-economic benefits of our nation.

International Environment Indices have shown the correlation between environmental sustainability and better economic performance and competitiveness for both companies and countries. We should, in our quest to become a high-income economy, plan and manage projects with the objectives of sustainably build resilience and generate gains in mitigation and adaptation to climate change. One key element of efficiently and effectively to realise these endeavours is the protection, conservation and enhancement of ESAs in the country.

At this point, I do not intend to play the blame game, but we have to state matters as they stand. In January 2008, the Ministry of Environment and Sustainable Development commissioned the study of environmentally sensitive areas in Mauritius and Rodrigues, with

one of the objectives being the development of a comprehensive policy and legislation for the protection, conservation and sustainable development of ESAs in Mauritius and Rodrigues. The study was completed in April 2009. The outcome was the Environmentally Sensitive Areas Classification Report 2009, which proposed a draft Environmentally Sensitive Areas Conservation Management Act but, to this date, no such legislation has been enacted.

In the Mauritius Environment Outlook Report 2011 published by the Minister of Environment and Sustainable Development, the then Minister stated that Government was coming up with comprehensive legislative and institutional framework to protect and enhance ESAs for the benefit of the present and future generation, but those frameworks are not forthcoming. To these legislative non-events, we can add the *Maurice Ile Durable* Green Paper towards a National Policy for Sustainable Mauritius in 2011 and the final report of *Maurice Ile Durable* Policy Strategic Action Plan of 2013. Still, no legal framework in the nature of a specific legislation for sustainable development ensured.

Another important point which I must highlight is the fragmentation of legislation that regulates the management, protection and conservation of environment. The primary legislation for environmental protection and management in Mauritius is the Environmental Protection Act 2002 which was amended in 2008. The law covers oversight and administration of environmental affairs inter-institutional coordination of environmental governance, pollution prevention measures, environmental impact assessment, development of environmental standards and guideline, enforcement provisions and various other matters relating to environment protections.

In parallel, there exists a plethora of legislation for the protection of various aspects of diversity, natural resources and other ecosystems falling under the purview of various Ministries and Departments. The responsibility for enforcing environmental law thus rests on different Ministries in respect of the particular element over which they have jurisdiction, namely Ocean Economy, Marine Resources, Fisheries and Shipping, Agro Industry and Food Security, Housing and Land, and Energy and Public Utilities.

Examples of these legislations include the Fisheries and Marine Resources Act, the Wide Life and National Park Act, the Forest and Reserves Act, the Plant Act, the *Pas Géométriques* Act, the Removal of Sand Act, the Maritime Zone Act, the River and Canal Act of 1863 read with Central Water Authority Act of 1971, not to forget the broad legislative framework for land use planning and development. Thus, we have to add the

Town and Country Planning Act, the partially proclaimed Planning and Development Act, the Business Facilitation Act, the Local Government Act of 2003, not to mention the number of international treaties and agreements on environmental protection and conservation to which Mauritius is signatory, including the Convention on Biological Diversity.

This state of dispersed responsibilities results in poor implementation and enforcement of laws and regulations. On top of that, Mr Deputy Speaker Sir, there are shortcomings regarding the legislative framework. Mauritius lacks a legislation for the protection of wetlands. This lack of adequate legislation was reflected during the recent heavy rainfalls and bad weather where construction upon upland marsh, wetlands and waterways had dire consequences with homes flooded, roads and bridges damaged.

This is why it is high time to consolidate the various pieces of legislation into a single Act that will encompass all aspects related to the ESAs in Mauritius and Rodrigues and it will be alarming that our natural assets, identified as sensitive and which are of high value, be destroyed. What is required, therefore, is an integrated, dynamic, and holistic approach to environmental protection and conservation. This can be achieved through the enactment of an up-to-date legislation that would take under its umbrella all the relevant regulations pertaining to ESAs.

It is crucial if we want to move forward towards a sustainable and resilient economy that caters for the welfare of all the people that we come up with the legislation which defines clear mandates for efficient application of the law and takes on board the best available scientific information. The law would provide a comprehensive management plan for ESAs which would be institutionally sustainable in Mauritius and Rodrigues. It would take into account developments such as new environmental standards.

The enactment of a single integrated legislation can prevent avoidable loss and serious damage to a number of areas of high ecological value and sensitivity in the elaboration of upcoming infrastructure projects. It will provide detailed information so that areas of environmentally sensitive importance are protected and obtain the required environmental mitigation and compensation. The legislation will also ensure that physical protection measures are in place as environmental impacts on the projects are assessed.

Almost 10 years have elapsed since the report on the ESAs. Thankfully, we will not have to commission another report and wait for recommendations. The Ministry of Agro-Industry and Food Security has come up with a Protected Area Network (PAN) Expansion

Strategy 2017-2026, implementation of which will contribute to Mauritius winning the race against time in its search for a sustainable future and we can only congratulate our dynamic Minister of Agro-Industry and Food Security for this laudable effort.

The strategy mentions that beyond the existing and proposed area network, there are further areas that have significant biodiversity value and can be incorporated into PAN. Mauritius, as the strategy suggests, should aim to go beyond the Aichi Target 11 adopted under the Convention on Biological Diversity to expand and protect the protected area to 17% of the country land area. Presently, the formal State protected area in Mauritius covers only 4% of the country.

I must here emphasise that in comparison to Madagascar and Indian Ocean Islands Hotspot, Mauritius lags behind in terms of reaching the Aichi Target. According to that strategy document, Seychelles has 42% of its terrestrial surface area, Comoros 10% and Madagascar 5%. Figures for Reunion Island show that in 2014 the island had 76.3% of its surface as protected area. Moreover, the report points out, and I quote –

“It is widely accepted that islands require larger areas to be under protection, not only because they are unusually species rich but exceptionally fragile in terms of their ecological infrastructure that also have low capacities to recover.”

And it is generally accepted that the Global Aichi Target may not be sufficient for small islands with high biodiversity and fragile ecosystem that may not recover easily.

This strategy is one of the instruments that are available to assist us right away in the introduction of the legal framework to conserve and enhance the quality of the natural heritage of Mauritius. International studies show that there are benefits in supporting ecosystem services like the regulation of water flows by wetlands. Let us make use of scientific evidence and expertise to ensure that limited resources are used as effectively as possible to maximise conservation benefits. We need economic development but we also have to protect ecologically sensitive habitat adjacent to the development and ensure highest possible standards of environmental management in the process.

Therefore, I am making an appeal, Mr Deputy Speaker, Sir, to the Minister responsible for environment and sustainable development to give due consideration to the proposal put forward today.

Thank you.

(Interruptions)

The Deputy Speaker: Hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development!

(6.52 p.m.)

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Mr Deputy Speaker, Sir, I have listened carefully to the hon. Chief Whip pleading in favour of a comprehensive legislative framework for the protection and conservation of the Environmentally Sensitive Areas in Mauritius. I see my good friend, on the other side of the House, wondering what I am going to say. Maybe he ought to know that I am specialised in that field of law.

(Interruptions)

Then he should perhaps refrain from making such gratuitous comments, especially at this time of the night.

(Interruptions)

On the contrary, I would say that my good friend, hon. Dayal, is also a very good candidate to speak on that particular subject matter, except that this adjournment matter is addressed to me.

So, Mr Deputy Speaker, Sir, having listened carefully to the hon. Chief Whip, I would say that the Government is indeed in favour of the protection and conservation of the Environmentally Sensitive Areas of this country, the ESAs as we know them.

However, I would state the position of Government that we do not have a need for a comprehensive, specific, stand-alone legislative framework. The reason being, as I heard the hon. Chief Whip stating that there is already a whole plethora of laws which address various different specific Environmentally Sensitive Areas.

This is the result of not some sort of mishap or some sort of coincidence. This is the result of the administrative functioning of this country. So, when the hon. Chief Whip speaks of a gamut of laws, he is quite right, because you have - I have taken the time of noting down the different legislations from the different Ministries which govern the 14 types of Environmentally Sensitive Areas. If we look at coral reefs, mangroves, mud floods, freshwater marsh lands, sand beaches and sand dunes, they are covered by different Acts

falling under different Ministries because this is the administrative portfolio of those different Ministries.

Therefore, the Environment Protection Act falls under my Ministry. The Removal of Sand Act which protects beaches, sand and sand dunes falls under the Ministry of Housing and Lands. The *Pas Géométriques* Act falls under the Ministry of Housing and Lands again. Other Environmentally Sensitive Areas fall under the Fisheries and Marine Resources Act of 2007 under the Fisheries Division of the Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping. Biodiversity related Environmentally Sensitive Areas fall under the Forestry Services of the Ministry of Agro-Industry and Food Security. The various legislations which cover those specific ESAs are respectively the Forests and Reserves Act, the Wildlife and National Parks Act, the Plant Protection Act.

We also have other environmentally sensitive areas which fall under the Ministry - incredible - of Health and Quality of Life, which is the responsible authority for the Rivers and Canals Act of 1853, if my memory serves me right. The Ministry of Public Utilities actually has two parastatal bodies, the Central Water Authority and the Wastewater Management Authority, which actually regulate what goes into rivers and canals, and streams, lakes and reservoirs.

So, we do see, therefore, that the system, as it is in Mauritius, has developed in such a manner that the protection of environmentally sensitive areas in this country is well governed, well regulated, but by diverse and various organisations. Now, that is why I would concur with the hon. Chief Whip as to a comprehensive protection, conservation and management of environmentally sensitive areas. But where I cannot follow the hon. Chief Whip is as to the need for a comprehensive specific stand-alone legislative framework, because the system is already this way.

However, where we must concede that the hon. Chief Whip is very right is that surely those various bodies cannot act according to their whims and caprices without coordination, harmonisation and synchronisation among them, which is why, therefore, the Environment Protection Act of 2002 has this section 13. In its section 13, the Environment Protection Act of 2002 actually sets up enforcing agencies - those enforcing agencies provided for by section 13 of the Act and its fourth schedule -, actually sets up eight enforcing agencies, whose duty is actually to ensure compliance with environmental laws. And in this respect, it is good to know, Mr Deputy Speaker, Sir, that most of the laws which I have mentioned, which actually

fall under the jurisdiction of different bodies, organisations and Ministries, have already been declared environmental laws, that ensures, therefore, we try to reach an optimised approach, an optimised degree of fulfilment of the protection and conservation and management of the environmentally sensitive areas.

Now, this being said, I must also add, Mr Deputy Speaker, Sir, that I did note from the intervention of the hon. Chief Whip that he was not only speaking of the national imperatives, but also the international imperatives because indeed we are signatories and we have ratified, I think, more than 25 international environmental conventions, which actually deal with or which are related to environmentally sensitive areas. And again, because of the administrative jurisdiction of different Ministries in this country, different multilateral environmental agreements have fallen under the jurisdiction of different organisations. Just to give a few examples, if one looks at the UNFCCC, the Climate Change Convention, which is the 1992 instrument, it falls under my Ministry. If you look at the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, it falls under the Ministry of Health. If you look at the Convention on Biological Diversity, it falls under the jurisdiction of the Ministry of Agro-Industry and Food Security.

Now, all the signature and ratification of those international instruments were actually geared towards, indeed, the conservation, protection and management of environmentally sensitive areas. However, again, they are under different organisations. Now, what did we do? I came to know that in 2002, under a former MSM Government, the Environment Protection Act was passed, and a very good instrument was actually brought in. It was the National Network for Sustainable Development. In fact, before coming to this side, I will come to another instrument under section 12A of the Environment Protection Act of 2002, which is called the MEA, Multilateral Environmental Agreements Coordination Committee. Now, why I mention this Committee is because this Committee was set up in order to rationalise, to optimise the way those conventions are being implemented. However, it is astonishing to know that this Multilateral Environmental Conventions Coordination Committee set up nearly 10 years ago now, in order to ensure the conservation, management and protection of environmentally sensitive areas, never met.

Under the previous Government, section 12A of the Environment Protection Act of 2002 was actually introduced in 2008 for the purposes of ensuring coordination, harmonisation within the environmental conventions, but it did not meet even once. That

shows why I was not too happy when, on the other side of the House, I felt that we were not being greeted as to what we are doing on this side of the House in favour of the protection, conservation and management of environmentally sensitive areas.

I, therefore, now explain. This is what explains now why this Government has made sure that it has made this MEACC, this Multilateral Environmental Agreements Coordination Committee. It has started meeting and is trying to ensure that all those different conventions dealing with the protection, conservation and management of environmentally sensitive areas actually happen.

Finally, Mr Deputy Speaker, Sir, what I would like to say to try and convince the hon. Chief Whip that Government is on the right track when it continues on the path it has started doing, that is, ensuring an optimal protection, conservation and management of environmentally sensitive areas, but not proceeding by way of a comprehensive specific stand-alone legislative framework. I will take the example of sustainable development. It so happens that under the Constitution, I am the Minister responsible for Sustainable Development. However, we all know that in September 2015, at the UN General Assembly, we developed the Post-2015 Development Agenda, and 193 world leaders adopted the 17 Sustainable Development Goals. Now, just because the Minister of Environment happens to cover environmentally protected areas, by analogy, it could be argued that the Minister of Sustainable Development should look at the Sustainable Development Goals. But it would be impossible, because how could I deal with the eradication of poverty as goal number one, at food security as goal number two, at ensuring health as goal number three, at quality education as rule number four?

So, I believe that the way it should be, and I believe it is my duty to make this policy stand here before this House, that, yes, Government will preserve, protect and conserve environmentally sensitive areas but, as matters stand, it will leave that type of protection, conservation and management to different Ministries, Departments and organisations. However, ensuring that there are coordination mechanisms to harmonise, coordinate and synchronise what Government has set out to do in what it hopes to be an optimal way.

I thank you, Mr Deputy Speaker, Sir.

At 7.07 p.m., the Assembly was, on its rising, adjourned to Tuesday 24 April 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

BERTHAUD AVENUE - UPGRADING

(No. B/221) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Berthaud Avenue up to Trèfles Street, in Rose Hill, he will state if consideration –

- (a) is being given for the widening thereof, and
- (b) will be given for the repairs thereof following the damages caused thereto after the recent heavy rainfalls and, if so, when.

Reply: I would like to refer the hon. Member to the reply I made to Parliamentary Question B/812 on 21 November 2017, wherein I informed the House that part of the Berthaud Avenue from its junction with St. Jean Road to its junction with Remy Ollier Avenue is classified. I also apprised the House that same has recently been resurfaced by the Road Development Authority (RDA), and I am informed that it is still in good condition.

As regards the remaining section, from Remy Ollier Avenue to Trèfles/Rose Hill, I had informed the House that the National Development Unit (NDU) is undertaking the upgrading and widening of the road, including the drainage works.

I am now informed by the NDU that the contract for the ‘upgrading and widening of Berthaud Road in Quatre Bornes, including drainage works’ has been awarded on 28 February 2018 for an amount of Rs73,590,821.58, exclusive of VAT. The scope of the project includes, *inter alia*, the following –

- (i) construction of a new road of an average width of 6 metres over a stretch of about 1.4 km, with provision for footpath and drains;
- (ii) construction of a bridge of a span of 11.5 metres across the Trianon feeder canal;
- (iii) laying of CWA pipes;
- (iv) relocation of CEB poles and associated works, and
- (v) laying of communication ducts and associated works for different service providers.

I am further informed by the NDU that the site has been handed over on 07 March 2018 and the project has started on 21 March 2018 with preliminary works such as setting out, trial pits and site clearance. The project is expected to be completed by mid-November this year.

CUREPIPE - SWIMMING POOL - CONSTRUCTION

(No. B/222) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Youth and Sports whether, in regard to the proposed construction of a swimming pool in Curepipe, as stated in the 2017-2018 budget, he will state where matters stand.

Reply: I wish to inform the House that a site has been identified, and that the Ministry of Housing and Lands has been requested to vest same in my Ministry.

VEGETABLES - IMPORTATION

(No. B/223) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Agro-Industry and Food Security whether, in regard to vegetables, he will state the countries from which same are being imported to prevent shortages thereof on the local market, indicating the respective importation cost thereof.

Reply: The importation of vegetables is regulated by the National Plant Protection Office of my Ministry. Under normal circumstances, i.e. when the supply is sufficient to cater for local consumption, the importation of fresh vegetables is not authorised so as not to allow unfair competition with local produce.

However, following the persistent heavy rainfall since the beginning of this year and the passage of cyclone 'Berguita' in the month of February, food crop production was significantly damaged which led to a considerable drop in the supply of fresh commodity as well as substantial increase in their price.

In this circumstance and also taking into account that period coincided with the celebration of the Cavadee and Maha Shivratri festivals, my Ministry allowed for the importation of beans, carrots, cabbages and cauliflowers by the Agricultural Marketing Board, with a view to ensuring that there was enough vegetables at a reasonable price on the market.

The imported vegetables are as follows -

Produce	Country	Transport	Price (Rs)
Carrots	India	By Air (30 T) at the rate of Rs50/Kg	1,770,000
		By Sea (40t) at the rate of Rs30/Kg	1,200,000
Cabbage	India	By Sea (94 T) at the rate	2,350,000

		of Rs25/Kg	
Cauliflower	South Africa	By Air (4.95 T) at the rate of Rs90/Kg	445,500
Beans	South Africa and India	By Air (31.75 T) from South Africa at the rate of Rs59/Kg	1,873,250
		By air (15 T) from India at the rate of Rs69/Kg	1,035,000
Total			8,673,750

In addition, 50 private dealers were authorised to import a total of 100 tons of carrots, 100 tons cabbages and 10 tons cauliflowers for both the months of February and March 2018. I am informed that some 25 tons of carrots, 23 tons of cabbage and 5 tons of cauliflower had been imported by them.

We have no information regarding the prices paid by the importers for these commodities.

The House may wish to note that since then no additional permit has been allocated as the situation is back to normal.

Moreover, the NPPO of my Ministry had exercised strict control on all imported vegetables from South Africa.

LES SALINES – HOTEL PROJECTS - ACCESS ROADS

(No. B/224) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to hotel projects in the region of Les Salines, Grande Rivière Noire, he will state the cost of the access roads provided therefor, indicating if there will be any cost sharing between Government and the promoters thereof.

Reply: I am informed that some 172 Arpents of State land were earmarked for hotels and related touristic projects in the region of Les Salines, Black River. However, due to unavailability of road infrastructure and utilities in the area, no development took place. It is only in year 2015 that action was initiated by this Government to carry out infrastructure development in that region. Landscape (Mauritius) Ltd was entrusted with the responsibility of supervising the implementation of the infrastructure project.

The cost of the access road amounts to around Rs384 m. and the total cost of the infrastructure project inclusive of cost of utilities and fees amounts to some Rs495 m. The

infrastructure development is an integrated one comprising a 3.6 km road, drainage system, traffic signs, bus laybys, taxi stand and utility services.

This project is being implemented through a cost sharing mechanism which has been worked out by the EDB (Economic Development Board). The beneficiaries of these State land will contribute towards the total cost based on the extent of land that has been allocated to them. The contribution per arpent amounts to around Rs1.8 m. being given that the cost of utilities are still at estimation stage and will be finalised upon completion of the works.

As the road network will also service the private property of New Mauritius Hotels Ltd, the latter has agreed to participate in the cost sharing mechanism of infrastructural works.

With regard to unallocated plots of State land, Government will meet the cost of contribution. Any eventual promoter to whom the unallocated land will be leased will have to reimburse Government. The share of the cost for the extent of land used as public beach and land vested in the Ministry of Arts and Culture will be borne by Government.

COMMONWEALTH GAMES, AUSTRALIA – DELEGATION

(No. B/225) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the XI Commonwealth Games being held at Gold Coast in Australia, he will state the –

- (a) composition of the delegation which accompanied the athletes, indicating the purpose of the participation of each member thereof, and
- (b) respective amount of *per diem* paid out thereto.

Reply: The list of officials who have accompanied the athletes is a matter for the Mauritius Olympic Committee (MOC) to provide.

However, for transparency purposes, I am tabling the list of officials of my Ministry who were part of the delegation in various capacity.

As regards part (b) of the question, the *per diems* paid by the MOC and other related information are not available at the level of my Ministry.

SOUILLAC - DREAM PRICE SUPERMARKET – PEDESTRIAN CROSSING

(No. B/226) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to access to the Dream Price Supermarket, Royal Road, in Souillac, he will state if consideration will be given for the advisability of providing a pedestrian crossing thereat.

Reply: I am informed that the District Council of Savanne made a request to the TMRSU in September 2017 for provision of a 'Cross Here' sign at the entrance of Dream Price Supermarket at Souillac due to traffic problem, whereby it was noted that vehicles often pass along at a high speed which might result into accidents.

The TMRSU accordingly carried out a survey in the whole area in November 2017 and recommended the provision of a new pedestrian crossing with associated traffic signs, including the setting up of three number of 'SLOW' road markings, in the close vicinity of the Dream Price Supermarket at Souillac.

The road traffic scheme has already been implemented by an in-house team of the TMRSU.

CHEBEL - HOUSING PROJECT - AMENITIES

(No. B/227) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Housing and Lands whether, in regard to the housing project at Chebel, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to –

- (a) the name of the contractor, and
- (b) if provision has been made for drains, lighting, road markings, street names, and social and sports amenities thereto.

Reply: I would like to thank the hon. Member for having given me the opportunity to elaborate on the housing projects being implemented at Chebel.

As regards part (a) of the question, I am informed by the NHDC Ltd that there are two housing projects being implemented at Chebel and the contractor for both projects is Super Construction Company Ltd.

The construction of 92 housing units is already in progress whilst the contract for the construction of 99 housing units has been awarded on 13 April 2018 and works are expected to start by end of April 2018.

Concerning part (b) of the question, I wish to inform the House that my Ministry is endeavouring to provide housing units with the necessary amenities and infrastructure networks such as water, electricity supply, sewerage disposal (WMA network), roads, including traffic signs, road markings, drains, footpaths and street lighting, in consultation with other stakeholders.

I would also like to mention that in view of the flooding problems encountered by the population throughout the island over the past few years, there is now more emphasis on the

design of appropriate drainage networks in all new NHDC housing estates to evacuate water effectively and safely.

For the Chebel housing projects, provision has also been made for a children's playground, a *pétanque* court, landscaping of green spaces and parking space, in consultation with my colleagues Minister Gayan and PPS Aliphon, both MPs of the constituency.

With regard to street names and plates, they will be set by the Municipal Council of Beau Bassin-Rose Hill after handing over of road networks and payment effected by the NHDC Ltd.

As regards social and sports amenities, I wish to inform the House that there already exist such facilities in the vicinity of the NHDC housing estates.

GROS CAILLOUX – ROAD PROJECT

(No. B/228) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the road project for the linking of Gros Cailloux to Sorèze, he will state the –

- (a) name of the consultant/s therefor;
- (b) project value thereof;
- (c) name of the contractor/s thereof;
- (d) duration thereof;
- (e) number of private properties compulsorily acquired, if any, therefor, and
- (f) measures taken to prevent inconveniences during the implementation thereof.

Reply: I would like to refer the hon. Member to the reply I made to Parliamentary Questions B/730 and B/731 on 14 November 2017 wherein I gave a detailed rationale and scope of the A1A3 and the A1M1 projects which, when complete, will link Gros Cailloux to Soreze.

With the upcoming development in the region, this overall link from Gros Cailloux to Soreze will provide a rapid connection between the West and Port Louis/North and *vice versa*. The link will start from a proposed signalised junction with A3 Road at Gros Cailloux and will end at its intersection with M1 Motorway at Soreze.

The A1M1 project will link Soreze to Chebel. In regard to part (a) of the question, the consultant of the project is the Korean Expressway Corporation. As regards parts (b) and

(c), I am informed that the contract for this project has been awarded together with that of the construction of grade separated junctions at Pont Fer/Jumbo/Dowlut Roundabouts to Transinvest-GCC-Bouygues TP-VSLi Junction Pont Fer & A1M1 Link Road JV Ltd, for a total amount of Rs4.1 billion, inclusive of VAT. As for part (d) of the question, the duration of the contract is 958 days.

I wish to inform the House that the A1M1 project has been launched last Wednesday and it is expected to be completed by November 2020.

As for the A1A3 project, it will link Chebel to Gros Cailloux. As regards parts (a), (b), and (c) of the question, I am informed that the project will be undertaken on a design-build/turnkey contract. Bidding documents have already been launched with closing date set for 08 May 2018. Since the bidding exercise is still ongoing, it is not appropriate to reveal the cost estimate at this point in time. Regarding part (d) of the question, the project is expected to start in August 2018 for a duration of 16 months.

As regards part (e) of the question, I am informed by the Ministry of Housing and Lands that the number of private properties acquired for the A1M1 and the A1A3 projects is 76 and 13 respectively.

Insofar as part (f) of the question is concerned, I am informed by the RDA that within both projects, the contractors are required to submit an Environmental Monitoring Plan, consisting, *inter alia*, of measures to mitigate dust, noise, air, water, land pollution and other environmental issues. These will be strictly monitored by the RDA jointly with the Ministry of Environment and Sustainable Development and other concerned authorities. The RDA, through its contractors, will ensure that all conditions of the Ministry of Environment are strictly complied with. In addition, regular coordination meetings will be held with all relevant stakeholders to ensure that works are carried out smoothly with least disturbances and inconveniences to the inhabitants and the commuters passing through the region.

NATIONAL MINIMUM WAGE - PAYMENT

(No. B/229) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the minimum wage, he will state the number of –

- (a) employers who are not adhering thereto;
- (b) contraventions booked as at to date, and
- (c) complaints received whereby employees who were working full time have been forced to work part time following the introduction thereof.

Reply: With regard to part (a) of the question, I am informed that as at 13 April 2018, 613 enterprises, representing 19% of the total number of enterprises inspected have not yet paid the national minimum wage.

Regarding part (b) of the question, my Ministry has provided a grace period up to 31 March 2018 to employers who have requested a delay to adjust their payroll system. However, with a view to ensuring compliance with the Regulations, Compliance Notices have been issued, in accordance with Section 63 of the Employment Rights Act, to the employers concerned. Actions are being initiated against employers who are not complying with the Regulations.

As for part (c) of the question, I am informed that only one complaint has been reported to my Ministry. The matter has already been settled upon the intervention of my Ministry and the employer has agreed to revert the workers back to full time employment and adjust their wages accordingly.

I seize this opportunity to inform the House that under section 39(b) of the Employment Rights Act, employers intending to lay off workers have to notify my Ministry.

Since the introduction of the national minimum wage in January of this year, my Ministry has received 30 notifications involving 107 workers for termination of employment on economic ground. None of these notifications are specifically related to the introduction of the national minimum wage.

TRAINING AND EMPLOYMENT FOR THE DISABLED PERSONS

BOARD – CHAIRPERSON & GENERAL MANAGER

(No. B/230) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Training and Employment for the Disabled Persons Board, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the name of the current Chairperson thereof;
- (b) the reasons why a General Manager therefor has not been recruited as at to date, and
- (c) if the Calebasses and Rose Belle branches thereof are operational and, if not, indicate –
 - (i) where the training of persons with disabilities of these localities is presently carried out, and
 - (ii) where the former staff members thereof have been redeployed.

Reply: The Training and Employment of Disabled Persons Board (TEDPB) is regulated by the Training and Employment of Disabled Persons Act 1996, as subsequently amended.

With respect to part (a) of the question, the current Chairperson of the Training and Employment of Disabled Persons Board is the Permanent Secretary of my Ministry.

With respect to part (b) of the question, I am informed that the post of General Manager was advertised in July 2016. Three candidates meeting the requirements were shortlisted for interview but only two attended same. The one candidate who was selected for the post of General Manager declined the offer. I am further informed that the Board at its Board meeting of 10 March 2017 agreed that Mrs K. Gowreesunkur, Secretary to the Board and Higher Executive Officer from 2003 to 2006, would act as the Officer-in-Charge of TEDPB supported by the technical expertise of Mrs S. Jaunky-Rughoo, Disability Employment Officer, as a purely temporary measure.

As regards part (c) of the question, I am informed that, with respect to the training centre in Calebasses, the Board of the TEDPB took note on 15 November 2017 that severe cracks in the administrative block and spalling of small concrete blocks had been observed. Subsequently, a request was made to the Ministry of Public Infrastructure and Land Transport for a safety assessment of the centre to be carried out. In its report dated 03 January 2018, the Ministry of Public Infrastructure and Land Transport recommended that the administrative and classroom blocks be closed until urgent repair works are carried out. With a view to ensuring the security of the staff and trainees, the training centre has been closed since 10 January 2018. The staff have been redeployed to the headquarters in Rose Hill whereas the trainees have been informed that training sessions will resume once a suitable venue in the vicinity is identified. TEDPB has initiated steps to identify a suitable building in the region of Calebasses. An invitation for bids was launched on 08 February 2018, following which bids were opened on 28 February 2018. The offers are presently at analysis stage, following which the Board will take a decision.

With respect to the training centre in Rose Belle, I am informed that the TEDPB requested the assistance of this Ministry for a safety audit to be carried out there further to its Board Meeting of 07 June 2017, given the dilapidated state of the building. The Ministry of Public Infrastructure carried out an audit on 24 July 2017. In a memorandum dated 01 August 2017, the MPI recommended that the building be vacated to prevent any mishap or injury which may occur, given severe spalling of concrete with corroded reinforcement. The building was officially vacated on 15 August 2017. On 14 September 2017, TEDPB liaised

with the Angels Specialised School and Welfare Association located at Rivière des Anguilles to allow the trainees to continue their training there. Psychologists posted at my Ministry have provided counselling services to the former trainees of the Rose Belle Centre for a smooth transition. Several counselling sessions were held by the psychologists with the parents and the trainees on 03 November 2017, 15 November 2017 and 09 January 2018. However, no one has yet attended trainings offered by the NGO. I am further informed that one trainee under the Skill Development Programme has been shifted to the head office to continue his training. The personnel of the training centre of Rose Belle have also been shifted to the head office to give assistance to office work.

Steps are being initiated for the identification of a suitable building to house the training centre and an invitation for bids will be launched shortly.

STUDENTS WITH DISABILITIES - Ms P.D. - FACILITIES

(No. B/231) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Nine Year Basic Education Programme, she will state the number of students with disabilities who have been admitted to Grade 7 in secondary schools within proximity of their residences for the last intake, indicating –

- (a) regarding Ms P.D., why her application to be admitted to Grade 7 at the State Secondary School, Goodlands was attended to after nearly two and a half months despite the fact that she satisfied the required admission criteria thereto, and
- (b) if the measures taken in the case of Miss P.D., namely, providing adapted transport facilities/refund of transport cost, will be applicable in similar cases.

Reply: At the very outset, I wish to inform the House that the Nine Year Continuous Basic Education is but one of the components of the educational reforms that my Ministry has embarked upon since 2015.

Specific policies have been elaborated for the promotion and development of the different sub-sectors of education and related support services.

As far as the special education needs sector is concerned, my Ministry endeavours to achieve inclusion by creating and providing a conducive environment to all learners ensuring equal access to relevant and quality education and training.

Accordingly, children with disabilities are provided with the required facilities so as to facilitate their access to and within the schools compound.

I am informed that 43 students with disabilities [physical, visual and hearing impairments] have been admitted to Grade 7 in 2018 in 30 State and private secondary schools.

Admission to Grade 7 in a regional school is determined in accordance with the provisions of the Education Regulations and on the basis of the grade aggregate of the pupil at the PSAC assessment, parental choice and the residence of the pupil in the geographical zone in which the regional school is located.

As regards part (a) of the question, I would like to inform the House that there was no delay in the provision of a seat to Ms P.D. In fact, the responsible party did not fill the Application Form for Admission to Grade 7 for MES to allocate to her a seat in a secondary school. Instead a request for admission to Grade 7 was made on her behalf by the School for the Blind Loïs Lagesse Trust Fund. On the basis of the criteria for admission to Grade 7, the Ministry issued to her a letter of admission at Friendship College (Girls), Goodlands. It is to be noted that Ms P.D. has scored an aggregate of 11 at the PSAC assessment 2017 and resides at Roche Terre, Grand Gaube.

However the parent did not agree to send the child to Friendship College.

After consultation with SeDEC, the Ministry again issued a new admission letter to her at College BPS Fatima, also situated in Goodlands.

In addition, the Ministry had made necessary arrangements for student P.D. to be provided with all required additional support at her school, including transport from home to school and back as well as the services of a Carer.

It is worth highlighting that the offer of a seat at Friendship College and at Collège de BPS Fatima to P.D. had taken into consideration the proximity of the schools to her residence and the need to provide her with an environment more suited to her needs.

Subsequently, following a request from the Loïs Lagesse Trust Fund requesting for a seat at either Cosmopolitan College or D.A.V College, the Ministry favourably considered the request and a letter of admission to D.A.V College was, for a third time, issued to the parent. The transport provided by the Ministry called at the parent's house, but the parent informed that Ms P.D. would not be attending that school.

I wish to highlight that the Ministry has offered to Ms P.D., admission in 3 different secondary schools during period January to February 2018, [Friendship College, College du BPS Fatima and D.A.V College]. Moreover, necessary transport facilities were also provided

to the child. However the parent has, each time, refused to send his ward to these schools in spite of the facilities provided.

Given the circumstances, the repeated refusal of the parent to send Ms P.D. to any of the three schools offered to her and in the interest of the child, the Ministry decided to exceptionally grant her a seat in Grade 7 at S. Jugdambi SSS on 13 March 2018 in spite of the fact that she did not satisfy the admission criteria thereat. I wish to add that the Ministry has continued to provide transport facilities to and from school to student Preety Daby. Textbooks have been translated in Braille and she is benefitting from the help of a carer/educator at school.

As far as part (b) of the question is concerned, my Ministry normally considers each case on its own merit.

MEDPOINT CLINIC - CANCER CENTRE

(No. B/232) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to the former Medpoint Clinic, he will state where matters stand as to the proposed rehabilitation thereof into a modern Cancer Centre.

Reply: I wish to inform the House that my Ministry is in the process of setting up a state-of-the-art Cancer Centre with all the modern facilities and technology. The former Medpoint Clinic acquired by the Government will be part and parcel of this new project. The New Cancer Centre will comprise bunkers with a multi-storey building which will house two Linear Accelerators, Radiotherapy and Nuclear Medicine (PET / CT scan), Stem Cell Transplant Unit, ICU with eight beds and Operating Theatre Complex of four Operating Theatres. The bed capacity will be of 180 beds.

I have to inform the House that due to intrinsic properties of the Cancer Centre, this project is being implemented by the HSCC (India) Ltd under a G-to-G Agreement with the Republic of India.

Bids were invited in January 2018, for a project value of Rs1.5 billion and the evaluation of bids is ongoing.

The contract for the New Cancer Centre is expected to be awarded by June 2018 and work will start thereafter. The duration of the project would be 18 months.

CHILDREN'S BILL - INTRODUCTION

(No. B/233) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the proposed introduction of a Children's Bill, she will state where matters stand.

Reply: I wish to refer the hon. Member to the written reply made to PQ B/455 on 13 June 2017, by my colleague, the then Minister of Gender Equality, Child Development and Family Welfare and now hon. Vice-Prime Minister and Minister of Local Government and Outer Islands.

The House was on that date informed that the making of a legislation for the better protection and care of children ranks high on the agenda of this Government and in view of the highly sensitive nature and technical complexity of this legislation, technical assistance was being sought from the European Union to produce a Children's Bill.

The House may wish to note that European Union has, under the 11th EDF, made available to my Ministry the services of an International Consultant. The Consultant is at present holding consultations with all stakeholders concerned in Mauritius. She has also consulted Rodriguan authorities and NGOs operating there.

ROAD ACCIDENTS (FATAL) - DRUGS CONSUMPTION

(No. B/234) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the fatal road accidents which occurred consequent to drugs consumption, since 2015 to date, he will state –

- (a) the number thereof;
- (b) when the drugs were identified by the Forensic Science Laboratory;
- (c) the actions taken to acquire the appropriate equipment to detect the drugs consumed, if any, and
- (d) if consideration will be given for the introduction of new legislation in the case of driving under the influence of drugs and, if so, when.

Reply: In regard to the fatal road accidents which occurred due to drugs consumption since 2015 to date, I am informed that the number thereof is 39. For year 2015, the number was 8, for year 2016 the number was 24 and for year 2017 the number was 7.

Concerning part (b) of the question, Police has informed that when there is suspicion that a driver is under influence of an intoxicating substance and when the alcohol test has

revealed negative, the driver is brought to a hospital where a blood sample is taken after he/she has been examined by a Medical Officer.

In all cases of road accidents reported to Police Stations, an alcohol test is performed on the driver. However, if the enquiring Officer has reasonable suspicion that the driver is under the influence of an intoxicating substance, he is taken to hospital where a blood sample is taken after he has been examined by a Medical Officer. The blood sample is sent to the FSL for analysis.

In cases of fatal accidents, after the autopsy has been carried out by the Police Medical Officer, blood samples are taken and sent to FSL for analysis. FSL submit its report within a month to Police indicating the presence of alcohol or drug.

As regard to part (c) of the question, I am informed by the FSL that they had acquired a Liquid Chromatography Mass Spectrometry (LCMSMS) and a Liquid Chromatography High Resolution Mass Spectrometry (LC-HRMS) in year 2013 and 2014 respectively to confirm the presence of drug metabolite. In addition, the equipment 'RANDOX' Evidence Investigator was purchased in year 2015 to carry out presumptive test to facilitate screening.

Coming to part (d), given the number of fatal road accidents linked to drug driving, Dr. Mercier Guyon who is a Forensic Medicine and Emergency Doctor and Head of a Licenced Training Centre of Haute Savoie, has visited Mauritius to make recommendations on measures to be taken to detect and track drivers who drive under the influence of drugs, including synthetic drugs. We are contemplating the possibility of mandatory drug test in all cases of fatal accidents. Accordingly, my Ministry is coming up with amendment to the legislation. A draft Road Traffic (Amendment) Bill on drug driving has been elaborated in consultation with the Police, ADSU, FSL and Ministry of Health and same is presently at the State Law Office. It is proposed to introduce the Bill in the National Assembly this year.

BAIN DES DAMES - SEWERAGE PROJECTS - IMPLEMENTATION

(No. B/235) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the implementation of Sewerage Projects at Bain des Dames, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to where matters stand.

Reply: In my reply to PQ B/196 of 12 April 2016, I informed the House that the sewerage project will be implemented in Financial Year 2018/19.

I am now informed by the Wastewater Management Authority that it will initiate procedures for the appointment of consultancy services to update the feasibility report, prepare the detailed design and bidding documents for the works in the next financial year.

The bidding exercise for the works contract is expected to be launched in 2019.

COMMISSION OF INQUIRY - MR A.S. - POSTERS

(No. B/236) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if posters which had been posted island-wise purporting to request the setting up of a Commission of Inquiry with wide terms of reference on Mr A.S. have been torn by Police Officers and, if so, indicate the reasons therefor.

Reply: I am informed by the Commissioner of Police that between the night of Monday 26 March and early morning of Tuesday 27 March 2018, during mobile patrols, Police came across affixed posters with the wordings “*BIZIN COMMISSION D’ENQUETE LOR A. S.*” at several places, island-wide.

The posters did not contain the name of the distributor or the person who has commissioned them, as provided by Regulation 5 of the Environment Protection (Affixing of Posters) Regulations 2008.

Moreover, some of the posters affixed outside the ‘APPROVED POSTER SITE’ were in breach of Regulation 6 of same Regulations. Thus, the Police have removed the posters they have come across and have secured them for enquiry purposes.

NINE-HOLE GOLF COURSE - CONSTRUCTION

(No. B/238) Dr A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Agro-Industry and Food Security whether, in regard to agricultural land, he will state if application for the conversion thereof has been submitted for the construction of a Nine-Hole Golf Course.

Reply: No application has been received, as at date, at my Ministry, for the conversion of agricultural land for the construction of a 9-hole Golf Course.

However, I am informed by the Economic Development Board that on 07 February 2018, Haute Rive PDS Company Ltd (Azuri) has submitted an application for the development of a project under the Property Development Scheme at Haute Rive. This

project consists of the construction of 42 villas, 36 apartments and a 9-hole Golf Course on land of a total extent of some 32 hectares at Haute Rive. The application is, I understand, still under process at the Economic Development Board.

**BELLE RIVE – CENTRAL WHOLESALE MARKET PROJECT -
IMPLEMENTATION**

(No. B/239) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Agro-Industry and Food Security whether, in regard to the proposed implementation of a Central Wholesale Market Project in Belle Rive, he will state where matters stand.

Reply: I am informed that as at date the detailed drawings, specifications and Bill of Quantities of Phase 1 of the project, which will comprise the Preliminaries, the Auction Market, the Minor Buildings, External Works and Mechanical Electrical Plumbing (MEP) Installation have already been worked out and sent to the Central Procurement Board for vetting.

Tender is expected to be launched by 15 May 2018. The completion period will be within twelve months from the date of award.

HOSPITALS – PATIENTS - DIALYSIS

(No. B/244) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Health and Quality of Life whether, in regard to patients undergoing dialysis, he will state the number thereof since 2012 to date.

Reply: I am tabling the information requested for.